

Initial Study

BROOKSIDE ESTATES

Planned Development (PD) Rezoning (PDC10-005)

July 2, 2010

CITY OF SAN JOSE

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Air Quality Impact Analysis
Odor Impact Analysis
Biotic Evaluation
Arborist Report
Existing Trees Table and Existing Offsite Trees Table
Photographs of Ordinance Sized Trees to be Removed
Extended Archaeological Survey
Geologic Hazard and Preliminary Geotechnical Investigation
Certificate of Geologic Hazard Clearance
Phase I Environmental Site Assessment
Soil and Ground Water Quality Evaluation
Environmental Noise Assessment
Traffic Operations Study

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I. PROJECT DESCRIPTION

A. GENERAL INFORMATION

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Applicant: Trumark Companies
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Attn: Chris Davenport
cdavenport@trumark-co.com

Property Owner: SDC No. 941 and Brokaw Interests
10600 N. DeAnza Boulevard, No. 200
Cupertino, CA 95014
ATTN: Tim Steele
408-446-0700, (fax) 408-446-0583

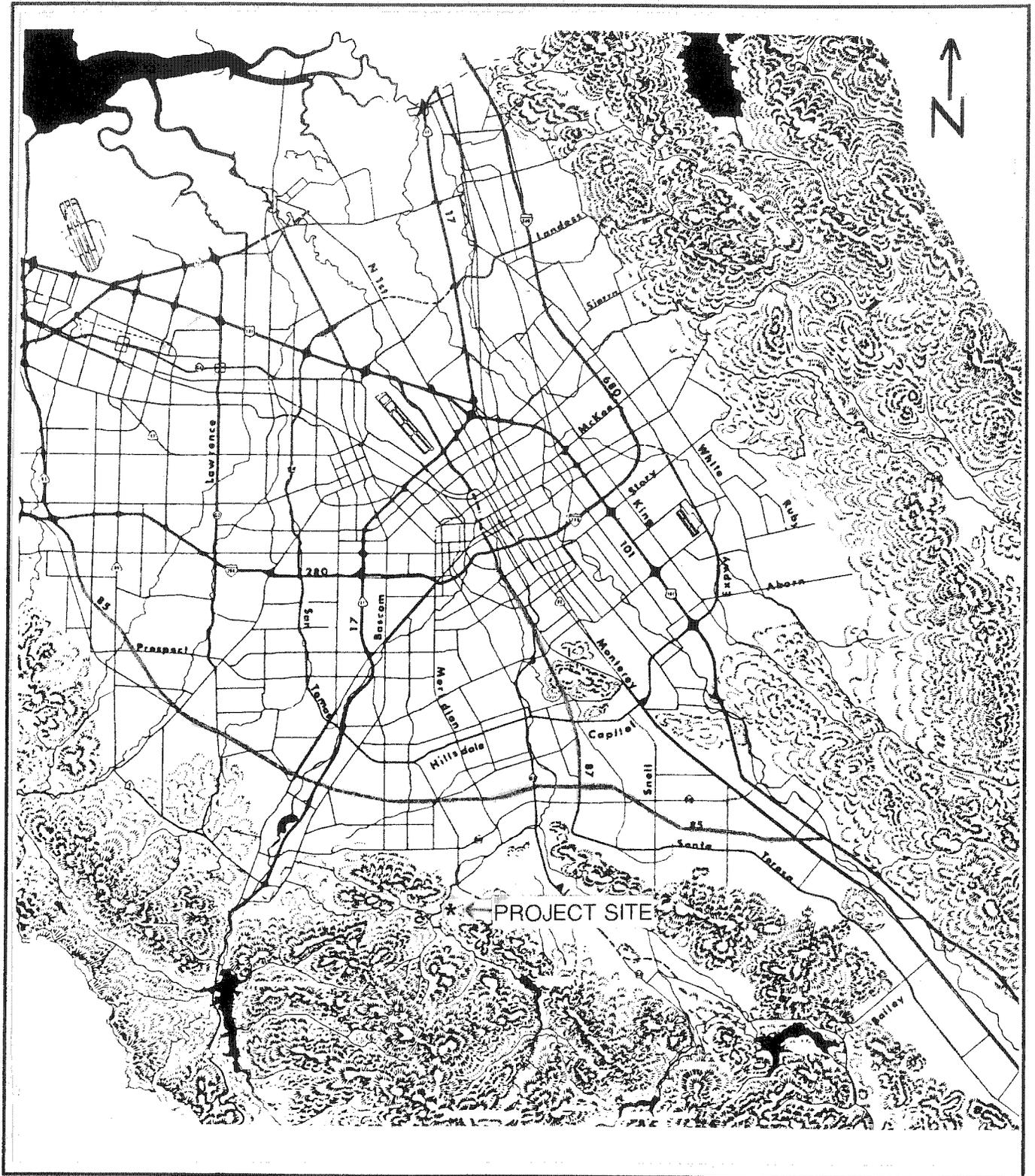
Environmental Consultant: Mindigo & Associates
1984 The Alameda, Suite 1
San Jose, CA 95126
408-554-6531, (fax) 408-554-6577
rmindigo@aol.com

Name of Project: **BROOKSIDE ESTATES**

Location and Address: Westerly side of Guadalupe Mines Road,
approximately 1,350 feet southerly of Via
Campagna
(6401, 6409 and 6411 Guadalupe Mines Road)

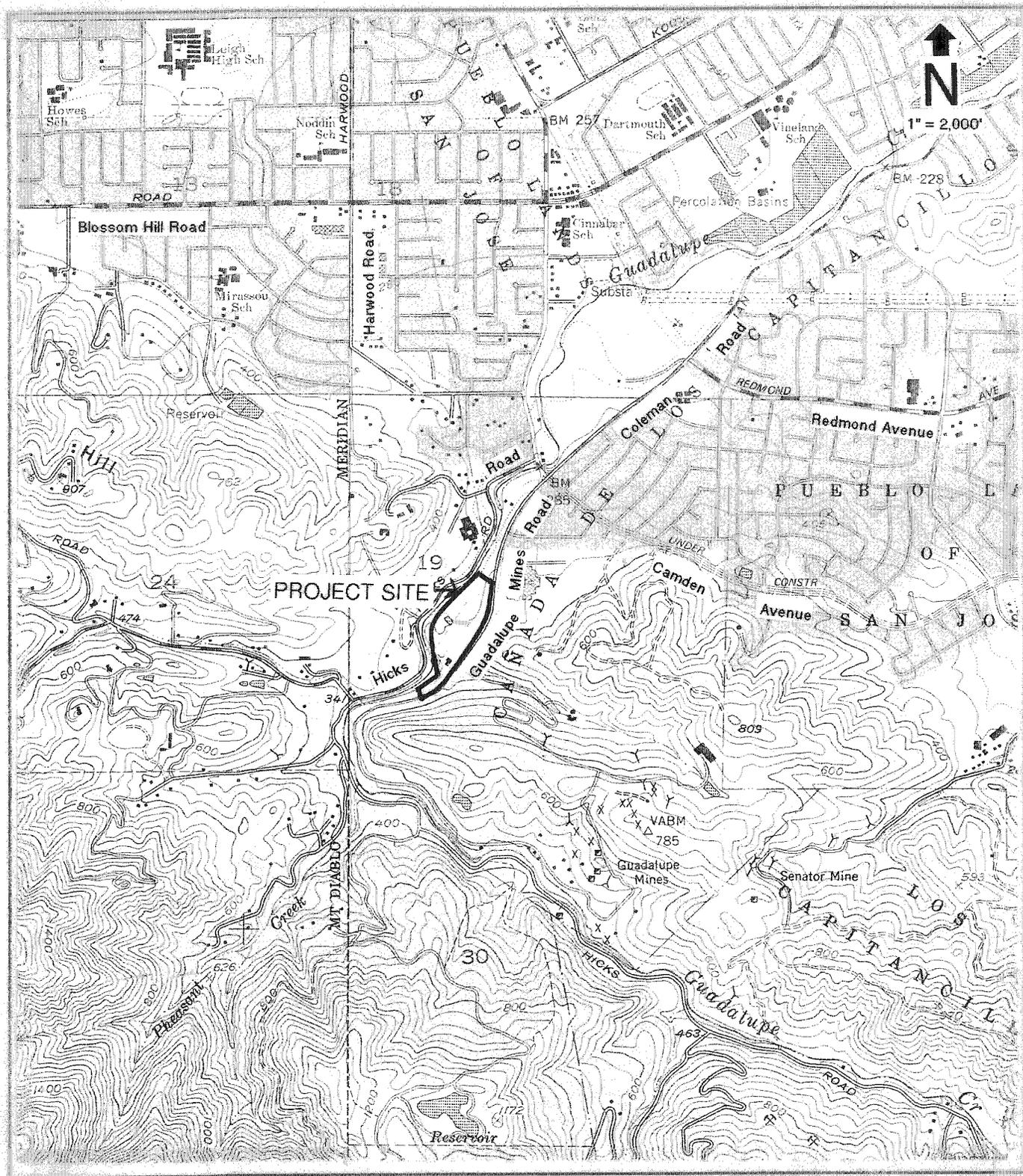
Brief Description of Project: **A Planned Development (PD) Rezoning**
application for a 94-unit single family detached
residential development on approximately 15.8
gross acres

Assessor's Parcel Number(s): 575-02-022, -023, -024, -025, -026, and -027



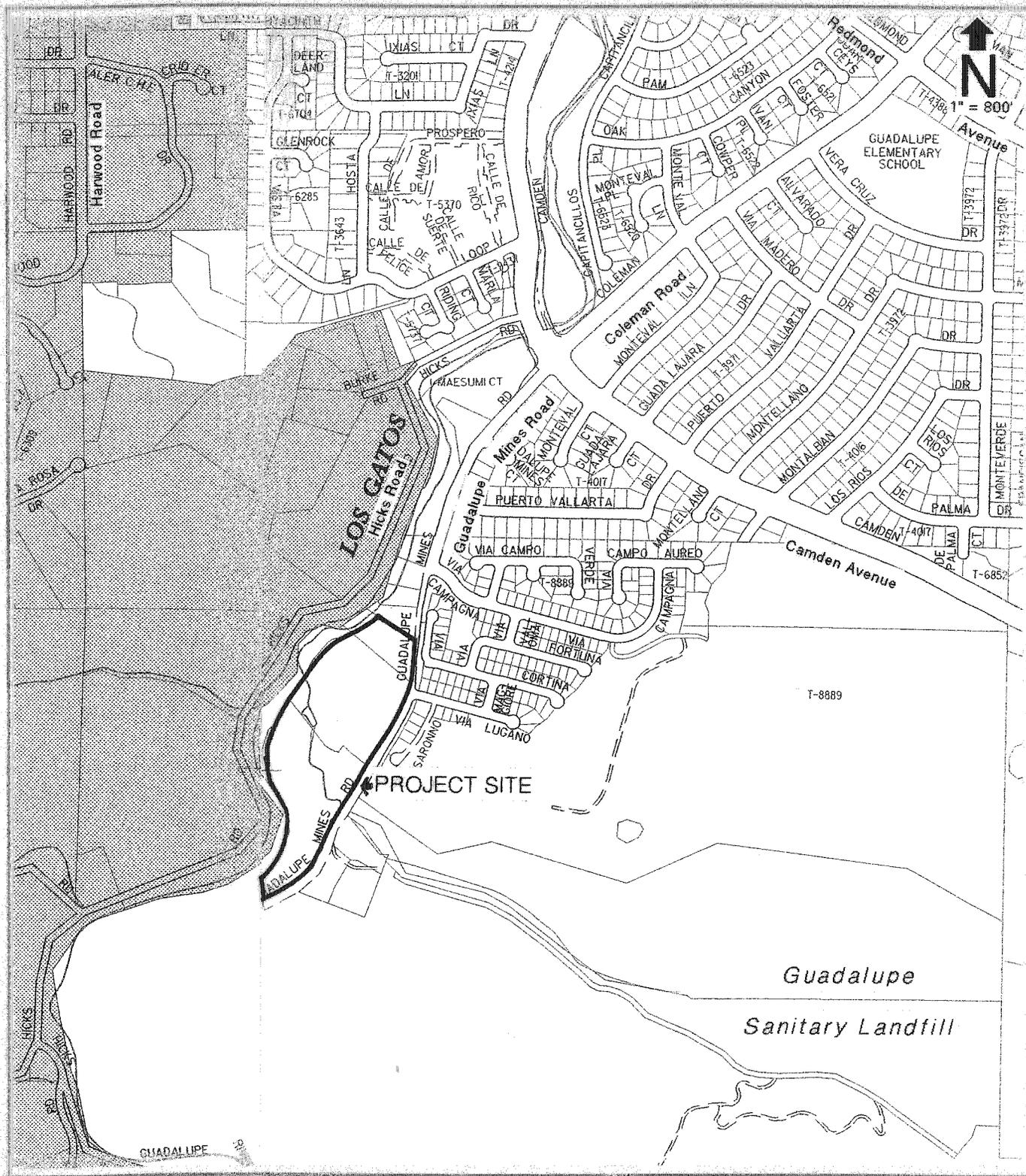
Santa Clara Valley Map

Figure 1



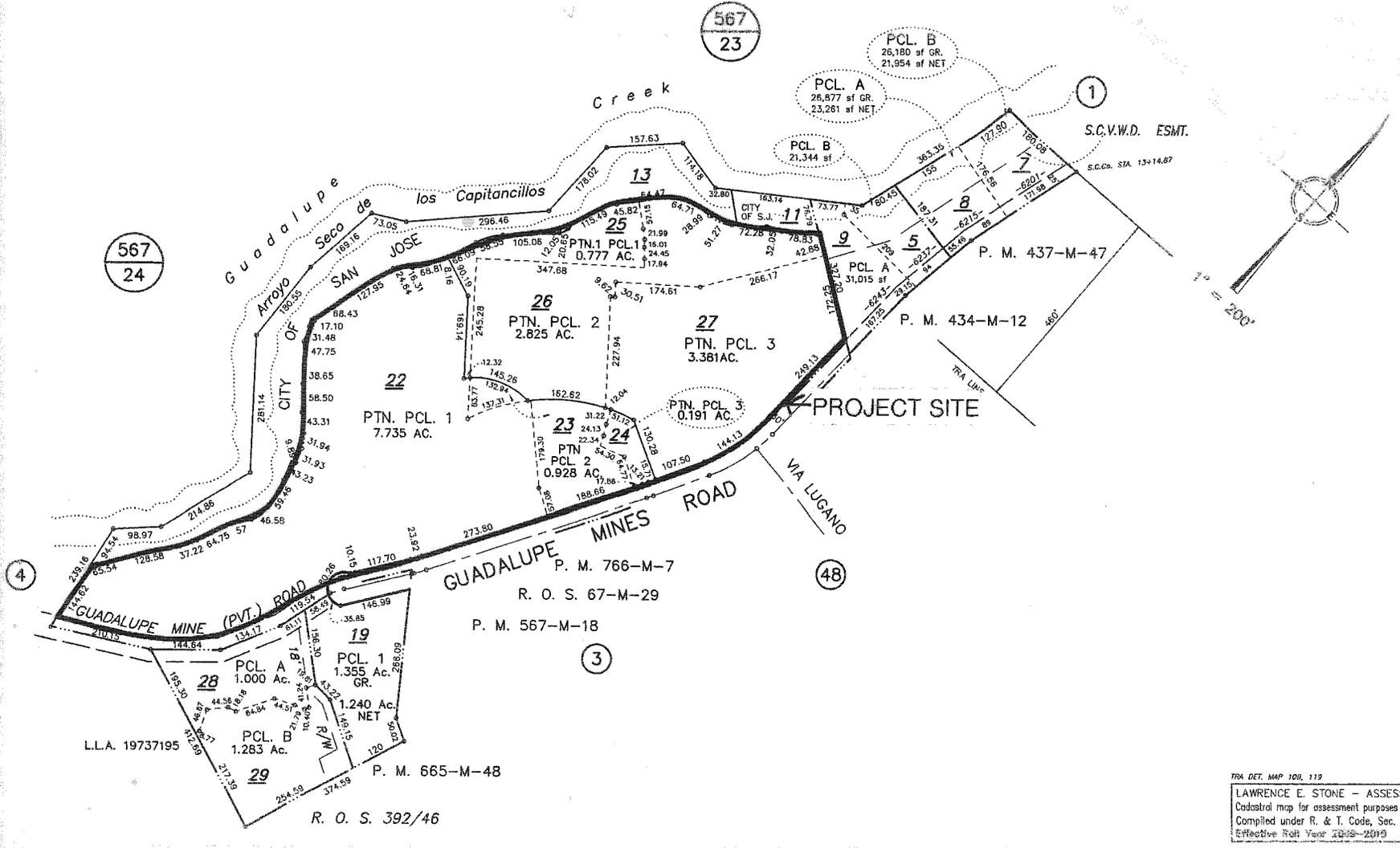
Source: Los Gatos Quadrangle (1953, photorevised 1980)

USGS Map
Figure 2



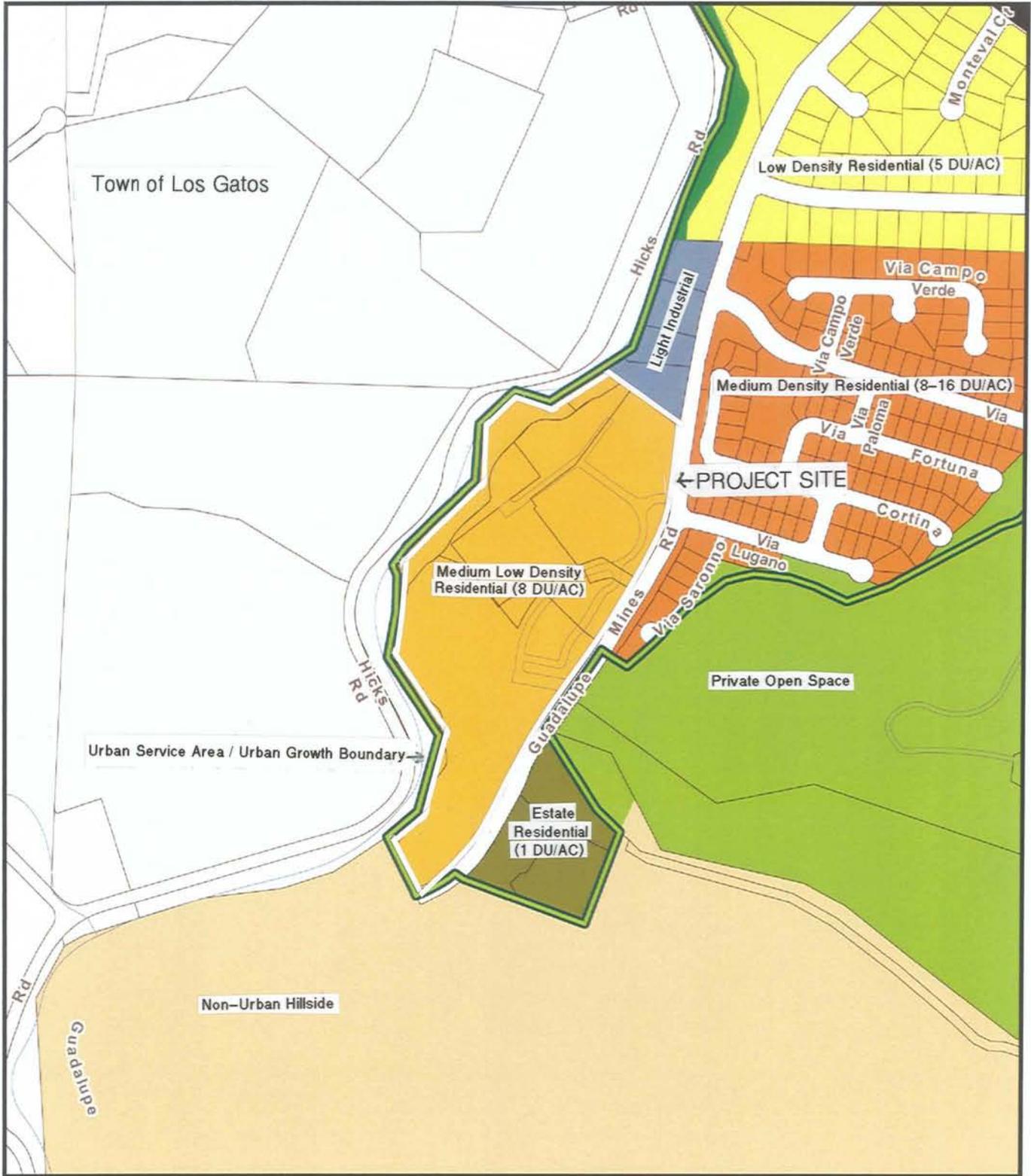
Vicinity Map

Figure 3



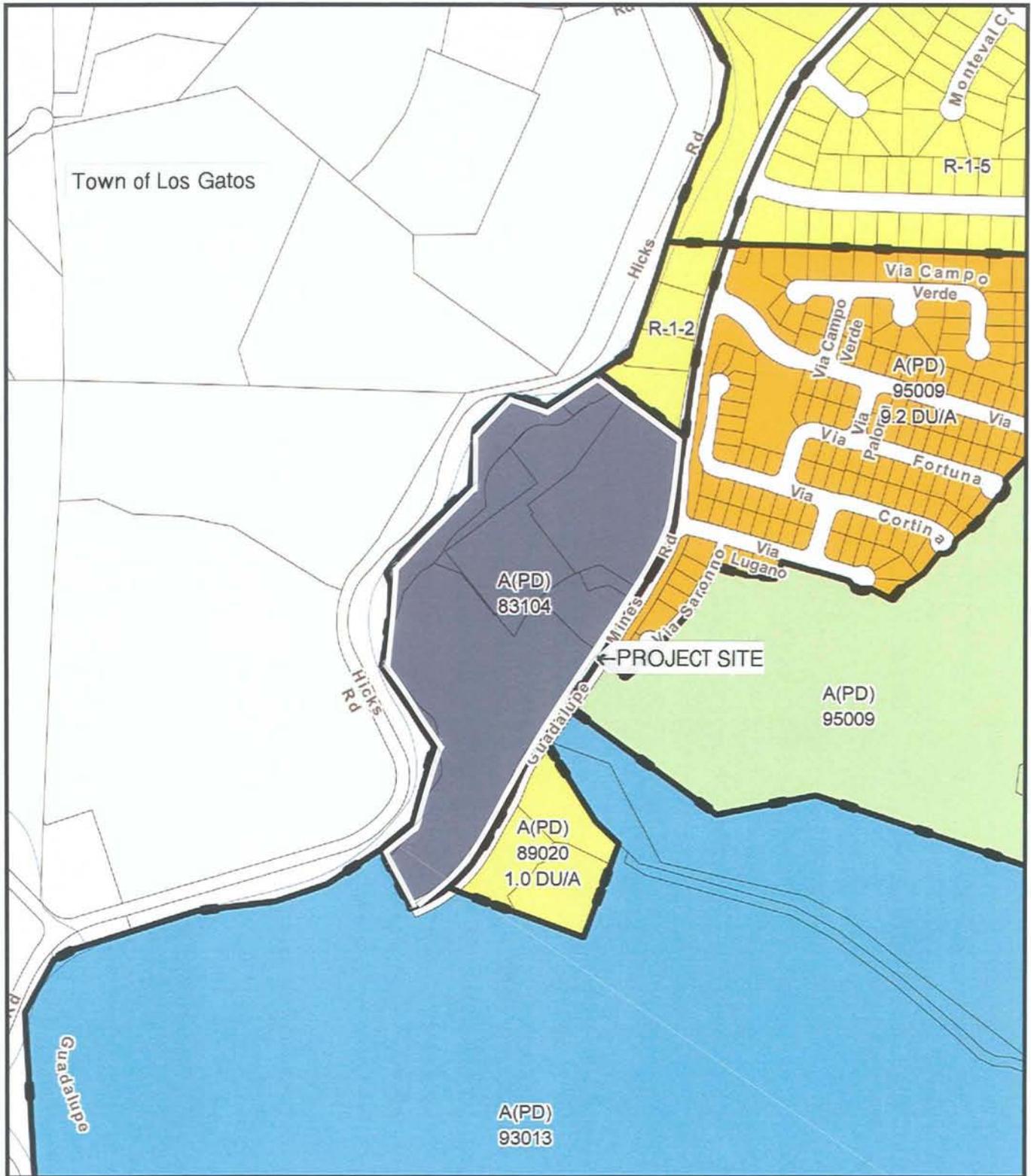
TRA DET. MAP 100, 119
 LAWRENCE E. STONE - ASSESSOR
 Cadastral map for assessment purposes only.
 Compiled under R. & T. Code, Sec. 337
 Effective Roll Year 2005-2009

Assessor's Parcels
 Figure 4



General Plan Map

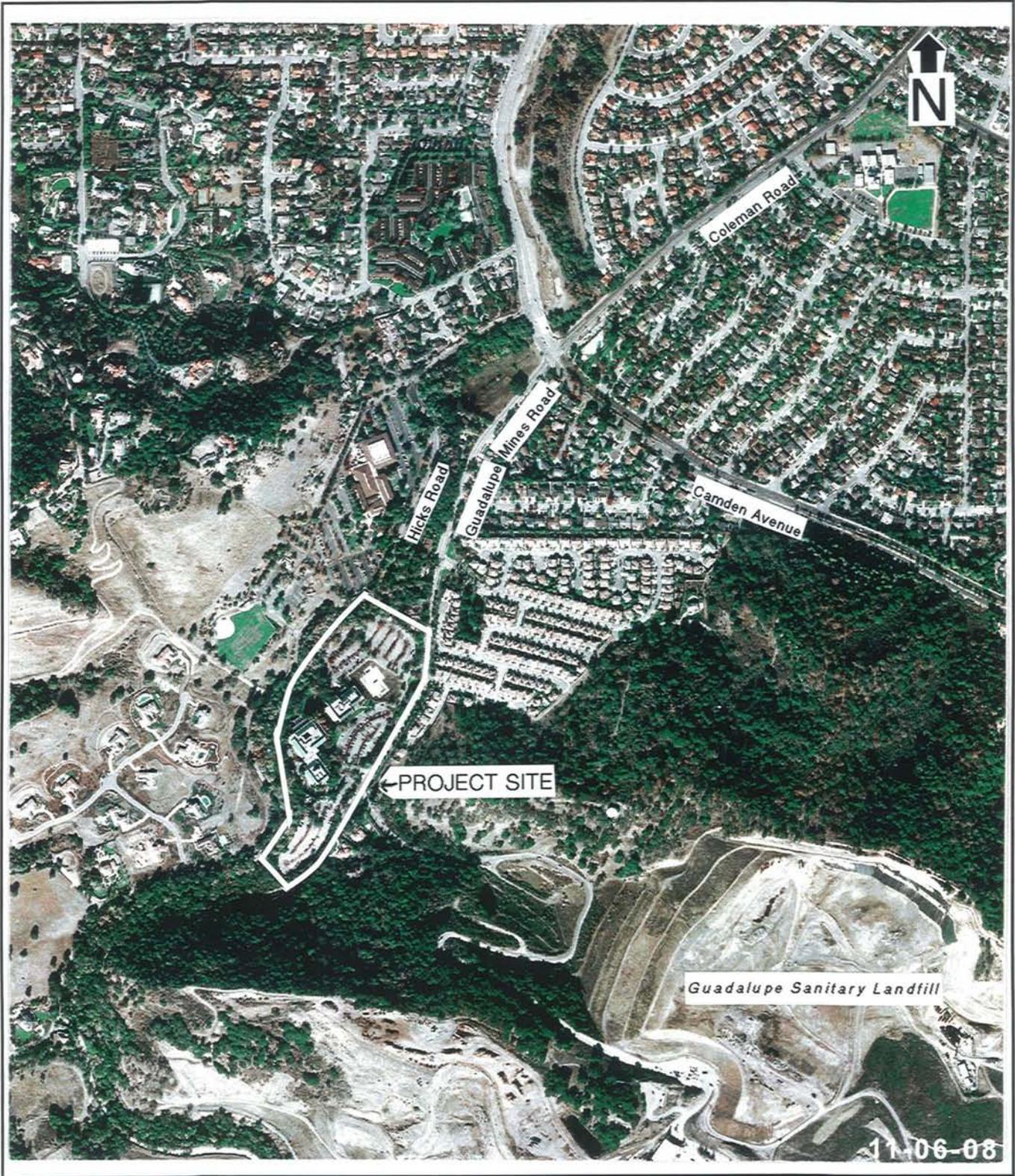
Figure 5



Single Family Residence District
 R-1-2 = 2.0 units/acre
 R-1-5 = 5.0 units/acre

A(PD) = Planned Development District

Zoning Map
 Figure 6



Aerial Photo of the Vicinity

November 6, 2008

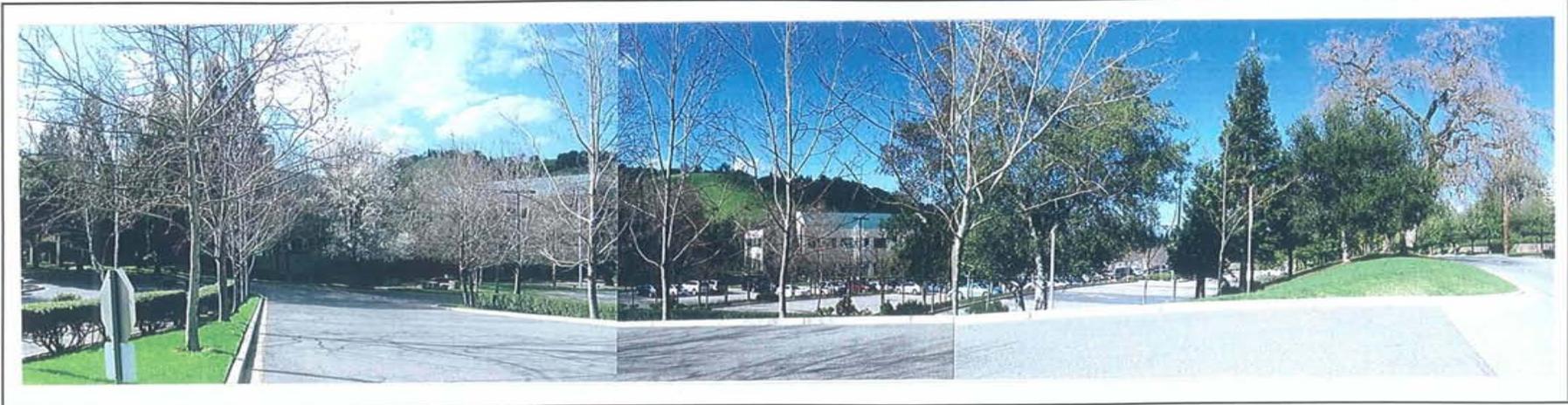
Figure 7



Aerial Photo of the Site

November 6, 2008

Figure 8



1. Viewing northwesterly from the southerly entrance on Guadalupe Mines Road.

11



2. Viewing westerly from the easterly boundary.



3. Viewing southwesterly from the northeasterly corner.

12

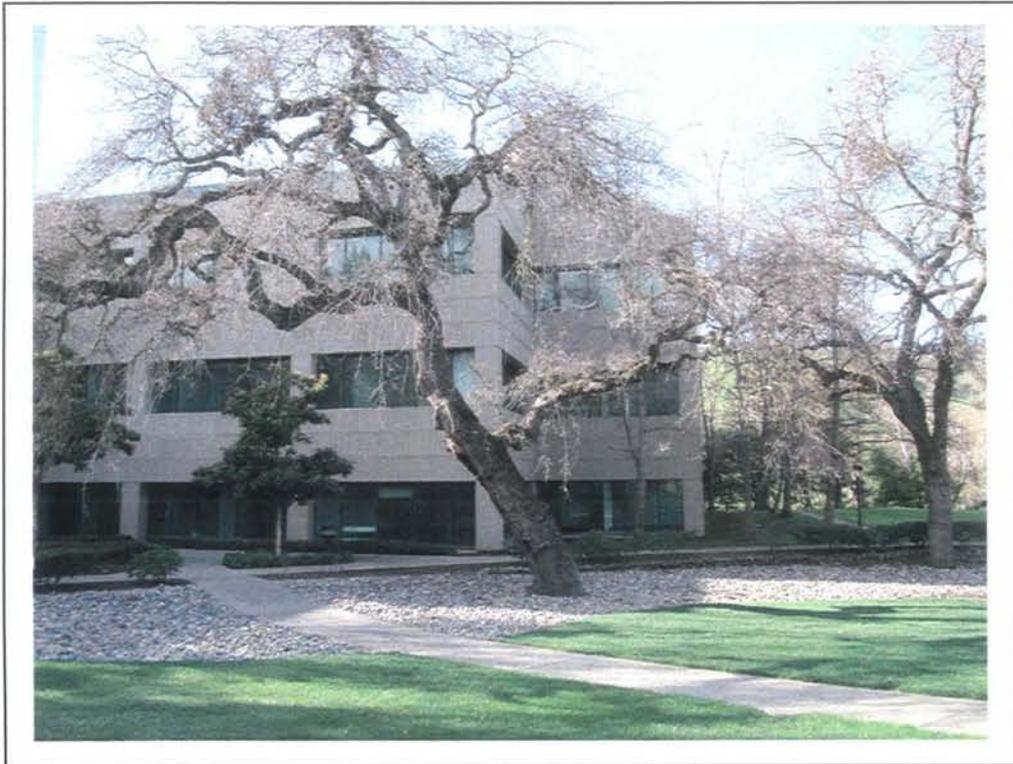


4. Viewing southerly from the northwesterly boundary.

View of the Site

March 4, 2010

Figure 11



5. 6411 Guadalupe Mines Road.



6. 6409 Guadalupe Mines Road.

View of the Site

March 4, 2010

Figure 12



7. Small caretaker's residence.



8. Building pad.

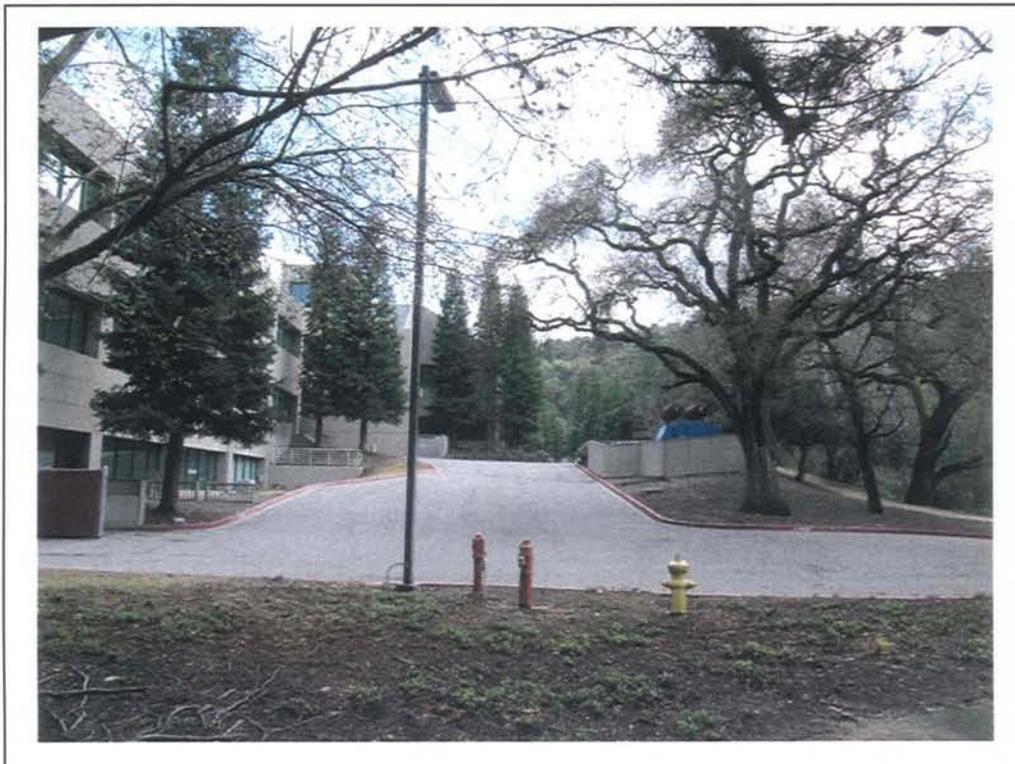
View of the Site

March 4, 2010

Figure 13



9. Viewing southerly along the westerly boundary.



10. Viewing southeasterly along the southwesterly boundary.

View of the Site

March 4, 2010

Figure 14



11. Viewing southerly from the northerly section of the southerly parking lot.



12. Viewing northerly from the southerly boundary.

View of the Site

March 4, 2010

Figure 15

B. PROJECT OBJECTIVE

The objective of this project is to rezone the site in order to construct high quality, single family homes on the site, in accordance with the goals and policies of the City of San Jose.

C. DESCRIPTION

EXISTING USE

The project site is currently developed with two office / research and development (R&D) buildings, a small caretaker's residence (approximately 2,800 square feet), a building pad, a small pump house and associated parking.

PD ZONING

The project is a **Planned Development (PD) Rezoning** from A(PD), Planned Development District, for Administrative Office / Research and Development (R&D) to A(PD), Planned Development District, to allow the construction of up to 94 residential units and subsequent subdivision, located on the westerly side of Guadalupe Mines Road, approximately 1,350 feet southerly of Via Campagna (6401, 6409 and 6411 Guadalupe Mines Road). The project is a single family detached residential development with individual lots located on public and private streets. The Conceptual Site Plan, Figure 17, provides for 94 units. The Project Data table and reduced copies of the project plans follow, Figures 16 through 24. Full size copies are available for review at the City of San Jose Planning Division.

Unit Types

Northerly Portion

Fifty-three (53) units are planned in the northerly portion of the site. The minimum lot size is 3,400 square feet in area. The homes in the northerly portion of the site are planned to be two and three story, wood frame structures with wood and stucco exteriors. Three exterior elevations are proposed: Cottage, Spanish and Craftsman. There are two-car garages and fenced rear yards. Front yard landscaping is to be provided by the developer.

There are 2 different house plans in the northerly portion of the site, as follows:

Plan	No. of Stories	No. of Bedrooms	No. of Baths	Square Footage
1	2	3 to 4	2.5 to 3.5	2,381
2	3	4 to 5	4	2,758

Southerly Portion

Forty-one (41) units are planned in the southerly portion of the site. The minimum lot size is 4,000 square feet in area. The homes in the southerly portion of the site are planned to be two

story, wood frame structures with wood and stucco exteriors. Three exterior elevations are proposed: Cottage, Spanish and Craftsman. There are two-car garages and fenced rear yards. Front yard landscaping is to be provided by the developer.

There are 2 different house plans in the southerly portion of the site, as follows:

Plan	No. of Stories	No. of Bedrooms	No. of Baths	Square Footage
3	2	3 to 5	3 to 4	2,665
4	2	3 to 5	2.5 to 3.5	2,963

Landscaping

The landscaping proposed is shown in schematic form on the Conceptual Landscape Architectural Plan, Figure 24. Street trees, specimen trees, shrubs, vines, lawn and groundcover are planned throughout the project. Special paving (color and stamped concrete) is planned at private street entrances. In addition, approximately 3 acres of currently hardscaped/landscaped land within the area that occurs approximately 30 feet of the edge of the riparian corridor is to be restored to riparian and woodland habitat with riparian enhancement plantings. These plantings will consist of riparian / woodland vegetation adapted to the local climate and conditions of the site.

Recreation Facilities

Recreation facilities proposed are also shown in schematic form on the Conceptual Landscape Architectural Plan, Figure 24. A common open space area, containing a play area, a picnic table and lawn area for active and passive recreational activities, is located in the southwesterly portion of the site. In addition, a path is planned along the riparian corridor with a split rail cedar fence and benches.

Access and Street System

Access is from Guadalupe Mines Road. The internal project street system is to be public and private. The streets are to be constructed of asphaltic concrete on a rock base, with concrete curbs, gutters and sidewalks, and street trees and electroliers in accordance with City standards.

Parking

Off-street parking for the project is to be provided in attached 2-car garages and on driveway aprons. A total of 376 off-street parking spaces is to be provided by the project.

Exterior Lighting

Standard electroliers using low pressure sodium vapor lights in accordance with the City’s Outdoor Lighting on Private Developments Policy are to be provided along the public streets. Normal exterior household lighting is to be provided with the residences. All exterior lighting is subject to the City’s Outdoor Lighting Policy 4-3.

Utilities

All utilities required to serve the project, including sanitary sewer, wastewater treatment, water supply, storm drainage, natural gas, electricity and telephone, as further described in the following Utilities and Service Systems section, would be provided with the project. All of the utilities within the project are to be underground. A private sanitary sewer pump station is to be provided with the project.

Demolition

The project proposes the demolition of all the onsite structures. A discussion of potential asbestos-containing materials (ACM) and/or lead based paint (LBP) hazards is included in the following Hazards and Hazardous Materials section.

Hazardous Materials

Hazardous materials other than those for normal household and yard use will not be used as a part of the operation of any of the establishments on the project site.

Grading

Grading planned for the project is shown on the following Conceptual Grading and Drainage Plan, Figure 22. The development concept shown on this plan consists of 94 padded lots. The plan shows building pad elevations for each lot and street grades. Street grades range from 1 to 5 percent, with an average grade of approximately 3 percent.

The proposed site grading incorporates import, cut/fill slopes and retaining walls to account for the 20-foot to 35-foot grade differences across the site. Import is required to “level out” the site in order to meet 5 percent maximum longitudinal street slopes for ADA requirements. The import for this project is approximately 100,000 cubic yards of material. There is approximately 7,000 cubic yards of cut, and approximately 107,000 cubic yards of fill, with maximum cut/fill ranges from 6-foot cuts to 10-foot fills. The maximum fill, approximately 10 feet, occurs in the central portion of the site. Fill for the remainder of the site ranges from 1 to 6 feet. Cut and fill slopes throughout the site are held to 3:1 maximum slopes in conformance with the recommendations from the soils report. Retaining walls are utilized to allow for more usable space across the site in lieu of slopes; retaining wall heights vary throughout with a maximum height of 5 feet.

Since the project grading will require the import of more than 10,000 cubic yards of material, a grading haul route permit must be obtained in addition to the standard grading permit. The grading contractor would be responsible for obtaining appropriate fill material. The haul route would likely be I-880 to Camden Avenue.

Water Quality Treatment

In accordance with the Santa Clara Valley Urban Runoff Pollution Prevention Program NPDES MS4 permit and City Council Policies 6-29 and 8-14, the project includes grassy swales,

disconnected roof drains, and bioretention cells, as further discussed in the following Hydrology and Water Quality section.

Tree Removal

There are 929 existing trees onsite, 921 of which are to be removed, as further discussed in the following Biological Resources section.

Public Improvements

Public improvements planned with the project include curb, gutter and sidewalk along portions of Guadalupe Mines Road adjacent to the project site. Some streets within the project are public streets that are to be dedicated and improved in accordance with City standards. The precise dedication and improvement widths and public street rights-of-way are to be in conformance with City plans and requirements.

Public Land Reservations

There are no public land reservations with this project.

Other Related Permits

In addition to the proposed **Planned Development (PD) Rezoning**, other related permits to be obtained from the City of San Jose and/or any other public agency approvals required for this project by other local, State or Federal agencies are as follows:

Agency	Permit / Approval
City of San Jose	PD Permit, Tentative Map, Final Map, Grading Permit, Grading Haul Route Permit, Building Permit(s)

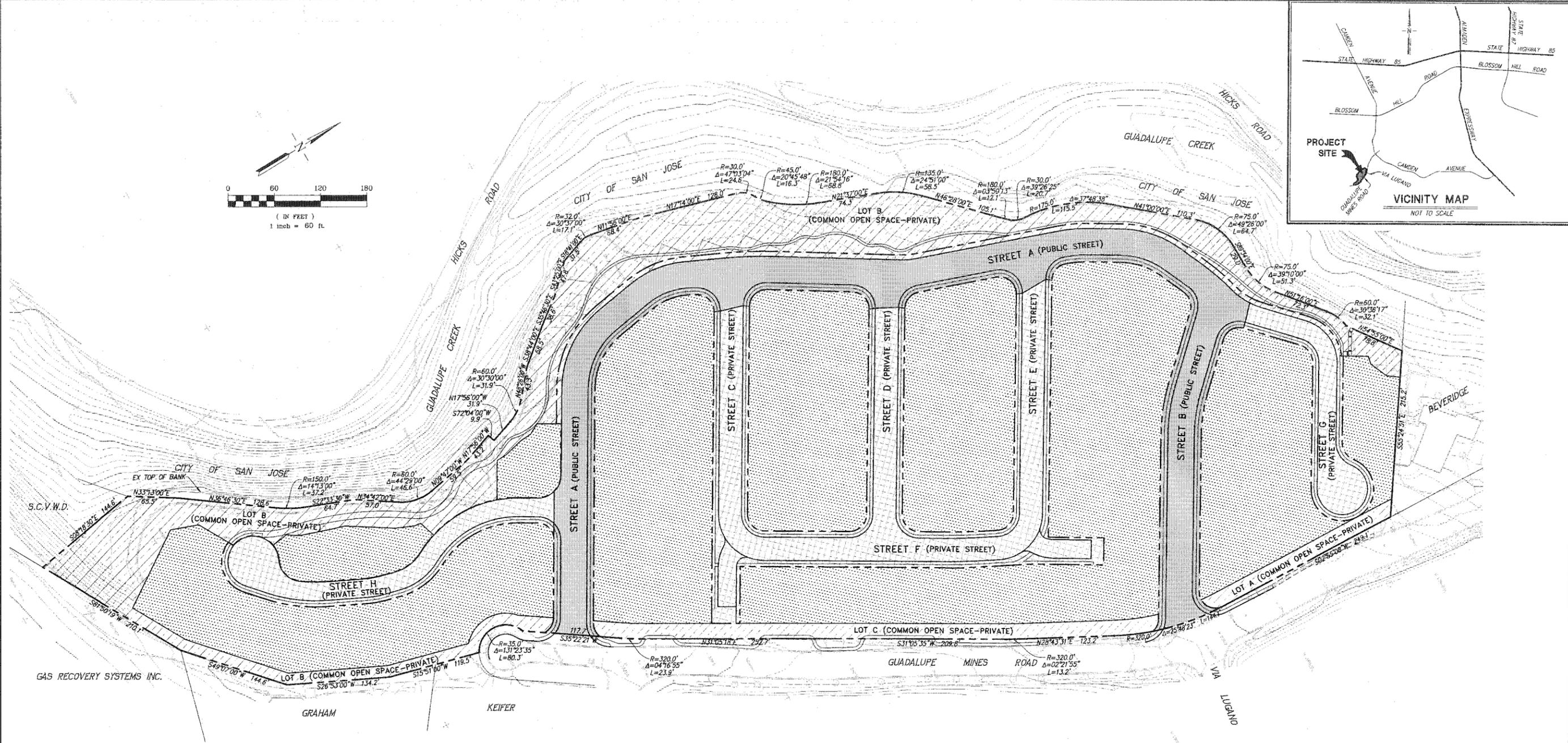
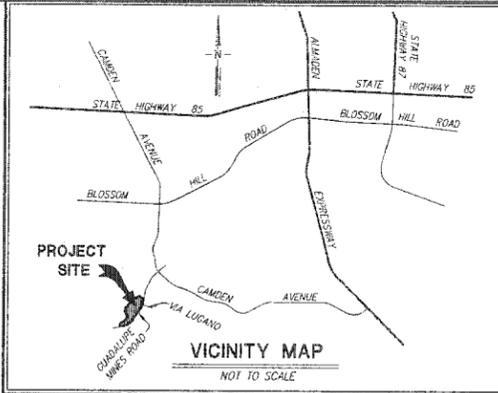
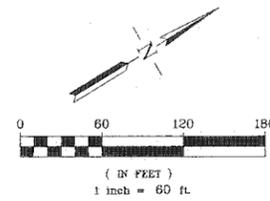
Community Meeting

A community meeting to discuss the proposed project with neighbors was held on June 2, 2010. The following issues were covered: schools, traffic, dust, wildlife corridor along Guadalupe Creek, trees, rural setting, emergency access, recreation, the Guadalupe Sanitary Landfill, current housing prices, and whether there would be a Homeowner's Association.

Table 1. Project Data

Category	Figure	
Gross Acreage	15.8	
Public Streets	3.4	
Net Acreage	12.4	
Minimum Lot Size – Northerly Portion (<i>square feet</i>)	3,400	
Minimum Lot Size – Southerly Portion (<i>square feet</i>)	4,000	
Number of Single Family Homes		
Plan 1	24	
Plan 2	29	
Plan 3	21	
Plan 4	<u>20</u>	
Total	94	
Building Height (<i>feet</i>)	33	
Estimated Population *	329	
Estimated School Children		
K-8 (<i>0.366</i>)	35	
9-12 (<i>0.208</i>)	<u>20</u>	
Total	55	
Estimated Wastewater (<i>gallons/day</i>)	22,300	
Estimated Water Demand (<i>gallons/day</i>)	42,800	
Estimated Solid Waste (<i>tons/year</i>)	90	
Coverage Factors	Acres	Percent
Homes & Garages	3.6	23
Private Open Space	3.7	23
Common Open Space	2.7	17
Parkway Landscape Area	1.0	7
Roadway Area	<u>4.8</u>	<u>30</u>
Total	15.8	100
Impervious Areas	Square Feet	Percent
Existing	406,496	59
Project	340,196	49
Density (<i>units/net acre</i>)	94 / 12.4 = 7.6	
Density (<i>units/gross acre</i>)	94 / 15.8 = 5.9	
Start/Completion Dates	Summer, 2012 / Fall, 2014	

* Based on 2000 Census average of 3.50 persons per SFD dwelling unit.



LEGEND

	RESIDENTIAL LOTS
	PRIVATE STREETS RIGHT OF WAY
	PUBLIC STREETS RIGHT OF WAY
	COMMON OPEN SPACE-PRIVATE

RJA
RUGGERI-JENSEN-AZAR
 ENGINEERS • PLANNERS • SURVEYORS
 4800 CHABDI DRIVE, SUITE 300, FLEMINGTON, CA 95021
 PHONE: (925) 227-4190 FAX: (925) 727-5195

LAND USE PLAN - (GENERAL DEVELOPMENT PLAN - EXHIBIT C)

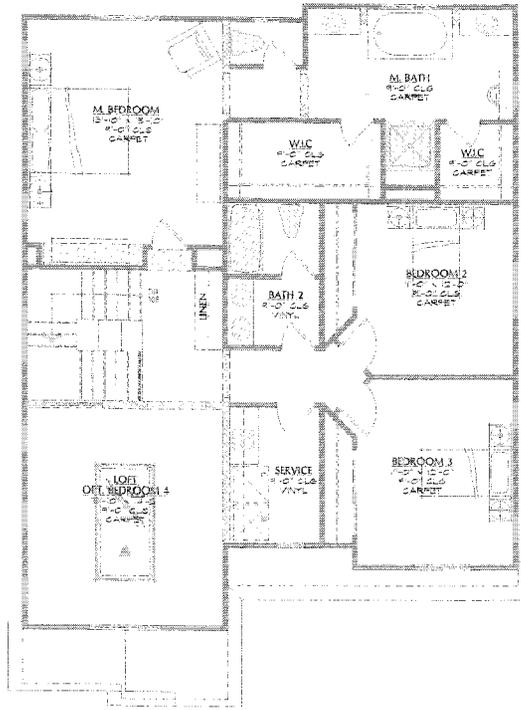
DATE	MK	SHEET REVISIONS	BY	CK	QTY	SHEET NO.

DATE: JUNE 14, 2010 JOB NO. 101006

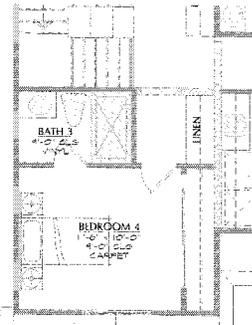
C-2

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CITY OF SAN JOSE FILE NO. PDC 10-005



SECOND FLOOR
1348 S.F.



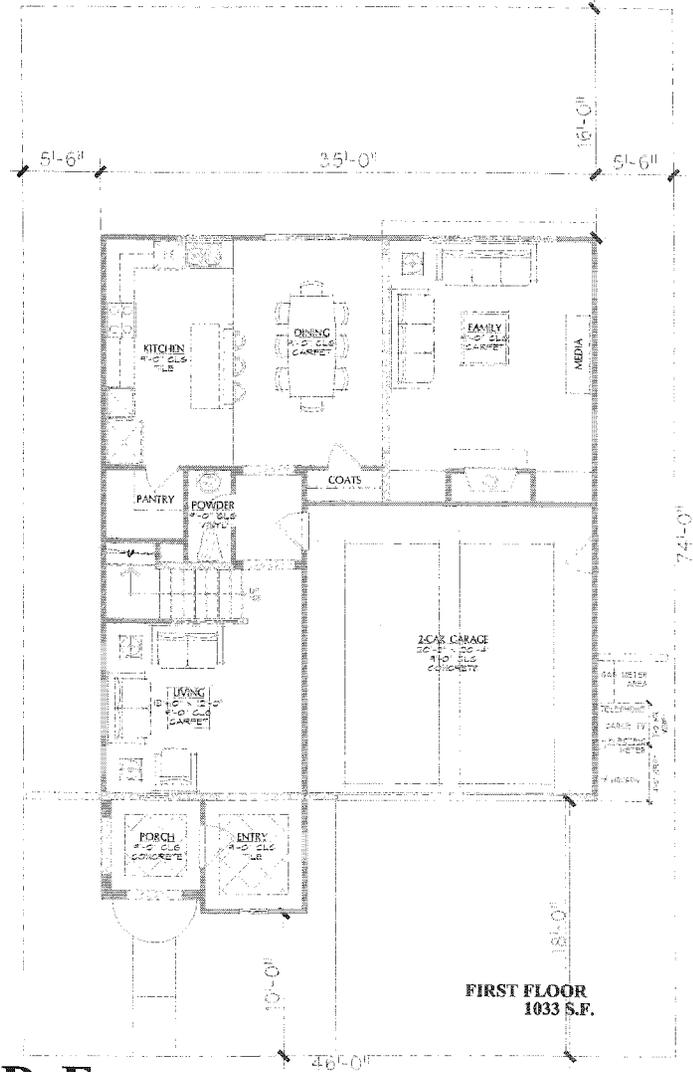
OPTION BEDROOM 4

2,381 S.F.
PLAN 1

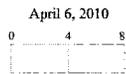
BROOKSIDE ESTATES

TRUMARK HOMES
SAN JOSE, CALIFORNIA

GENERAL DEVELOPMENT PLAN - EXHIBIT C

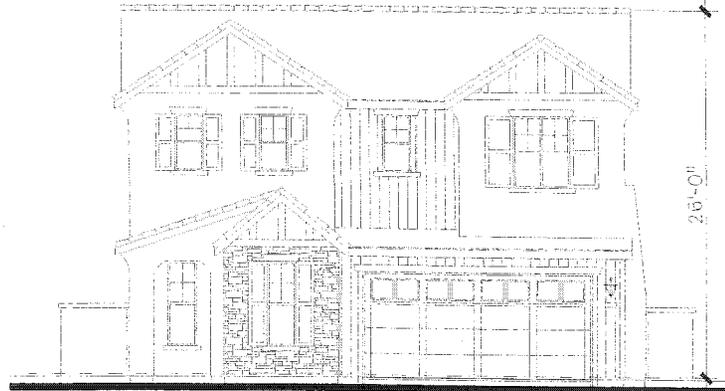


FIRST FLOOR
1033 S.F.



BUCILLA GROUP ARCHITECTURE
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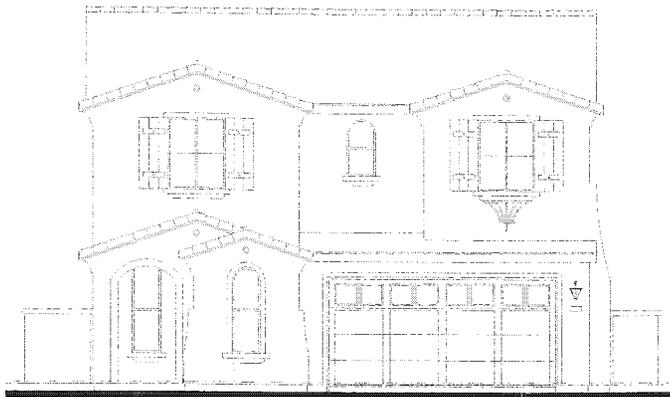
Figure 18



COTTAGE - B
DESIGN ELEMENTS

THEMED WINDOWS W/ SHUTTERS
ACCENT LIGHTING
TIMBER ACCENT @ GABLE END

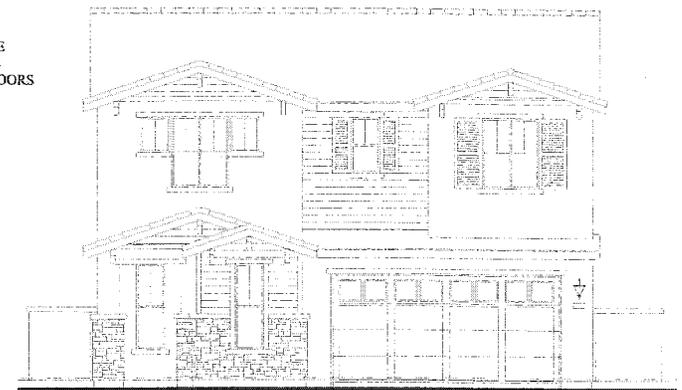
FLAT CONCRETE TILE
ROOF PITCH- 4:12, 6:12 & 8:12
2 X 8 FASCIA WITH RAKE EDGE
4" BOTTOM TRIM @ WINDOWS
6" TOP TRIM @ WINDOWS & DOORS



SPANISH - A
DESIGN ELEMENTS

THEMED WINDOWS W/ SHUTTERS
ACCENT LIGHTING
ACCENT BARREL TILES

'S' CONCRETE TILE
ROOF PITCH- 4:12
2 X 8 FASCIA WITH RAKE EDGE
4" BOTTOM TRIM W/ ACCENT
4" TOP TRIM @ WINDOWS & DOORS



CRAFTSMAN - C
DESIGN ELEMENTS

THEMED WINDOWS W/ SHUTTERS
ACCENT LIGHTING
SIDING ACCENT & WALL PANEL
@ GABLE END

FLAT CONCRETE TILE
ROOF PITCH- 4:12
2 X 8 FASCIA WITH RAKE EDGE
4" BOTTOM TRIM @ WINDOWS
4" TOP TRIM @ WINDOWS & DOORS

**FRONT ELEVATIONS
PLAN 1
BROOKSIDE
ESTATES**

TRUMARK HOMES

SAN JOSE , CALIFORNIA

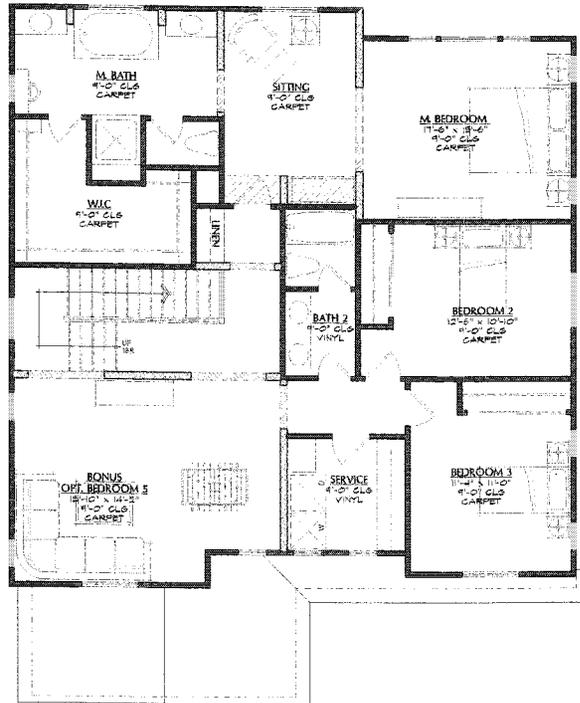
GENERAL DEVELOPMENT PLAN - EXHIBIT C

April 6, 2010

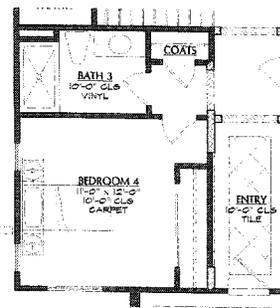


**BUCELLA
ROUP
ARCHITECTURE**

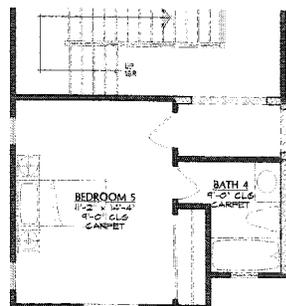
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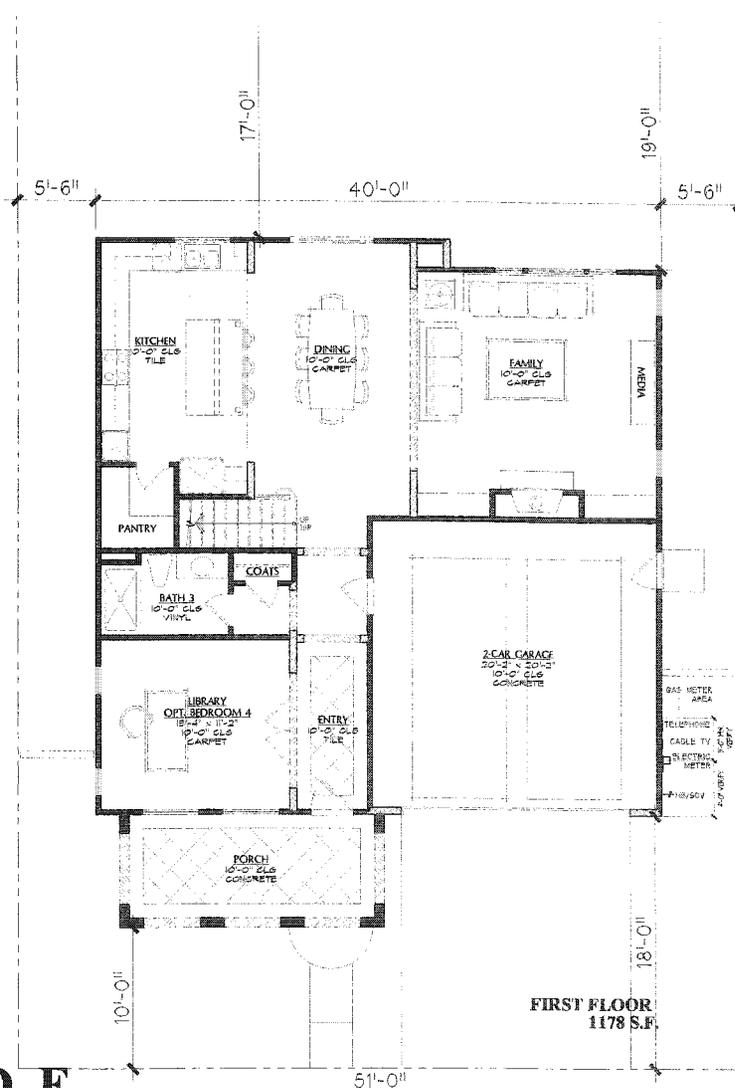
SECOND FLOOR
1487 S.F.



OPT. BEDROOM 4



OPT. BEDROOM 5



FIRST FLOOR
1178 S.F.

2,665 S.F.
PLAN 3
**BROOKSIDE
ESTATES**

TRUMARK HOMES
SAN JOSE, CALIFORNIA
GENERAL DEVELOPMENT PLAN - EXHIBIT C

April 6, 2010



**BUCILLA
GROUP
ARCHITECTURE**

10007 3.0

DESIGN SUBMITTAL PHASE



COTTAGE - B
DESIGN ELEMENTS



SPANISH - A
DESIGN ELEMENTS

THEMED WINDOWS W/ SHUTTERS
ACCENT LIGHTING
TIMBER ACCENT @ GABLE END

FLAT CONCRETE TILE
ROOF PITCH- 4:12, 6:12 & 8:12
2 X 8 FASCIA WITH RAKE EDGE
4" BOTTOM TRIM @ WINDOWS
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CRAFTSMAN - C
DESIGN ELEMENTS

THEMED WINDOWS W/ SHUTTERS
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2 X 8 FASCIA WITH RAKE EDGE
4" BOTTOM TRIM @ WINDOWS
4" TOP TRIM @ WINDOWS & DOORS

**FRONT ELEVATIONS
PLAN 3
BROOKSIDE
ESTATES**

TRUMARK HOMES

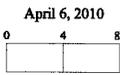
SAN JOSE , CALIFORNIA

GENERAL DEVELOPMENT PLAN - EXHIBIT C

**UCILLA
GROUP
ARCHITECTURE**

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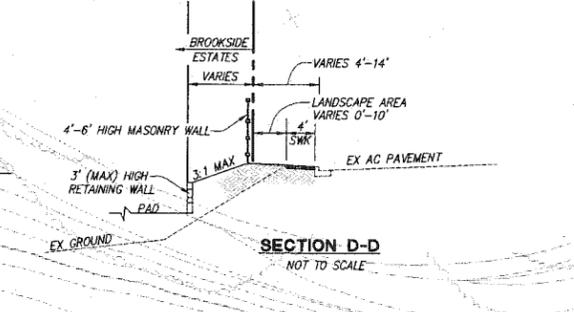
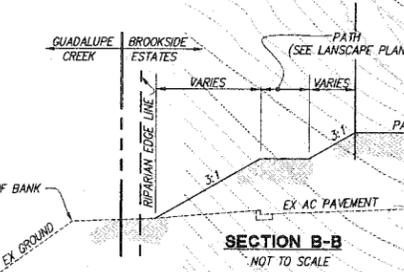
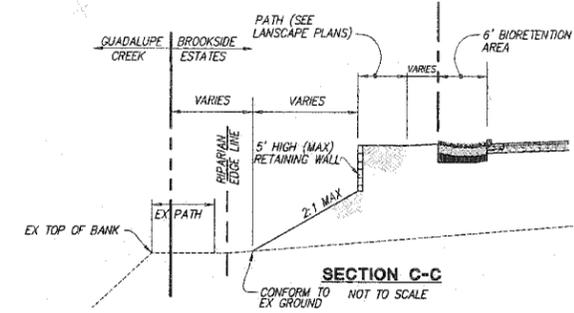
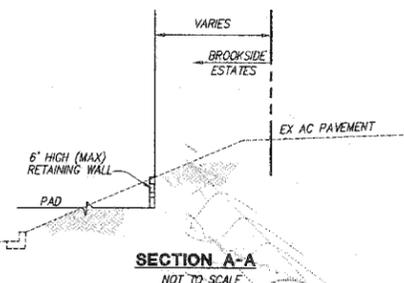
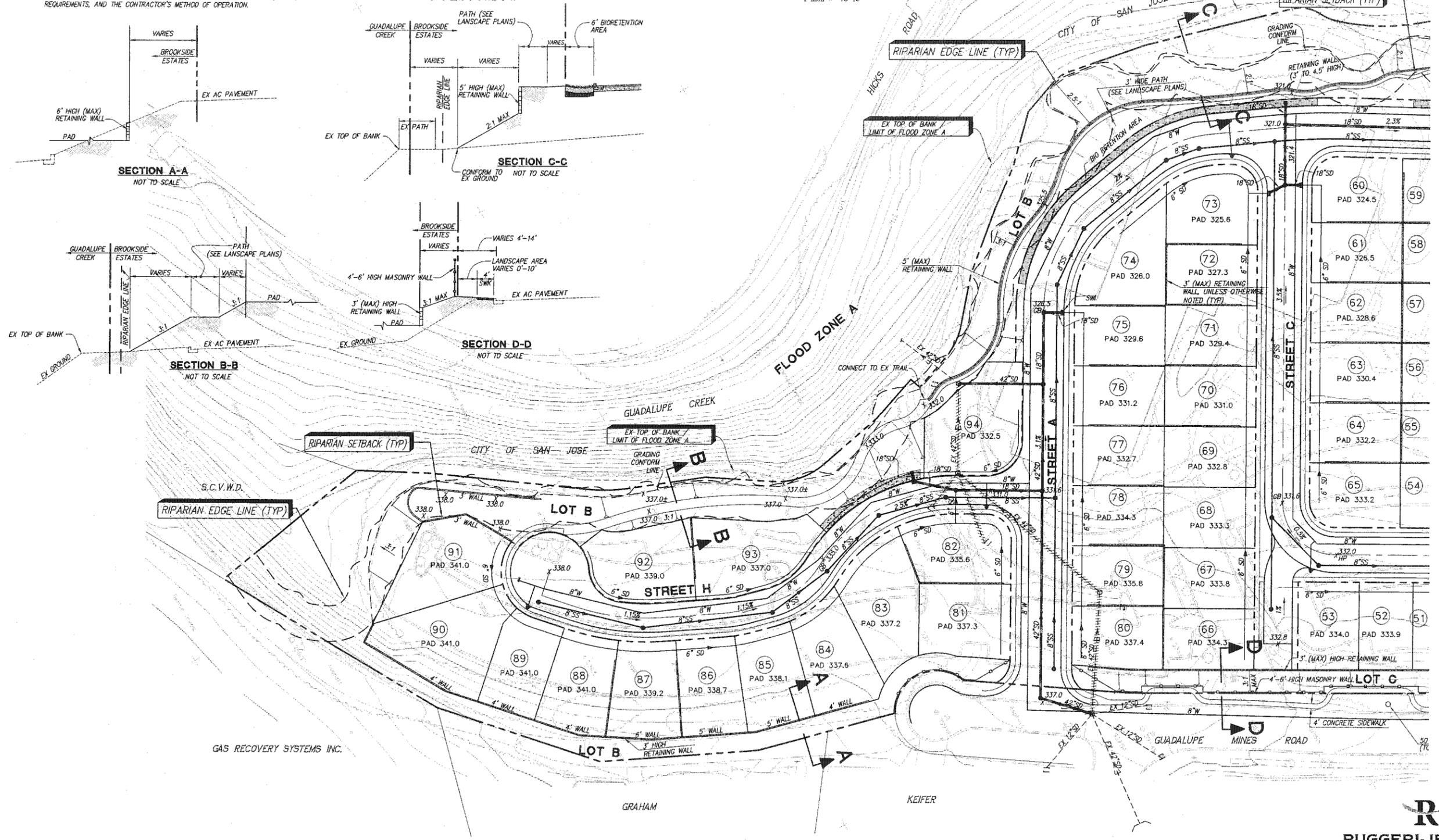
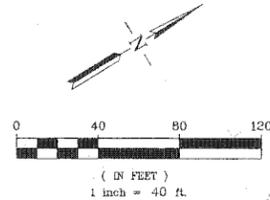


ESTIMATED EARTHWORK QUANTITIES		
ITEMS	CUT (C.Y.)	FILL (C.Y.)
LOTS/STREETS	4,150	100,440
TRENCH SPOOLS	7,130	-
SHRINKAGE (10%)	-	10,040
TOTAL	11,280	110,480
IMPORT	-	99,200

1. ALL QUANTITIES SHOWN ON THIS PLAN ARE APPROXIMATE, CALCULATED CUT AND FILL ARE TO "ROUGH GRADE" AND EXISTING GROUND. THE ACTUAL AMOUNT OF EARTH MOVED IS VARIABLE DEPENDENT ON COMPACTION, CONSOLIDATION, STRIPPING REQUIREMENTS, AND THE CONTRACTOR'S METHOD OF OPERATION.

NOTES:

- PER FEMA MAP 060850038H, MAY 18, 2009, FLOOD ZONE A IS CONTAINED WITHIN GUADALUPE CREEK. THE LIMIT OF FLOOD ZONE A IS THE EXISTING TOP OF CREEK BANK. THE REMAINING MAJORITY OF THE SITE IS WITHIN FEMA FLOOD ZONE D.
- STORMWATER RUNOFF FOR THE SITE WILL CONTINUE TO BE CONVEYED TO GUADALUPE CREEK VIA ONE OF THE TWO EXISTING OUTFALLS AS SHOWN ON SHEETS C-6 AND C-7.



SEE SHEET C-7

GAS RECOVERY SYSTEMS INC.

GRAHAM

KEIFER



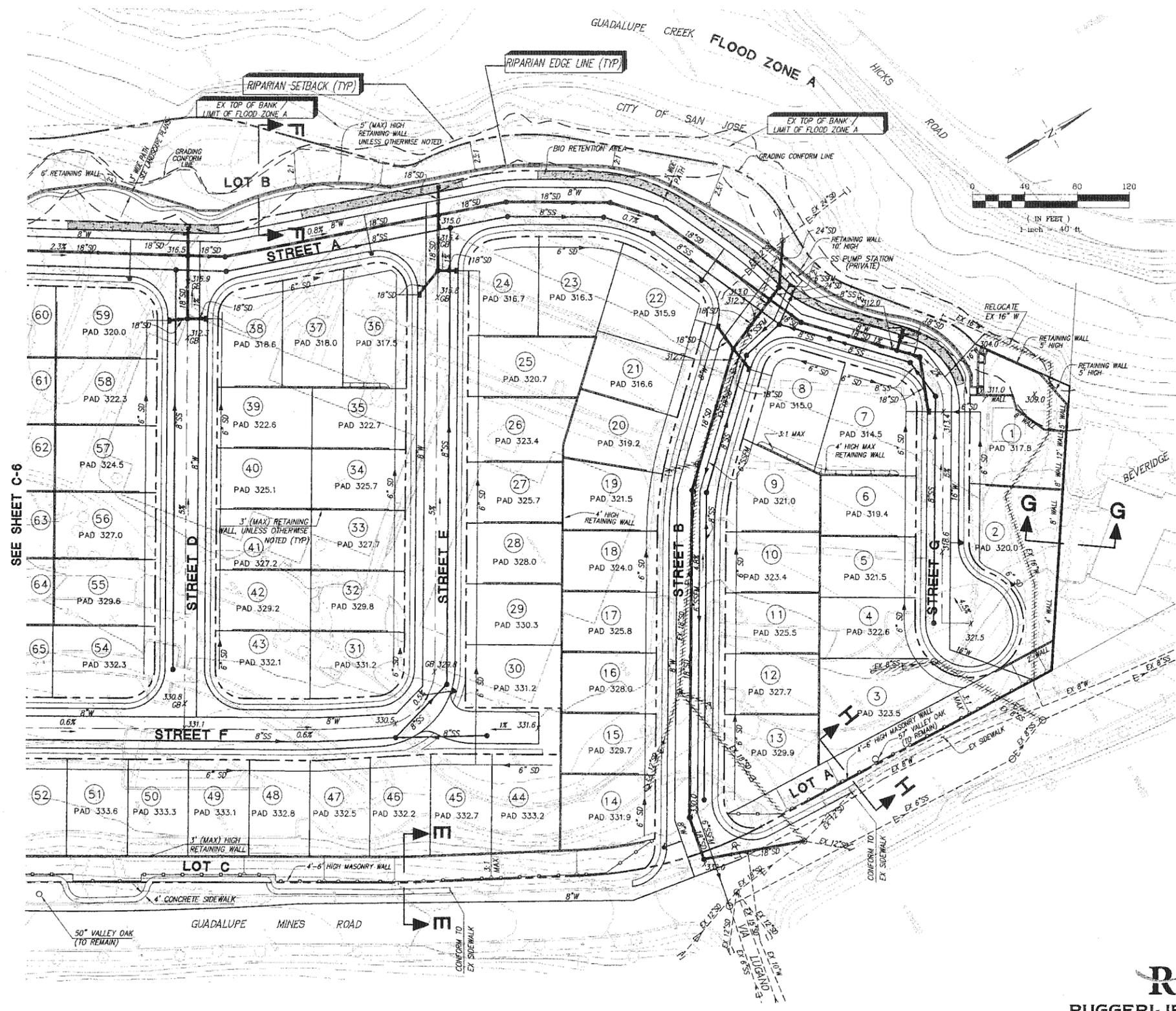
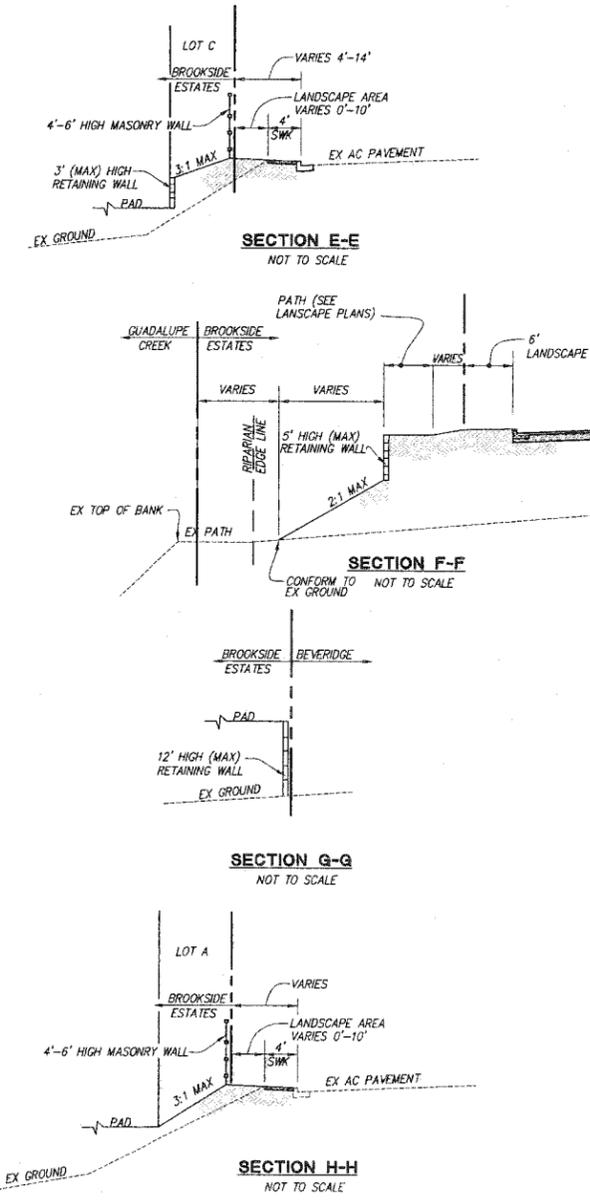
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PHONE: (908) 227-9900 FAX: (908) 227-9300

CONCEPTUAL GRADING AND DRAINAGE PLAN (GENERAL DEVELOPMENT PLAN - EXHIBIT C)

DATE	MR	SHEET REVISIONS	BY	CK	CITY	SHEET NO.
DATE: JUNE 14, 2010						C-6
JOB NO. 101006						

CITY OF SAN JOSE FILE NO. PDC 10-005

- NOTES:**
- PER FEMA MAP 06085C039H, MAY 18, 2009, FLOOD ZONE A IS CONTAINED WITHIN GUADALUPE CREEK. THE LIMIT OF FLOOD ZONE A IS THE EXISTING TOP OF CREEK BANK. THE REMAINING MAJORITY OF THE SITE IS WITHIN FEMA FLOOD ZONE D.
 - STORMWATER RUNOFF FOR THE SITE WILL CONTINUE TO BE CONVEYED TO GUADALUPE CREEK VIA ONE OF THE TWO EXISTING OUTFALLS AS SHOWN ON SHEETS C-6 AND C-7.



CONCEPTUAL GRADING AND UTILITY PLAN (GENERAL DEVELOPMENT PLAN - EXHIBIT C)

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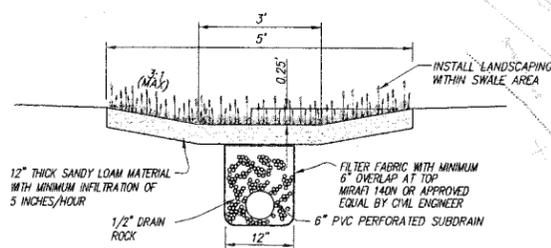
DATE	MR	SHEET REVISIONS	BY	CK	CITY	SHEET NO.
DATE: JUNE 14, 2010						C-7
JOB NO. 101006						

STORM WATER TREATMENT CALCULATION

AREA ID	SURFACE	IMPERVIOUS AREA (SF)	BMP USED	SIZING FACTOR	REQUIRED SURFACE AREA	SURFACE AREA AS PROVIDED
AREA 1	ROOF/PAVING	4,680	GRASSY SWALE	*	320	320
AREA 2	PAVING	15,766	BIO-RETENTION AREA	0.04	547	720
AREA 3	ROOF/PAVING	23,880	GRASSY SWALE	*	1,760	1,760
AREA 4	ROOF/PAVING	2,030	GRASSY SWALE	*	160	160
AREA 5	PAVING	52,727	BIO-RETENTION AREA	0.04	1,848	5,380
AREA 6	PAVING	6,495	VORTEX SEPARATOR	*	-	-
AREA 7	ROOF/PAVING	32,620	GRASSY SWALE	*	2,400	2,400
AREA 8	PAVING	14,710	VORTEX SEPARATOR	*	-	-
AREA 9	ROOF/PAVING	26,220	GRASSY SWALE	*	1,920	1,920
AREA 10	PAVING	18,989	VORTEX SEPARATOR	*	-	-
AREA 11	ROOF/PAVING	24,660	GRASSY SWALE	*	2,080	2,080
AREA 12	PAVING	19,821	VORTEX SEPARATOR	*	-	-
AREA 13	ROOF/PAVING	41,580	GRASSY SWALE	*	3,520	3,520
AREA 14	PAVING	17,322	VORTEX SEPARATOR	*	-	-
AREA 15	ROOF/PAVING	24,720	GRASSY SWALE	*	2,080	2,080
AREA 16	PAVING	8,648	CDS MFS UNIT	*	-	-
AREA 17	ROOF/PAVING	9,420	GRASSY SWALE	*	800	800
TOTAL		344,288				

- NOTES:**
- STORM WATER TREATMENT CALCULATIONS**
- THE CALCULATIONS BELOW ARE BASED ON THE SANTA CLARA VALLEY URBAN RUNOFF POLLUTION PREVENTION PLAN, C.3 STORMWATER HANDBOOK, MAY 2004.
 - 0.2 INCHES/HOUR RAINFALL INTENSITY ON 100% IMPERVIOUS AREA.
 - SOIL FOR TREATMENT MEDIUM WITH A 5 INCHES/HOUR INFILTRATION RATE.
 - A TREATMENT MEDIUM OF 0.04 SIZING FACTOR FOR BIO-RETENTION AREAS.
 - A TREATMENT MEDIUM WITH 7 MINUTE RESIDENCE TIME FOR GRASSY SWALES.
 - THE CALCULATIONS DETERMINING THE NUMBER OF CARTRIDGES PER CDS MEDIA FILTER SYSTEM (MFS) UNIT ARE BASED ON THE FOLLOWING CRITERIA:
 - 0.2 INCHES/HOUR RAINFALL INTENSITY
 - RUNOFF COEFFICIENT, C=0.6
 - 18 GPM/CARTRIDGE
- BIORETENTION AREAS / STREET TREATMENT**
- SIZING FACTOR OF 0.04 NOTED ABOVE FOR BIO-RETENTION AREA IS CALCULATED BASED ON THE FOLLOWING CRITERIA:
 - SIZING FACTOR=(0.2 IN/HR)/(5 IN/HR)=0.04
- GRASSY SWALES / LOT TREATMENT**
- 7 MINUTE RESIDENCE TIME NOTED ABOVE FOR FRONT YARD GRASSY SWALE.
 - CALCULATIONS
 - RAINFALL INTENSITY FOR TREATMENT 0.2"/HOUR
 - RUNOFF COEFFICIENT 0.75
 - MAXIMUM ROOF/PAVING AREA (PER LOT) 2,340 SF (0.054 AC)
- DESIGN FLOW FOR STORM TREATMENT
 $Q=CA = 0.75 \times 0.2 \times 0.054 = 0.0081$ CFS PER LOT
 2 BUBBLE UPS / GRASSY SWALES PER ROOF AREA. FLOW FOR EACH IS 0.0041 CFS
- ROOF RUNOFF WILL BE DISCHARGED FROM BUBBLE UP DRAIN AND SHEET FLOW TO AREA DRAIN SYSTEM FOR CALCULATION PURPOSE, ASSUME RUNOFF FLOW ON SWALE WITH 3"WIDE BOTTOM & 25% SIDE SLOPE.
- SWALE SLOPE (ROUGHNESS COEFFICIENT) 0.25
 USING MANNINGS FORMULA
 VELOCITY = 0.038 FT/SEC
- FOR 7 MINUTE REQUIRED TIME, DISTANCE FROM BUBBLE UP TO AREA DRAIN = $0.038 \text{ FT/SEC} \times 7 \text{ MIN} \times 60 \text{ SEC/MIN} = 16 \text{ FT}$ REQUIRED
 5' WIDE SWALE x 16' REQUIRED LENGTH x 2 SWALES/LOT = 160 SQ.FT. OF TREATMENT AREA FOR 7 MINUTE RESIDENCE TIME

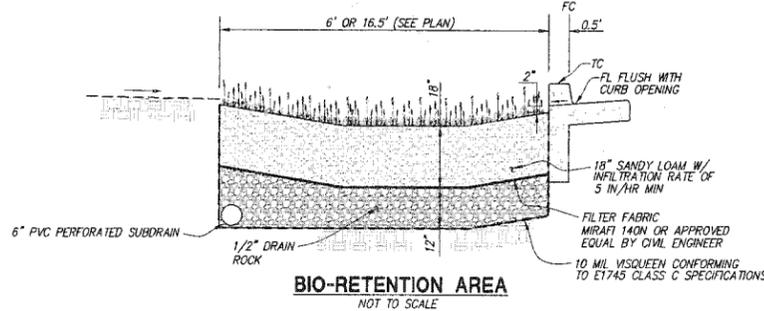
LOT FINE GRADING DETAIL
NOT TO SCALE



FRONT YARD GRASSY SWALE
NOT TO SCALE

GAS RECOVERY SYSTEMS INC.

BIO-RETENTION AREA
NOT TO SCALE



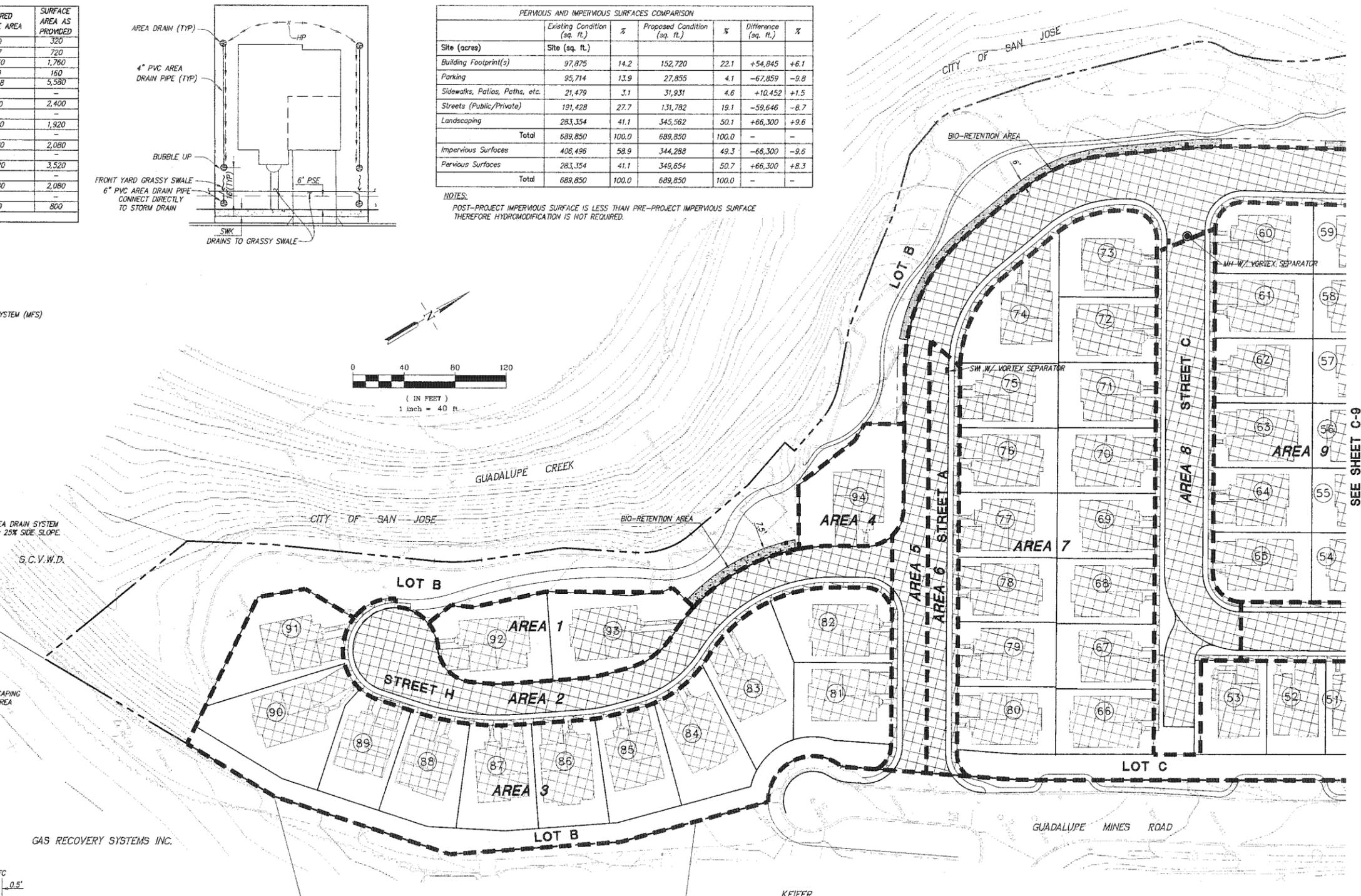
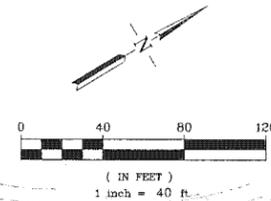
FILTER FABRIC MIRAFL 140N OR APPROVED EQUAL BY CIVIL ENGINEER

CONCEPTUAL STORMWATER CONTROL PLAN (GENERAL DEVELOPMENT PLAN - EXHIBIT C)

PERVIOUS AND IMPERVIOUS SURFACES COMPARISON

Site (acres)	Site (sq. ft.)	%	Proposed Condition (sq. ft.)	%	Difference (sq. ft.)	%
Building Footprint(s)	97,875	14.2	152,720	22.1	+54,845	+6.1
Parking	95,714	13.9	27,855	4.1	-67,859	-9.8
Sidewalks, Patios, Paths, etc.	21,479	3.1	31,931	4.6	+10,452	+1.5
Streets (Public/Private)	191,428	27.7	131,782	19.1	-59,646	-8.7
Landscaping	283,354	41.1	345,562	50.1	+66,300	+9.6
Total	689,850	100.0	689,850	100.0	-	-
Impervious Surfaces	406,496	58.9	344,288	49.3	-66,300	-9.6
Pervious Surfaces	283,354	41.1	349,654	50.7	+66,300	+8.3
Total	689,850	100.0	689,850	100.0	-	-

NOTES:
POST-PROJECT IMPERVIOUS SURFACE IS LESS THAN PRE-PROJECT IMPERVIOUS SURFACE THEREFORE HYDROMODIFICATION IS NOT REQUIRED.



LEGEND

- IMPERVIOUS SURFACE
- PERVIOUS SURFACE (WITHOUT HATCH)
- BIO RETENTION AREA

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DATE	MR	SHEET REVISIONS	BY	CHK	CITY	SHEET NO.
DATE: JUNE 14, 2010						C-8
						JOB NO. 101006

SEE SHEET C-9

CITY OF SAN JOSE FILE NO. PDC 10-005

Vortex Separator **MP-51**

General Description: The Vortex Separator is a circular structure designed to capture and separate debris, sediment, and other solids from stormwater runoff. It is typically installed at the inlet of a stormwater pipe or at the inlet of a detention basin. The separator consists of a circular chamber with a central vortex chamber. As stormwater enters the chamber, it is forced to rotate, creating a vortex. This rotation causes the heavier solids to settle to the bottom of the chamber, while the clean water continues to flow out of the chamber. The settled solids are collected in a central chamber and can be removed manually or automatically.

Inspection/Maintenance Considerations: The Vortex Separator should be inspected and maintained regularly to ensure proper operation. The central chamber should be cleaned out when it is full of settled solids. The inlet and outlet pipes should be checked for blockages. The separator should be installed in a location that is easily accessible for inspection and maintenance.

Inspection Frequency: Monthly

Maintenance Frequency: Monthly

Targeted Conditions: Debris, Sediment, Solids

Inspection Activities: Visual inspection of the separator chamber for debris and sediment. Check for proper operation of the separator. Clean the central chamber when it is full of settled solids. Check the inlet and outlet pipes for blockages.

Maintenance Activities: Manual cleaning of the central chamber. Automatic cleaning of the central chamber.

Additional Information: The Vortex Separator is a passive device that does not require any external power. It is suitable for use in residential and commercial applications. The separator should be installed in a location that is easily accessible for inspection and maintenance.

TC-30 **Vegetated Swale**

Inspection Activities: Visual inspection of the swale for debris and sediment. Check for proper operation of the swale. Clean the swale when it is full of settled solids. Check the inlet and outlet pipes for blockages.

Maintenance Activities: Manual cleaning of the swale. Automatic cleaning of the swale.

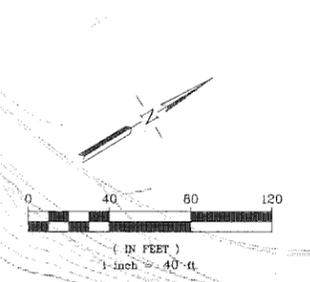
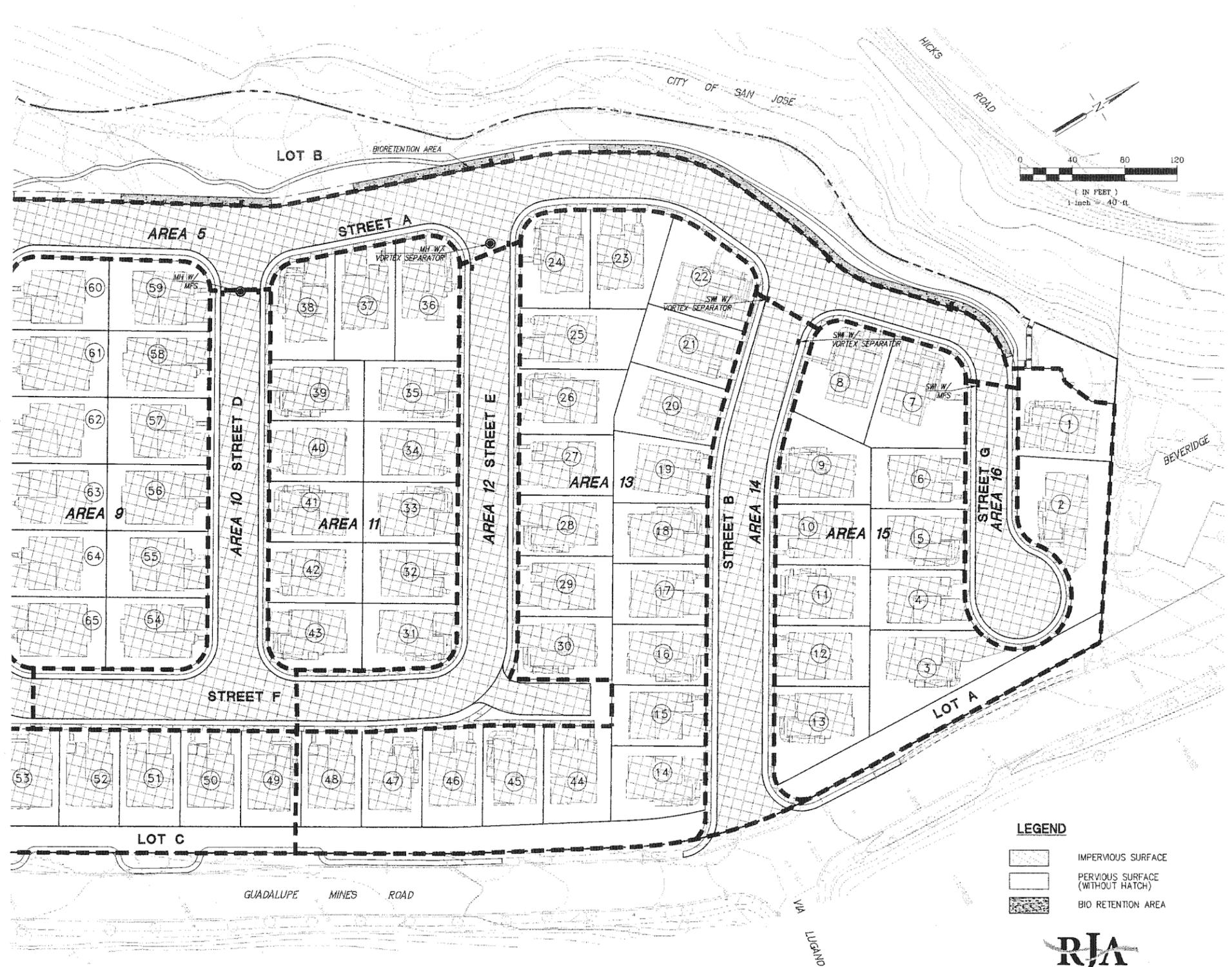
Additional Information: The Vegetated Swale is a passive device that does not require any external power. It is suitable for use in residential and commercial applications. The swale should be installed in a location that is easily accessible for inspection and maintenance.

TC-32 **Bioretention**

Inspection Activities: Visual inspection of the bioretention area for debris and sediment. Check for proper operation of the bioretention area. Clean the bioretention area when it is full of settled solids. Check the inlet and outlet pipes for blockages.

Maintenance Activities: Manual cleaning of the bioretention area. Automatic cleaning of the bioretention area.

Additional Information: The Bioretention area is a passive device that does not require any external power. It is suitable for use in residential and commercial applications. The bioretention area should be installed in a location that is easily accessible for inspection and maintenance.



LEGEND

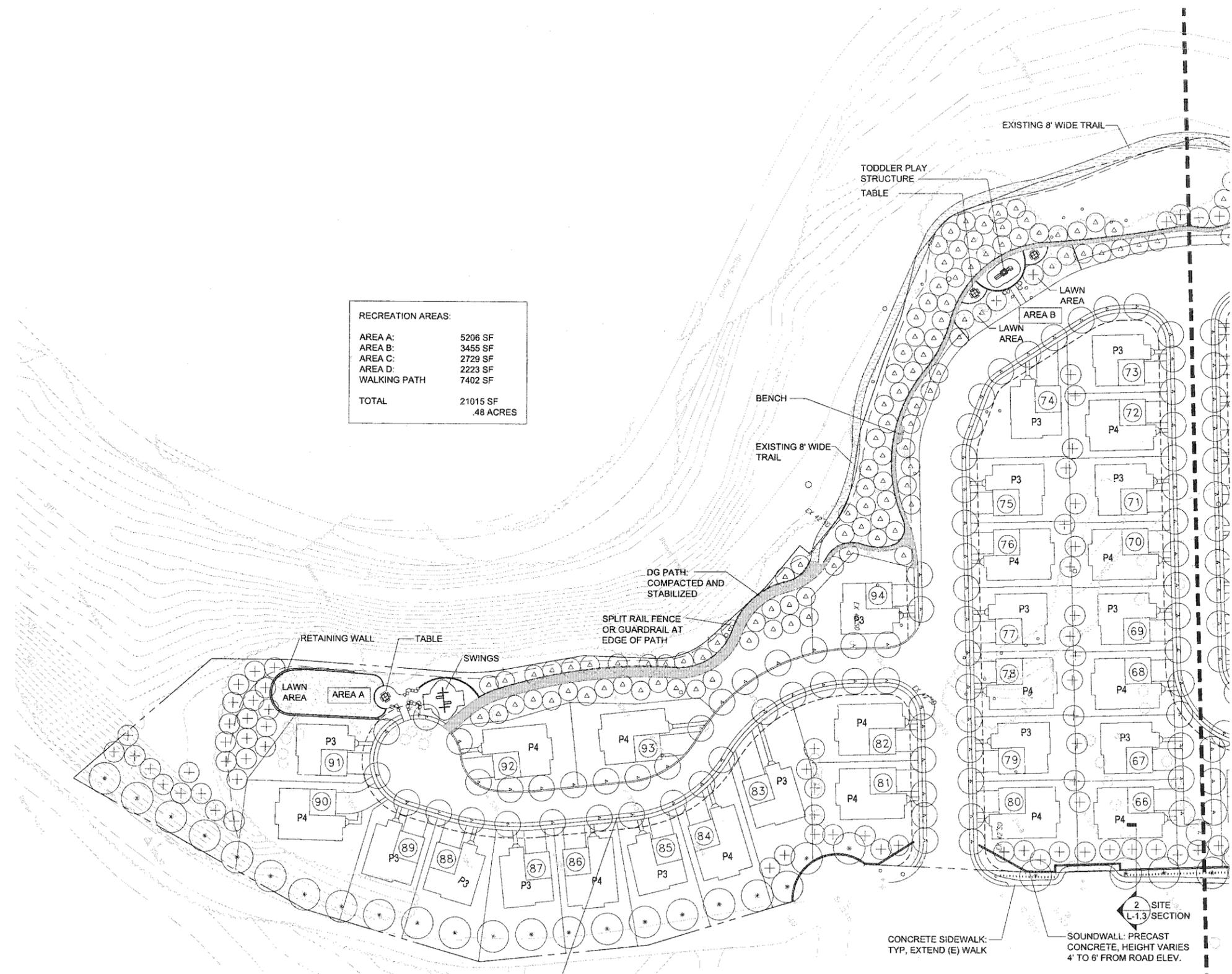
- IMPERVIOUS SURFACE
- PERVIOUS SURFACE (WITHOUT HATCH)
- BIO RETENTION AREA

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CONCEPTUAL STORMWATER CONTROL PLAN (GENERAL DEVELOPMENT PLAN - EXHIBIT C)

DATE	BY	CK	CITY	SHEET NO.
DATE: JUNE 14, 2010				C-9
JOB NO. 101006				

CITY OF SAN JOSE FILE NO. PDC 10-005



RECREATION AREAS:

AREA A:	5206 SF
AREA B:	3455 SF
AREA C:	2729 SF
AREA D:	2223 SF
WALKING PATH	7402 SF
TOTAL	21015 SF .48 ACRES

STREET LIGHT: TYP. SEE (8/L-1.3)
PER CITY OF SAN JOSE
STANDARDS.

CONCRETE SIDEWALK:
TYP. EXTEND (E) WALK

SOUNDWALL: PRECAST
CONCRETE, HEIGHT VARIES
4' TO 6' FROM ROAD ELEV.

2 SITE
L-1.3 SECTION

CONCEPTUAL LANDSCAPE ARCHITECTURAL PLAN

Bellinger Foster Steinmetz
Landscape Architecture

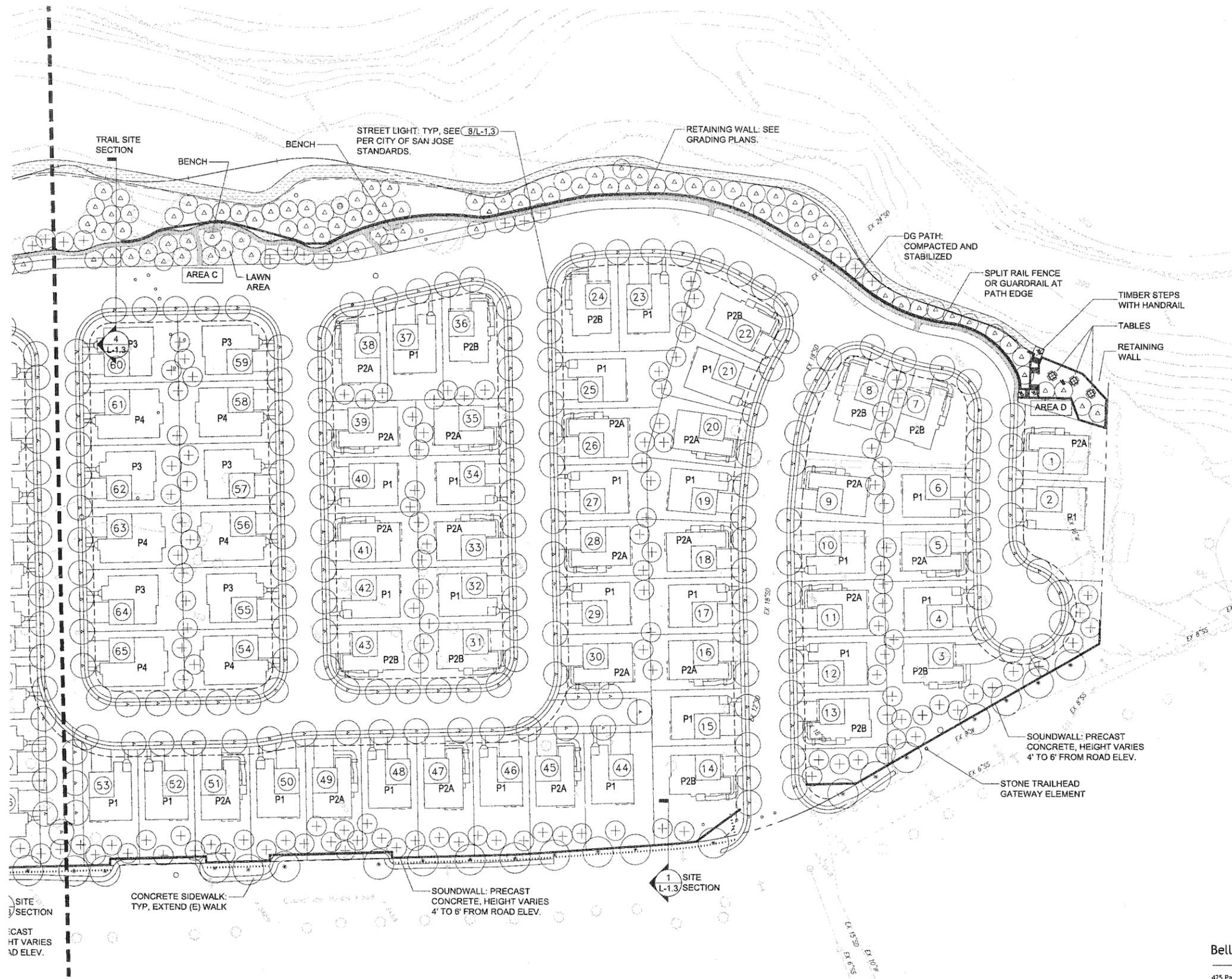
425 Pacific St. Suite 201
Monterey, CA 93940
PH 831.646.1383
FX 831.373.8653

www.bfsla.com
Project#: 10.017



DATE	MK	SHEET REVISIONS	BY	CK	CITY	SHEET NO.
DATE: JUNE 14, 2010						L-1.1
JOB NO. 101006						

City of San Jose File No. PDC 10-005



CONCEPTUAL LANDSCAPE ARCHITECTURAL PLAN



Bellinger Foster Steinmetz
 Landscape Architecture
 425 Pacific St. Suite 201
 Monterey, CA 93940
 PH 831.646.1383 www.bfsla.com
 FX 831.373.8653 Project#: 10.017

DATE	MR	SHEET REVISIONS	BY	CK	CITY	SHEET NO.
DATE: JUNE 14, 2010						L-1.2
JOB NO. 101006						

Figure 24b

II. ENVIRONMENTAL SETTING, IMPACT CHECKLIST AND MITIGATION

1. AESTHETICS

SETTING

The current view of the project site consists of two office/R&D buildings, a small caretaker's residence, a building pad, a small pump house, associated parking, landscape trees and riparian vegetation along Guadalupe Creek, which can be seen in the preceding photographs, Figures 10 through 15.

Scenic Route

The project site is not located adjacent to a designated scenic route; however, the site is located near Hicks Road, which is designated as a Trail and Pathway Corridor and as a Rural Scenic Corridor on the Scenic Routes and Trails Diagram of the General Plan. The Scenic Routes and Trails Diagram identifies San Jose's most outstanding natural amenities and establishes guidelines to develop and preserve these resources. Buildings on the site are visible from Hicks Road during the winter months, but largely obscured during the summer months due to thick vegetation along the Guadalupe Creek riparian corridor.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
I. AESTHETICS. Would the project:					
a. Have a substantial adverse effect on a scenic vista?			X		25,26,27
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and historic buildings within a state scenic highway?				X	25,26,27,29,31
c. Substantially degrade the existing visual character or quality of the site and its surroundings?			X		25,26,27
d. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?			X		25,26,28,32
e. Increase the amount of shading on public open space (e.g., parks, plazas and/or school yards)?			X		25,26,28

The project would change the view of the site from two office/R&D buildings, a small caretaker's residence, a building pad, a small pump house, associated parking, landscape trees and riparian vegetation to a single family detached residential development with landscape trees

and riparian vegetation. The project would not have a substantial adverse effect on a scenic vista or substantially degrade the existing visual character or quality of the site and its surroundings. Replacement trees, street trees and landscaping will be provided as part of the project. Guadalupe Creek will be enhanced with riparian plantings. Detailed architectural and landscape plans will be submitted for review and approval in accordance with the City's Residential Design Guidelines and PD Zoning procedure.

Scenic Vistas

The vegetation located along the Guadalupe Creek bed and bank is not part of the project site and would not be removed with project development. Views of the site from Hicks Road, therefore, would continue to be screened during the summer months.

Light and Glare

The project could potentially produce offsite light and/or glare. The project will be designed to utilize downward-directed low pressure sodium vapor street lights in order to prevent offsite light and glare, in accordance with the City's Outdoor Lighting Policy. In addition, zero-cutoff or shaded lighting fixtures would limit light impacts on Guadalupe Creek.

Temporary Construction Visual Impacts

Construction of a typical project causes short-term visual impacts. The grading operations create a visual impact, and construction debris, rubbish and trash can accumulate on construction sites and are unsightly if visible from public streets. Public streets that are impacted by project construction activities will be swept and washed down daily. Debris, rubbish and trash will be cleared from any areas onsite that are visible from a public street. The completion of the project improvements and landscaping will eliminate the short-term visual impacts of the grading and construction operations.

STANDARD MEASURES INCLUDED IN THE PROJECT

Design

- The project design will conform to the City's Residential Design Guidelines.

Light and Glare

- Lighting on the site will conform to the City's Outdoor Lighting Policy (4-3).

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

CONCLUSION

The implementation of the above design and light and glare standard measures would reduce the project's impact on aesthetics to a **less-than-significant impact**.

2. AGRICULTURE AND FOREST RESOURCES

SETTING

Agriculture Resources

The *Santa Clara County Important Farmland Map*, prepared by the California Department of Conservation and the USDA Natural Resources Conservation Service, classifies land in seven categories in order of significance: 1) prime farmland, 2) farmland of Statewide importance, 3) unique farmland, 4) farmland of local importance, 5) grazing land, 6) urban and built-up land and 7) other land. The project site is classified as "urban and built-up land," which is defined as land occupied by structures with a building density of at least one unit to one and one-half acres.

Williamson Act

The California Land Conservation Act ("Williamson Act") was enacted to help preserve agricultural and open space lands via a contract between the property owner and the local jurisdiction. Under the contract, the owner of the land agrees not to develop the land in exchange for reduced property taxes. The project site is not under a Williamson Act contract.

Forest Resources

"Forest land" is defined by the California Public Resources Code as land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. "Timberland" means land, other than land owned by the federal government and land designated as experimental forest land, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees. The project site is currently developed and is not located on forest land or timberland.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
2. AGRICULTURE AND FOREST RESOURCES. Would the project:					
a. 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?				X	33,34
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	35,64

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
2. AGRICULTURE AND FOREST RESOURCES (Cont.). Would the project:					
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)?				X	
d. Result in the loss of forest land or conversion of forest land to non-forest land?				X	25,26,28
e. 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?				X	25,26,28

Agriculture Resources

The project site is classified as urban and built-up land on the *Important Farmland Map* for Santa Clara County. Since the site is not located in an area identified as prime farmland, nor is the site being used for or zoned for agricultural use or is under a Williamson Act contract, the project would not have a significant impact on agricultural land.

Forest Resources

Since the site is not located in an area identified as forest land or timberland, nor is the site being used for or zoned for forestry use, the project would not have a significant impact on forest resources.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

CONCLUSION

The proposed project would have **no impact** on agriculture or forest resources.

3. AIR QUALITY

Donald Ballanti conducted an air quality impact analysis dated May, 2010 and an odor impact analysis dated May 3, 2010 that are both included in the Technical Appendix.

SETTING

Bay Area Air Quality Management District

The project site is located within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). The District includes seven Bay Area counties and portions of two others. Air quality emission and control standards are established by the BAAQMD and the California Air Resources Board, and by the Environmental Protection Agency (EPA) at the Federal level. These agencies are responsible for developing and enforcing regulations involving industrial and vehicular pollutant emissions, including transportation management and control mitigation measures.

Regional Climate

The air quality of a given area is not only dependent upon the amount of air pollutants emitted locally or within the air basin, but also is directly related to the weather patterns of the region. The wind speed and direction, the temperature profile of the atmosphere, and the amount of humidity and sunlight react with the emitted pollutants each day, and determine the resulting concentrations of air pollutants defining the “air quality.”

The Bay Area climate is Mediterranean, with mild, rainy winters November through March, and warm, sunny and nearly dry summers June through September. Summer temperature inversions trap ground level pollutants. Winter conditions are less conducive to smog, but thin evening inversions sometimes concentrate carbon monoxide emissions at ground level.

Air Quality Standards

The U.S. EPA and the California Air Resources Board (CARB) have both established ambient air quality standards for common pollutants to avoid adverse health effects from each pollutant. The pollutants, which include ozone, carbon monoxide (CO), nitrogen dioxide, and particulate matter (PM₁₀ and PM_{2.5}), and their standards are included in the Local Air Quality table that follows.

Regional Air Quality

The Federal Clean Air Act and the California Clean Air Act of 1988 require that the State Air Resources Board, based on air quality monitoring data, designate portions of the state where the federal or state ambient air quality standards are not met as “nonattainment areas”. Because of the differences between the federal and state standards, the designation of nonattainment areas is different under Federal and State legislation.

The Bay Area is currently a nonattainment area for the 1-hour ozone standard. However, in April 2004, U.S. EPA made a final finding that the Bay Area has attained the federal 1-hour

ozone standard. The finding of attainment does not mean the Bay Area has been reclassified as an attainment area for the 1-hour standard; the region must submit a re-designation request to EPA in order to be reclassified as an attainment area. The U.S. EPA has classified the San Francisco Bay Area as a nonattainment area for the federal 8-hour ozone standard. The Bay Area was designated as unclassifiable/attainment for the federal PM₁₀ and PM_{2.5} standards.

Under the California Clean Air Act, Santa Clara County is a nonattainment area for ozone and particulate matter (PM₁₀ and PM_{2.5}). The county either meets attainment or is unclassified for the other pollutants. The California Clean Air Act requires local air pollution control districts to prepare air quality attainment plans; these plans must provide for district-wide emission reductions of five percent per year averaged over consecutive three-year periods or, if not, provide for adoption of “all feasible measures on an expeditious schedule”.

Local Air Quality

Air quality in the project area is subject to the problems experienced by most of the Bay Area. Emissions from millions of vehicle-miles of travel each day often are not mixed and diluted, but are trapped near ground level by an atmospheric temperature inversion. Prevailing air currents generally sweep from the mouth of the Bay toward the south, picking up and concentrating pollutants along the way. A combination of pollutants emitted locally, the transport of pollutants from other areas, and the natural mountain barriers (the Diablo Range to the east and the Santa Cruz Range to the southwest) produce high concentrations. Air quality data from the last three years at the nearest BAAQMD monitoring station in San Jose, and Federal and State standards, are shown in the following table.

Table 2. Local Air Quality

Pollutant	Standard	Days Exceeding Standard		
		2006	2007	2008
OZONE				
State 1-hour	0.09 ppm	5	0	1
State 8-hour	0.07 ppm	5	0	3
Federal 8-hour	0.08 ppm	1	0	2
CARBON MONOXIDE				
State/Federal 8-hour	9.0 ppm	0	0	0
NITROGEN DIOXIDE				
State 1-hour	0.25 ppm	0	0	0
PARTICULATE MATTER (PM₁₀)				
State 24-hour	50 µg/m ³	2	3	1
Federal 24-hour	150 µg/m ³	0	0	0
PARTICULATE MATTER (PM_{2.5})				
Federal 24-hour	35 µg/m ³	6	9	5

ppm = parts per million

µg/m³ = micrograms per cubic meter

SOURCE: Bay Area Air Quality Management District monitoring data for San Jose.

Toxic Air Contaminants

In addition to the criteria pollutants discussed above, Toxic Air Contaminants (TACs) are another group of pollutants of concern. There are many different types of TACs, with varying degrees of toxicity. Sources of TACs include industrial processes such as petroleum refining and chrome plating operations, commercial operations such as gasoline stations and dry cleaners, and motor vehicle exhaust. Cars and trucks release at least forty different toxic air contaminants. The most important, in terms of health risk, are diesel particulate, benzene, formaldehyde, 1,3-butadiene and acetaldehyde. Public exposure to TACs can result from emissions from normal operations, as well as accidental releases. Health effects of TACs include cancer, birth defects, neurological damage and death.

Project Site

The project site is similar to other locations in the South Bay; air quality meets adopted State and/or Federal standards (the more stringent standard applies) on most days, and during periods when regional atmospheric conditions are stagnated, the air quality is poor throughout the extended South Bay area. There are no existing sources on the project site that currently adversely affect local air quality.

Odors

As detailed in the odor impact analysis report in the Technical Appendix, the prevailing wind direction for San Jose is north-northwest. Because of the north-south alignment of the Guadalupe Creek canyon, however, winds at the project site would be somewhat different. During the nighttime, downstream air "drainage" flows occur in canyons; these nighttime winds are generally light and follow the watercourse in a downstream direction. This would mean that southerly (down canyon) winds are probably more frequent at the project site. The Guadalupe Sanitary Landfill is located east of the project site. Easterly winds (wind from the east) are quite infrequent in San Jose; however, the landfill is located up a small watershed that drains into Guadalupe Creek at the project site. Therefore, the possibility exists that the site could be affected by odors generated by the landfill and transported to the project site by the light, shallow drainage winds that occur at night.

The Guadalupe Landfill operates under permits issued by the BAAQMD, and the District responds to odor complaints. The landfill generated a total of 20 complaints during the last 10 years although only one was confirmed by the responding officer. There is no way to identify the exact location of the complaint or whether the complaints were made by one person or multiple people.

Sensitive Receptors

Some groups of people are more affected by air pollution than others. CARB has identified the following people who are most likely to be affected by air pollution: children under 14, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of

these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, elementary schools, and parks. The closest sensitive receptors are the single family detached residences located northerly and easterly of the project site.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
3. AIR QUALITY. Would the project:					
a. Conflict with or obstruct implementation of the applicable air quality plan?				X	29,37,100
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X		26,37,100
c. 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 that exceed quantitative thresholds for ozone precursors)?			X		26,37,100
d. Expose sensitive receptors to substantial pollutant concentrations?			X		28,37,100
e. Create objectionable odors affecting a substantial number of people?			X		26,28,101

Regional Impacts

The San Francisco Bay Area Air Basin is currently non-attainment for ozone (state and federal ambient standards) and particulate matter (PM_{2.5} and PM₁₀). While an air quality plan exists for ozone (the *Bay Area 2005 Ozone Strategy*), none currently exists for particulate matter. A project would be judged to conflict with or obstruct implementation of the regional air quality plan if it would be inconsistent with the growth assumptions, in terms of population, employment or regional growth in Vehicle Miles Traveled. This could occur if a project required a general plan amendment and the proposed new land use would result in greater vehicle traffic than would occur with the current land use. The project does not change the land use designation, and the daily trip generation and Vehicle Miles Traveled would be less for the proposed residential use. Therefore, it would not conflict with or obstruct implementation of the plan.

Additional trips to and from the project and area sources associated with project land uses would result in new air pollutant emissions within the air basin. Regional emissions associated with project vehicle use have been calculated using the URBEMIS-2007 emission model that is included in the report in the Technical Appendix. The incremental daily emission increase associated with project buildout is identified for ROG, NO_x (two precursors of ozone), PM₁₀ and

PM_{2.5}. Also shown are the current and proposed BAAQMD daily and annual thresholds of significance. Project emissions shown in the table would not exceed either the existing or proposed BAAQMD thresholds of significance.

Table 3. Average Daily and Annual Operational Emissions

Pollutant	Project		Current BAAQMD		Proposed BAAQMD	
	<u>Operational Emissions</u>		<u>Significance Threshold</u>		<u>Significance Threshold</u>	
	Daily Max. (lbs/day)	Annual (tons)	Daily Max. (lbs/day)	Annual (tons)	Daily Max. (lbs/day)	Annual (tons)
Reactive Organic Gases	13.2	2.9	80.0	15.0	54.0	10.0
Nitrogen Oxides	8.1	1.7	80.0	15.0	54.0	10.0
PM ₁₀	21.4	2.8	80.0	15.0	82.0	15.0
PM _{2.5}	10.0	0.8	na	na	54.0	10.0

Local Impacts

Development projects in the Bay Area are most likely to violate an air quality standard or contribute substantially to an existing or projected air quality violation through generation of vehicle trips. New vehicle trips add to carbon monoxide concentrations near streets providing access to the site. Carbon monoxide is an odorless, colorless poisonous gas whose primary source in the Bay Area is automobiles. Concentrations of this gas are highest near intersections of major roads. The *BAAQMD CEQA Guidelines* identifies situations where modeling of carbon monoxide concentrations should be conducted to quantify project impacts, as follows:

1. Vehicle emissions of carbon monoxide exceed 550 pounds per day;
2. Project traffic would impact intersections or roadway links operating at Level of Service (LOS) D, E or F, or would cause LOS to decline to D, E or F; or
3. Project traffic would increase traffic volumes on nearby roadways by 10 percent or more (but at least 100 vehicles).

None of the above thresholds would be exceeded for the proposed project.

Odors

The proposed project would not have a direct impact on odors, as the proposed use has little potential for generation of odors. It is located, however, near the Guadalupe Sanitary Landfill, which is a potential source of odor. The project would increase population near the existing landfill; this would indirectly affect the potential exposure of sensitive receptors to odors and conceivably increase the potential for odor complaints.

Potential odor sources from the landfill would be exposed refuse and landfill gases. As described in the odor impact analysis in the Technical Appendix, the potential for refuse odors is relatively low due to daily covering of refuse; and an extensive gas collection system collects the

gas, which is then burned in flare, destroying odorous materials and greatly reducing the potential for odor from landfill gas.

Refuse vehicles traveling to and from the landfill along Guadalupe Mines Road would also be transient sources of odors, both from the vehicles themselves and from diesel exhaust odors. The fact that these vehicles are in motion means that odors would tend to be diluted by mixing caused by the moving vehicle, so that odor potential would be far less than near a stationary source. Easterly winds that would carry odors from passing vehicles to the site are not common, and would largely occur in the evening hours when there would be no refuse truck traffic. Therefore, the potential for noticeable odors from refuse trucks would exist only along the eastern edge of the site where truck-induced turbulence could carry odors onto the site. Minimum setbacks from the center of Guadalupe Mines Road are approximately 90 feet, which would be adequate to avoid odor impacts from refuse truck traffic.

Sensitive Receptors

Operational TAC Impacts

The project is adjacent to Guadalupe Mines Road and would include residences that are sensitive receptors that would be exposed to mobile sources of TACs. CARB recently published an air quality/land use handbook. The handbook, which is advisory and not regulatory, was developed in response to recent studies that have demonstrated a link between exposure to poor air quality and respiratory illnesses, both cancer and non-cancer related. The CARB handbook recommends that planning agencies strongly consider proximity to these sources when finding new locations for “sensitive” land uses such as homes, medical facilities, daycare centers, schools and playgrounds. Air pollution sources of concern include freeways, rail yards, ports, refineries, distribution centers, chrome plating facilities, dry cleaners and large gasoline service stations.

A key recommendation in the handbook is to avoid placing new sensitive land uses within 500 feet of a freeway or urban road carrying more than 100,000 vehicles/day. (The CARB recommendation does not preclude residential development in these areas, as the recommendation is advisory only.) Guadalupe Mines Road in the site vicinity carries far less than 100,000 vehicles/day, so the recommended minimum setbacks would not apply. Minimum setbacks from the center of Guadalupe Mines Road are about 90 feet, which would be adequate given the light traffic volume.

Fugitive Dust

The closest sensitive receptors (the single family detached residences located northerly and easterly of the project site) could be subjected to fugitive dust as a result of construction, as discussed below.

Temporary Construction Air Quality

Construction TAC Emissions

During construction, various diesel-powered vehicles and equipment would be in use on the site. In 1998, CARB identified particulate matter from diesel-fueled engines as a toxic air contaminant. CARB has completed a risk management process that identified potential cancer risks for a range of activities using diesel-fueled engines. High volume freeways, stationary diesel engines, and facilities attracting heavy and constant diesel traffic (distribution centers, truck stops) were identified as having the highest associated risk.

Health risks from TACs are a function of both concentration and duration of exposure. Unlike the operational sources, construction diesel emissions are temporary, affecting an area for a period of days or perhaps weeks. Additionally, construction-related sources are mobile and transient in nature, and the bulk of the emission occurs within a project site at a substantial distance from most nearby receptors. Because of its short duration and substantial distance to the nearest downwind receptors, health risks from construction emissions of diesel particulates would be a less-than-significant impact.

Fugitive Dust

Construction activities associated with site redevelopment would include demolition, excavation, grading, new building construction, and paving. Generally, the most substantial air pollutant emissions would be dust generated from demolition, site preparation and grading. Without adequate dust control measures, visible dust clouds extending beyond the construction site could occur that could have a significant temporary impact on local air quality. Dust emissions would vary substantially from day to day, depending on the level of activity, the specific operations, and weather conditions.

According to the *BAAQMD CEQA Guidelines*, emissions of ozone precursors (ROG and NO_x) and carbon monoxide related to construction equipment are already included in the emission inventory that is the basis for regional air quality plans, and are not expected to impede attainment or maintenance of ozone and carbon monoxide standards in the Bay Area. Thus, the effects of construction activities would be increased dustfall and locally elevated levels of PM₁₀ downwind of construction activity. Construction dust has the potential for creating a nuisance at nearby properties. While it is a potential impact, construction dust emissions can be mitigated by dust control and suppression practices that are appropriate for the project and level of activity.

STANDARD MEASURES INCLUDED IN THE PROJECT

Temporary Construction Air Quality

- The following dust control measures will be implemented by contractors during demolition of existing structures.
 - Watering to control dust generation during demolition of structures and break-up of pavement;

- Cover all trucks hauling demolition debris from the site;
- Use dust-proof chutes to load debris into trucks whenever feasible. Watering will be used to control dust generation during transport and handling of recycled materials.
- The following construction practices will be implemented during all phases of construction to prevent visible dust emissions from leaving the site.
 - Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing land uses will be kept damp at all times, or will be treated with non-toxic stabilizers or dust palliatives;
 - Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard;
 - Pave, apply water at least three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
 - Sweep daily, or more often if necessary (preferably with water sweepers), all paved access roads, parking areas and staging areas at construction sites; water sweepers will vacuum up excess water to avoid runoff-related impacts to water quality;
 - Sweep streets daily, or more often if necessary (preferably with water sweepers), if visible soil material is carried onto adjacent public streets;
 - Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more);
 - Enclose, cover, water at least twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) to prevent visible dust from leaving the site;
 - Limit traffic speed on unpaved roads to 15 mph;
 - Install sandbags or other erosion control measures to prevent silt runoff to public roadways; and
 - Replant vegetation in disturbed areas as quickly as possible.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

CONCLUSION

The implementation of the above temporary construction air quality standard measures would reduce the project's impact on air quality to a **less-than-significant impact**.

4. BIOLOGICAL RESOURCES

Live Oak Associates, Inc. conducted a biotic evaluation dated May 19, 2010 and HortScience, Inc. conducted an arborist report dated May 19, 2010 that are both included in the Technical Appendix.

SETTING

Field surveys were conducted on the project site on August 15, 2005; March 4, 2010; March 5, 2010; and March 31, 2010. The final visit included an assessment of the loading dock basin by Dr. Mark Jennings.

VEGETATION

Habitat Areas

Three biotic habitats have been identified as occurring within the project site: 1) riparian corridor, 2) remnant valley oak woodland, and 3) developed / landscaped lands that include buildings, parking areas and an abandoned building foundation. The abandoned building area is comprised of a cement pad surrounded by a ruderal construction yard that also includes an abandoned loading dock that was filled with water during the 2010 site visits. Their general locations are shown on the following Habitat Areas exhibit.

Developed / Landscaped Lands

The vegetation within the developed portion of the site is dominated by non-native ornamental species such as unidentified lawn grasses in large patches surrounding the buildings, Chinese pistache, London plane, rosemary and nandina. Native species such as California sycamore, coast live oak, valley oak, toyon and arroyo willow were present as well. Vegetation within the area surrounding the concrete building pad was observed as being ruderal in nature and dominated by species such as wild oat, rip-gut brome, soft chess, yellow star thistle, bindweed, panicked willow-herb, whitestem filaree, prickly lettuce, bristly ox-tongue and wild radish. A small erosional feature surrounding the cement building pad appears to drain toward the west edge of the pad and into a shallow (approximately 2 to 2.5-foot deep) depressional feature (abandoned loading dock); cattails were observed within this feature.

Riparian Corridor and Remnant Valley Oak Woodland

The remnant valley oak woodland habitat observed onsite is present within the southernmost tip of the property. Species occurring within this habitat would be expected to be similar to those found within the riparian corridor, with more oak tree species and no obligate aquatic vegetation such as Baltic rush, which was observed on the bank of Guadalupe Creek. Due to the similarity of these habitats and the relatively small size of the remnant valley oak woodland within the project site, the characteristic plants have been combined.



Habitat Areas
Figure 25

The riparian corridor of the site is bounded by a walking path near the western site boundary. Guadalupe Creek supports a dense stand of riparian vegetation. The overstory was observed as being dominated by California sycamore, red willow, California black walnut, California bay, valley oak, coast live oak, buckeye and elderberry. The oak woodland species were identical with more canopy cover by the valley oak and coast live oak trees. The understory was dominated by English ivy, Himalayan blackberry, California blackberry, poison oak, periwinkle and California grape. Some ruderal herbaceous species such as Italian ryegrass, Mediterranean barley, wild radish, poison hemlock and black mustard were also growing along the upper banks of the creek.

Special Status Plant Species

Several species of plants within the State of California have low populations, limited distributions, or both. Such species may be considered “rare” and are vulnerable to extirpation as the state’s human population grows and the habitats these species occupy are converted to agricultural and urban uses. State and Federal laws have provided the California Department of Fish and Game (CDFG) and the U.S. Fish and Wildlife Service (USFWS) with a mechanism for conserving and protecting the diversity of plant species native to the state. A number of native plants have been formally designated as threatened or endangered under State and Federal endangered species legislation; others have been designated as “candidates” for such listing. Still others have been designated as “species of special concern” by the CDFG. The California Native Plant Society (CNPS) has developed its own set of lists of native plants considered rare, threatened or endangered. Collectively, these plants are referred to as “special status species.”

A number of special-status plants occur in the vicinity of the project site. These species, and their potential to occur on the site, are listed in the report in the Technical Appendix. None of the 32 special status plant species occurring within the project vicinity occur on the project site. This is mainly due to the the absence of suitable habitat and due to the fact that the site predominantly supports developed / landscaped lands.

Regulated Habitats

Jurisdictional Waters

Jurisdictional waters include rivers, creeks and drainages that have a defined bed and bank and which, at the very least, carry ephemeral flows. Jurisdictional waters also include lakes, ponds, reservoirs and wetlands. Such waters may be subject to the regulatory authority of the U.S. Army Corps of Engineers (Corps), the California Department of Fish and Game and the California Regional Water Quality Control Board (RWQCB).

There are no natural aquatic features on the project site; however, the abandoned building pad includes a depression that was excavated for the construction of a loading dock. Since the time of soil disturbance in 2000, the loading dock area has become a feature that ponds water seasonally. The abandoned loading dock appears to currently meet the three technical criteria of

a wetland and comprises 430 square feet (0.01 acre) of the site. Surface water was present in March, 2010. Due to the presence of surface water and the level of surface disturbance, limited vegetation was growing; approximately 20 percent of the cover of the feature was occupied by cattails.

This feature should not be considered a Water of the U.S. because of the site history and the feature's isolation. The abandoned loading dock was excavated as part of a development project and is not hydrologically connected to any local waterway. The riparian edge of Guadalupe Creek lies nearly 250 feet from the abandoned loading dock, with a paved parking lot between and no overland flows reaching the creek. However, the Corps is the final arbitrator in determining whether the feature falls within their jurisdiction. A site visit was conducted with a representative of the Corps on May 3, 2010 to evaluate the feature; the Corps is currently in the process of making a formal determination on the feature's jurisdictional status.

There is a possibility that the RWQCB will exert jurisdiction over the abandoned loading dock feature as a Water of the State, but features falling under jurisdiction of the CDFG are absent from the site.

Riparian Corridors

The City of San Jose has developed a riparian corridor policy that addresses several issues that relate to the identification, management, and protection of riparian resources within the City's Urban Service Area. Riparian corridors are defined as:

“Any defined stream channels including the area up to the bank full-flow line, as well as all riparian (streamside) vegetation in contiguous adjacent uplands. Characteristic woody riparian vegetation species could include (but are not limited to): willow, alder, box elder, Fremont sycamore, and oaks. Stream channels include all perennial and intermittent streams shown as a solid or dashed blue line on USGS topographic maps, and ephemeral streams or ‘arroyos’ with well-defined channels and some evidence of scour or deposition.”

Guadalupe Creek, which runs along the westerly site boundary, is covered by the City's *Riparian Corridor Policy Study*.

The project site is irregularly shaped with approximately half of the property fronting the east edge of the riparian corridor. The project's creek frontage totals approximately 2,088 feet. The existing development (office/R&D buildings, parking and landscaping) is built up to the edge of the riparian corridor, and there is no existing riparian corridor setback buffer.

Defining a boundary to the riparian corridor along Guadalupe Creek was one of the major objectives during the March, 2010 surveys. Every portion of the riparian corridor edge was considered from the perspective of riparian habitat value and use of this habitat by riparian observed and expected plant and animal species. As stated in the biotic evaluation in the Technical Appendix, ecological boundaries are almost never solid lines; however, development

boundaries are most often definite. In this case, the developed line was taken as the edge of both areas. In some portions of the site, large riparian trees overhang the parking lots, structures and walkways associated with the existing site development. In these instances, the riparian habitat value beneath the tree canopy had clearly been lost; therefore, the drip line of the trees in some areas of the site was not an accurate measure of the edge of the biologically-definable riparian corridor.

Biologically, the riparian corridor is appropriately demarcated at the western edge of the compacted pathway that separates the curb of the parking area from the ground level vegetation of the riparian corridor. The existing landscaping in the center of the western portion of the site provides a park-like, somewhat natural understory to the riparian trees occurring within the riparian corridor; therefore, in that portion of the site, the riparian habitat is appropriately mapped as the drip line of the existing riparian trees. In areas in which riparian trees are absent, as in some of the areas north of the southern-most parking areas, the top of the bank was mapped as the edge of the riparian corridor. The edge-of-riparian boundary is shown on the preceding Habitat Areas exhibit, Figure 25.

Habitat Conservation Plan / Natural Community Conservation Plan (HCP/NCCP)

To promote the recovery of endangered species while accommodating planned development, infrastructure and maintenance activities, the Local Partners, consisting of the City of San Jose, Santa Clara Valley Transportation Authority, Santa Clara Valley Water District, Santa Clara County and the cities of Gilroy and Morgan Hill, are preparing a joint Habitat Conservation Plan/Natural Community Conservation Plan. The Santa Clara Valley Habitat Plan is being developed in association with the U.S. Fish & Wildlife Service (USFWS), the California Department of Fish and Game (CDFG) and the National Marine Fisheries Service (NMFS) and in consultation with stakeholder groups and the general public to protect and enhance ecological diversity and function within more than 500,000 acres of southern Santa Clara County.

The Santa Clara Habitat Plan Planning Agreement outlines the Interim Project Process to ensure coordination of projects approved or initiated in the Planning Area before completion of the Habitat Plan to help achieve the preliminary conservation objectives of the Plan, and not preclude important conservation planning options or connectivity between areas of high habitat values. The Interim Project Referral Process requires the local participating agencies to notify the wildlife agencies (CDFG and USFWS) of projects that have the potential to adversely impact covered species or natural communities, or conflict with the preliminary conservation objectives of the Habitat Plan. The wildlife agencies' comments on Interim Projects should recommend mitigation measures or project alternatives that would help achieve the preliminary conservation objectives of the Habitat Plan.

Trees

The City of San Jose has a Tree Ordinance that regulates the removal of trees. An “Ordinance-sized tree” is defined as any native or non-native tree with a circumference of 56 inches (diameter of 18 inches) measured at 24 inches above the natural grade. For multi-trunk trees, the circumference is measured as the sum of the circumferences of all trunks at 24 inches above grade. A “Heritage Tree” is defined as a tree of special significance to the community due to history, girth, height, species, or other unique quality.

A detailed tree survey of all trees having trunk diameters of 2 inches or greater, or having multiple trunks, was conducted. A total of 989 trees, ranging in diameter from 2 inches to 109 inches, were tagged and evaluated. Of these trees, 929 are located on the site and 60 of the trees are located offsite along the westerly boundary with branches and/or canopies extending onto the site. Sixty-one (61) onsite trees exceed 18 inches in diameter and come under the review of the City's Tree Ordinance. There are no designated Heritage Trees on the site. The approximate locations of the trees are shown on the following Tree Locations map, and a summary table listing the trees by botanical name, common name, the number surveyed, and the ranges of their diameter and general condition follows. A detailed table listing each individual tree is included in the Technical Appendix, as are photographs of the Ordinance-sized trees to be removed.

General conditions of the trees were determined using a rating system for individual tree health and structure conditions, by assigning values for these categories from zero to five, with values of zero being the worst rating (dead) and values of five being the best. Trees with values of one to two were rated as “poor”, values of three were rated as “fair”, values of four were rated as “good” and values of five were rated as “excellent”.

WILDLIFE

Developed / Landscaped Lands

Amphibian and reptile species would not be expected to utilize this land use type in a significant way; however, several species would be expected to move from the riparian habitat into the landscaped or ruderal areas from time to time, including the Pacific treefrog, the individuals of which were observed in the form of egg masses and larvae during the loading dock basin habitat assessment.

Many avian species may utilize the numerous trees within this habitat for nesting, foraging and roosting. The occurrence of multiple canopy heights on the property and the proximity to more natural habitats, such as the Guadalupe Creek riparian corridor and the oak woodland habitats to the south of the site, suggests that avian species accustomed to these more natural habitats could reasonably be expected to utilize the landscaped areas of the project site. Avian species observed within the developed areas include a breeding pair of mallards with ducklings (within

Table 4. Tree Survey Summary

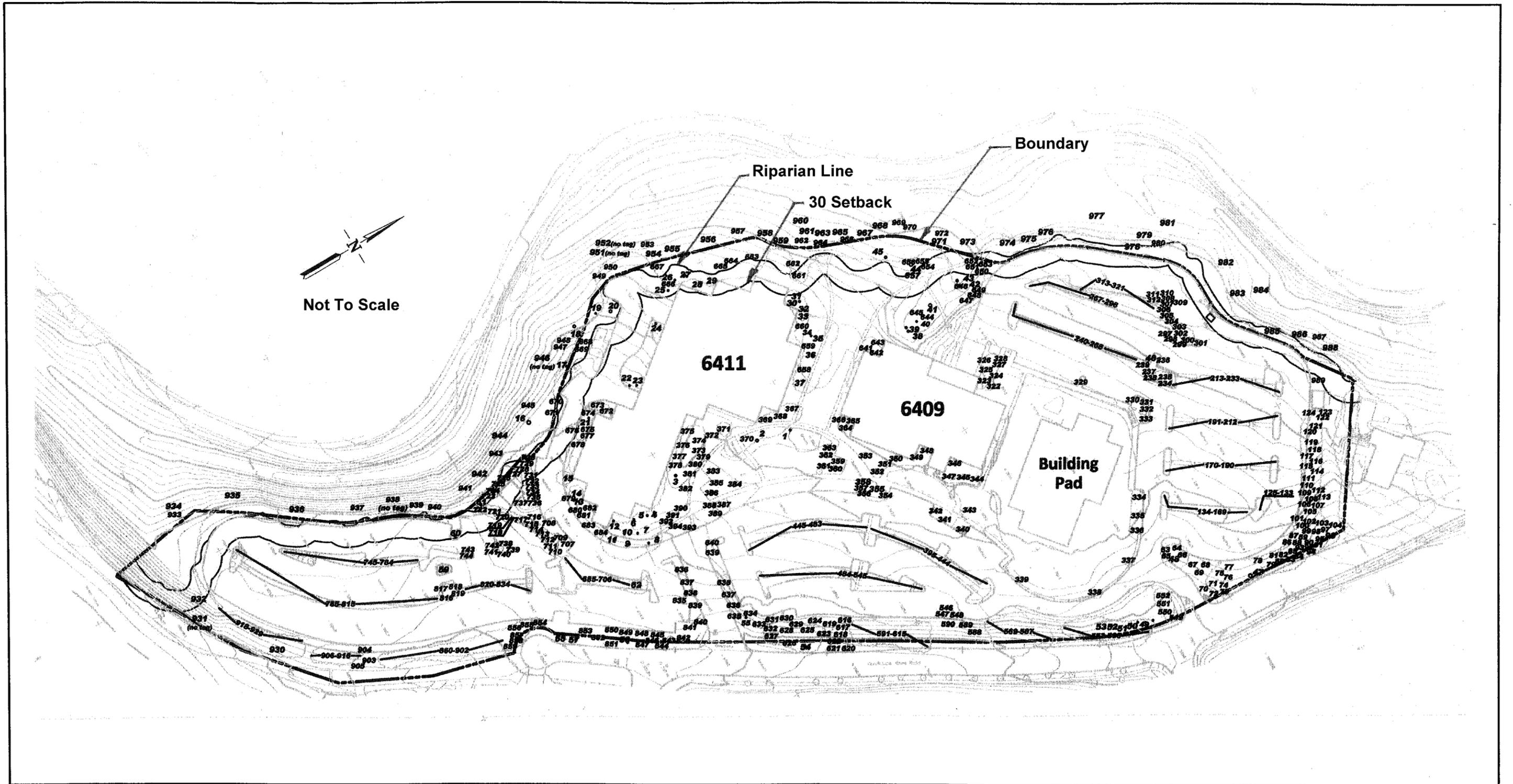
Botanical Name	Common Name	Number		Diameter (in.)* Range	General Condition
		ON	OFF		
<i>Pistacia chinensis</i>	Chinese Pistache	409		3 to 11	Good to Poor
<i>Sequoia sempervirens</i>	Coast Redwood	237		3 to 28	Good to Poor
<i>Quercus lobata</i>	Valley Oak	68	12	4 to 57	Good to Poor
<i>Platanus x acerifolia</i>	London Plane	67		3 to 15	Good to Fair
<i>Quercus agrifolia</i>	Coast Live Oak	42	13	6 to 58	Good to Poor
<i>Acacia longifolia</i>	Sydney Golden Wattle	21		2 to 17**	Fair to Poor
<i>Pyrus calleryana</i>	Callery Pear	13		5 to 14	Good to Poor
<i>Pinus radiata</i>	Monterey Pine	5	6	7 to 28	Good to Poor
<i>Acer macrophyllum</i>	Big Leaf Maple	2	8	7 to 31**	Good to Poor
<i>Juglans hindsii</i>	California Black Walnut	4	6	7 to 40**	Good to Poor
<i>Liquidambar styraciflua</i>	Sweet Gum	10		3 to 11	Good to Fair
<i>Arbutus unedo</i>	Strawberry Tree	9		4 to 17**	Good
<i>Alnus cordata</i>	Italian Alder	7		11 to 16	Good to Fair
<i>Platanus racemosa</i>	California Sycamore	1	6	45 to 109 **	Good to Fair
<i>Quercus palustris</i>	Pin Oak	7		11 to 22	Good
<i>Schinus terebinthifolius</i>	Brazilian Pepper	7		10** to 24**	Good to Fair
<i>Sambucus racemosa</i>	Red Elderberry	5	1	4 to 28**	Fair to Poor
<i>Salix lasiolepis</i>	Arroyo Willow		5	16 to 30	Fair to Poor
<i>Umbellularia californica</i>	California Bay	3	2	5 to 83**	Good to Poor
<i>Prunus domestica</i>	Plum	4		5 to 9	Good to Poor
<i>Quercus rubra</i>	Red Oak	3		14 to 16	Good
<i>Eriobotrya deflexa</i>	Bronze Loquat	2		6	Fair
<i>Heteromeles arbutifolia</i>	Toyon	2		8** to 9**	Fair
<i>Lagerstroemia indica</i>	Crape Myrtle	<u>1</u>		8**	Good
<i>Pinus pinea</i>	Italian Stone Pine		<u>1</u>	14	Good
		929	60		
	Total:		989		

Note: Native trees are shown in **bold**.

ON = Onsite OFF = Offsite

* Diameter at 2 feet above ground.

** Combined total of multiple stems.



Tree Locations
Figure 26

the loading dock basin), killdeer (observed with an active nest within the fenced construction area near the building pad), black phoebe, American robin, Steller's jay, dark-eyed junco and lesser goldfinch. Additional species observed within the riparian corridor and valley oak woodland may also be expected to occasionally utilize or fly through the developed portions of the site.

Mammals were not observed within the developed areas of the site; however, some mammal species could be expected to occur within this portion of the property, including the eastern fox squirrel, domestic dog, a passing coyote, and feral or stray cat. No mammal burrows were observed in the landscaped areas or within the ruderal construction area associated with the concrete pad.

Riparian Corridor and Remnant Valley Oak Woodland

The structural diversity of the riparian and woodland habitats occurring onsite results in relatively high species richness and diversity. Thick leaf litter and decaying logs provide a moist microclimate suitable for amphibians such as the ensatina, aboreal salamander, California slender salamander, western fence lizard, southern alligator lizard, tree frog and western toad. Western rattlesnakes and gopher snakes are expected to forage for small mammals in the upland areas adjacent to the creek.

Avian species observed along Guadalupe Creek during the site survey included red-tailed hawk, great-horned owl (two of which were heard during the March, 2010 surveys), northern flicker, black phoebe, Steller's jay, dark-eyed junco, chestnut-backed chickadee and California towhee. Other avian species expected to utilize the creek habitat include the ash-throated flycatcher, California quail, American kestrel, red-shouldered hawk and turkey vulture.

Mammalian species are expected to utilize the Guadalupe Creek riparian corridor and the upland remnant oak woodland habitat. The only mammal observed onsite was the eastern fox squirrel. Other small mammals expected to reside in the riparian habitat include Botta's pocket gopher, California vole, western harvest mouse, ornate shrew, California mouse and brush rabbit. These small mammals attract a variety of predators including various snakes and raptors, but also mammals. Coyotes, gray foxes, northern raccoons and bobcats are known to occur near the site. Cougars are also known to occur in the region and would be attracted to the area due to the abundance of available prey.

Special Status Animal Species

Several species of animals within the State of California have low populations, limited distributions, or both. Such species may be considered "rare" and are vulnerable to extirpation as the State's human population grows and the habitats these species occupy are converted to agricultural and urban uses. State and Federal laws have provided the California Department of Fish and Game and the U.S. Fish and Wildlife Service with a mechanism for conserving and protecting the diversity of animal species native to the state. A number of native animals have

been formally designated as threatened or endangered under State and Federal endangered species legislation; others have been designated as “candidates” for such listing. Still others have been designated as “species of special concern” by the CDFG. Collectively, these animals are referred to as “special status species.”

A number of special-status animals occur in the vicinity of the project site. These species, and their potential to occur in the area, are listed in the report in the Technical Appendix. Eighteen (18) special status animal species occur, or once occurred, regionally. Of these, 15 species would be absent or unlikely to occur on the site. Most of these species are absent from the site due to the project location (i.e., outside of common range for species, location near and including existing development) or lack of suitable habitat (i.e., grassland or serpentine habitat). These species include Smith’s blue butterfly, Bay checkerspot butterfly, coho salmon, steelhead (Central California coast ESU), steelhead (South/Central California coast ESU), California tiger salamander, California red-legged frog, foothill yellow-legged frog, western pond turtle, peregrine falcon, burrowing owl, tricolored blackbird, black swift, San Francisco dusky-footed woodrat and American badger.

The remaining 3 special status species potentially occur as foragers, transients, or may be resident to the site. These include the white-tailed kite, pallid bat and ringtail. In addition, non-listed raptors, song birds and non-listed bat species, the individuals of which are protected under State and Federal law, may potentially occur onsite.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
4. BIOLOGICAL RESOURCES. Would the project:					
a. 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?		X			25,67,102
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X		25,41,102

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
4. BIOLOGICAL RESOURCES (Cont.). Would the project:					
c. 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?			X		25,102
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X		25,102
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		X			29,40,103
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?			X		25,29

Loss of Special Status Plant Species

None of the 32 special status plant species potentially occurring within the region occur on the project site, mainly due to the absence of suitable habitat and the fact that the site predominantly supports developed / landscaped lands. No mitigation is warranted.

Disturbance to Riparian Habitats and Other Sensitive Natural Communities

Riparian Habitats

Guadalupe Creek is covered by the City’s *Riparian Corridor Policy Study*, which recommends the following riparian setback dimensions:

“All buildings, other structures (with the exception of bridges and minor interpretive node structures), impervious surfaces, outdoor activity areas (except for passive or intermittent activities) and ornamental landscaped areas should be separated a minimum of 100 feet from the edge of the riparian corridor (or top of bank, whichever is greater).”

It is proposed that there would be an average buffer of approximately 47.5 feet from the outer edge of the existing riparian corridor that occurs along the northwesterly boundary of the site, and a minimum of a 30-foot buffer from the riparian corridor altogether. The site supports riparian corridor habitat along its western edge; however, the site does not support riparian corridor buffer habitat due to the fact that the existing property is developed right up to the riparian corridor of Guadalupe Creek. No development is proposed within the riparian habitat; and the project proposes to remove approximately 1.0 acre of hardscape and restore

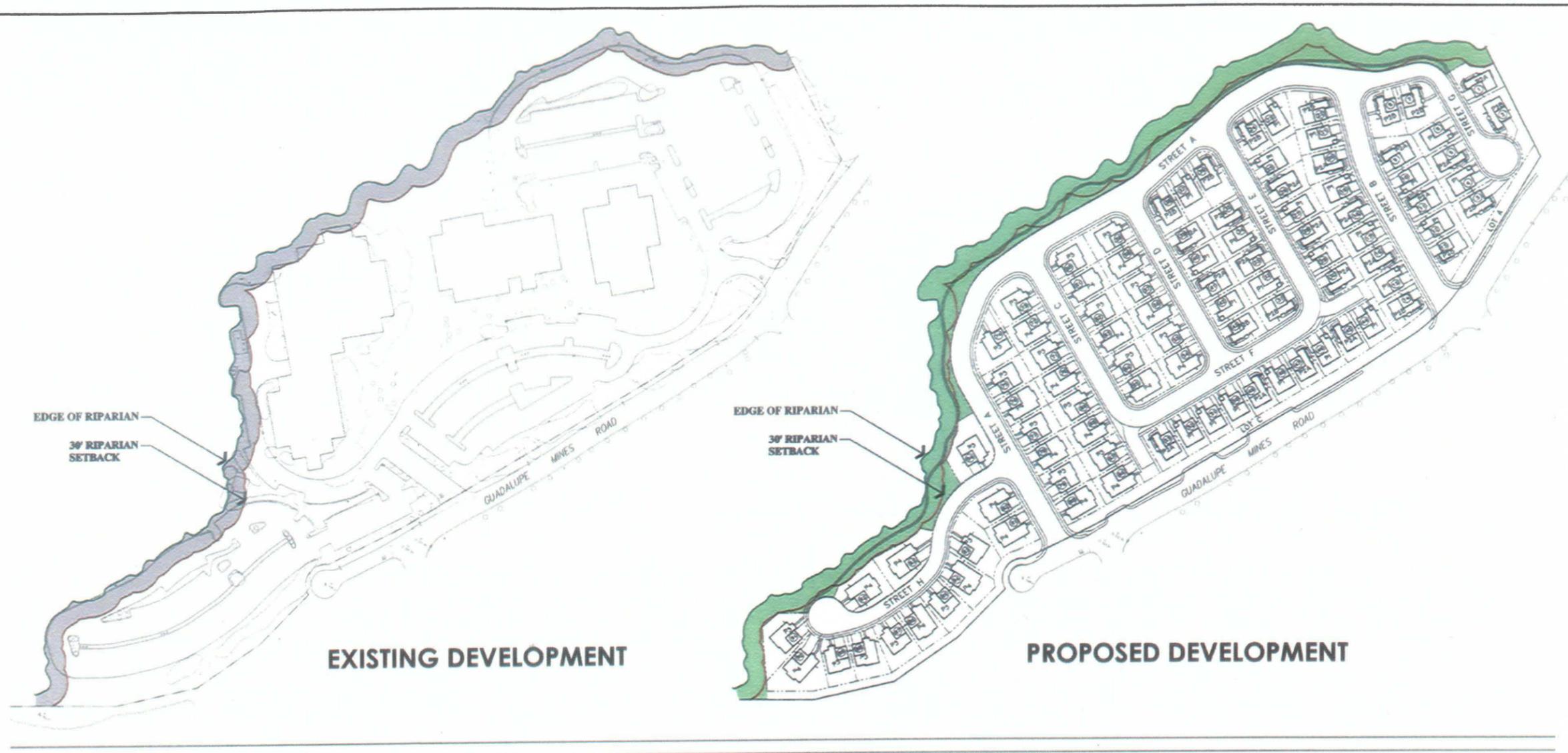
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approximately 3.0 acres of currently hardscaped/landscaped land within the area that occurs approximately 30 feet from the edge of the riparian corridor to riparian and woodland habitat, thereby adding a riparian corridor buffer where before one was virtually absent. A frontage road will be constructed between the proposed housing and the riparian setback buffer.

The Policy provides consideration of exceptions to the 100-foot setback as long as basic riparian habitat protection objectives are achieved. As detailed in the biotic evaluation in the Technical Appendix, development of the site may qualify for less than a 100-foot setback under the exceptions described in the *Riparian Corridor Policy Study*.

The following Riparian Impacts Comparison exhibit shows the riparian setback and restoration figures for the existing and proposed project conditions.

Redevelopment of the property is not expected to have any direct negative impacts to Guadalupe Creek or its associated riparian corridor. Exterior lighting, however, will be a factor that could have a negative indirect impact on the riparian corridor. Many carnivores hunt under the cover of darkness, and lighting or glare into the riparian corridor can limit their ability to hunt normally. On the other hand, night lighting has been shown to cause unintentional impacts to species, such as predation of nesting birds due to increased visibility of nests to nocturnal predators. In order to minimize potential indirect impacts to Guadalupe Creek and its associated riparian corridor, lighting should be avoided at the edge of the riparian corridor habitat area. All lighting on private property should be directed away from riparian corridor open space areas and directed toward living spaces. Any lighting for pathways should be bollard-type lighting (lights that are low to the ground and do not create much glare).



RIPARIAN HABITAT SUMMARY

Riparian Setback and Restoration

	Minimum Setback	Average Setback	Riparian Restoration	Impervious Surface Removal
* Existing Development	0 Feet	0 Feet	0 Acres	0 Acres
Proposed Development	30 Feet	47.5 Feet	3.0 Acres	.92 Acres

* Includes Domestic Landscape

Project Site Creek Frontage Total Linear Feet = 2,088 Feet

RIPARIAN IMPACTS COMPARISON

Riparian Impacts Comparison

Figure 27

Wetlands

The loading dock basin is not considered a sensitive community. This man-made feature does not provide a significant biological value to the site. Impacts to this basin would not be considered significant under CEQA. There is the potential, however, that the regulatory agencies (the Corps and/or RWQCB) could require permits for future fill of the basin if determined to be jurisdictional.

Trees

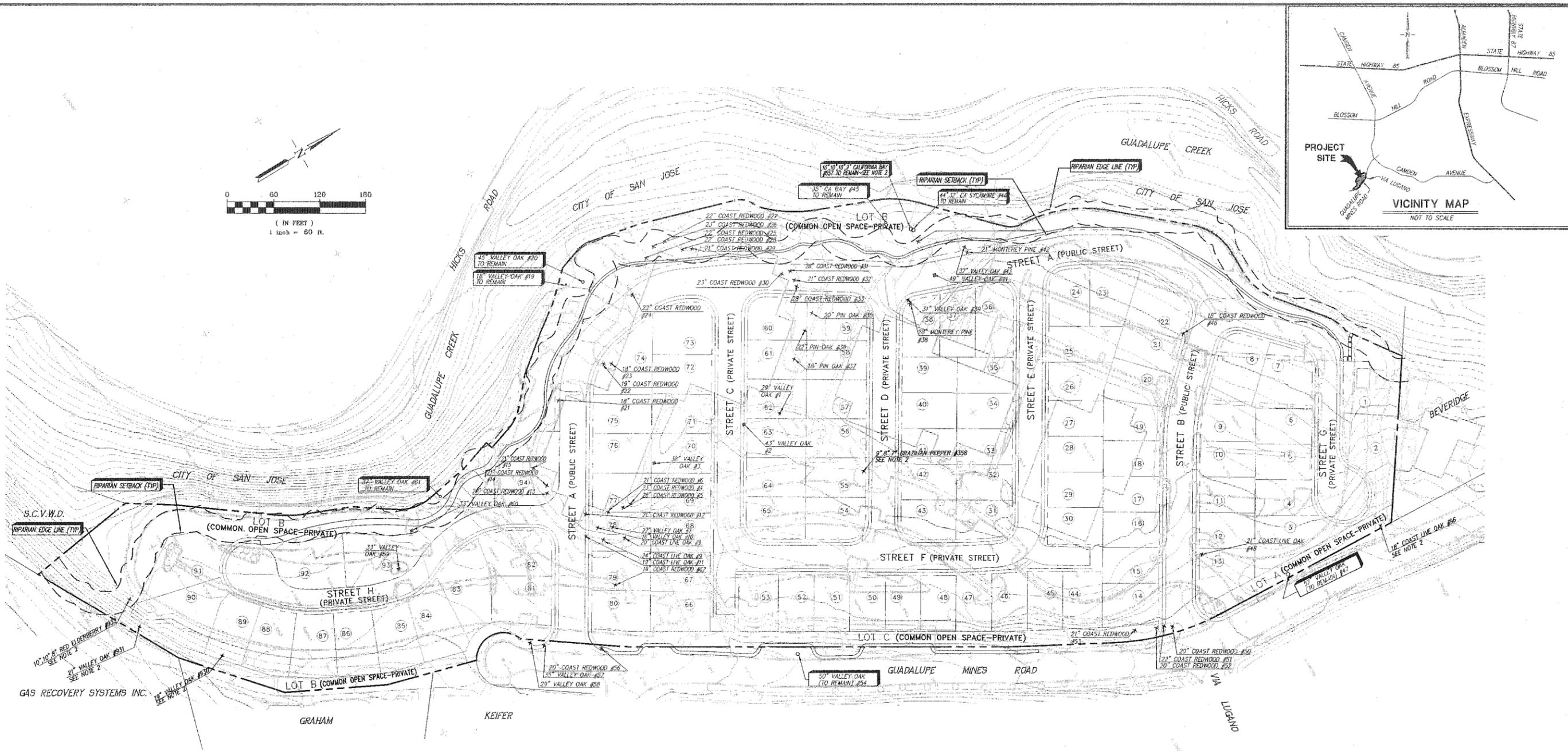
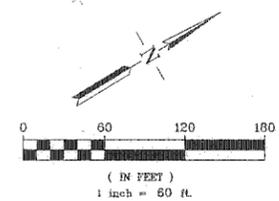
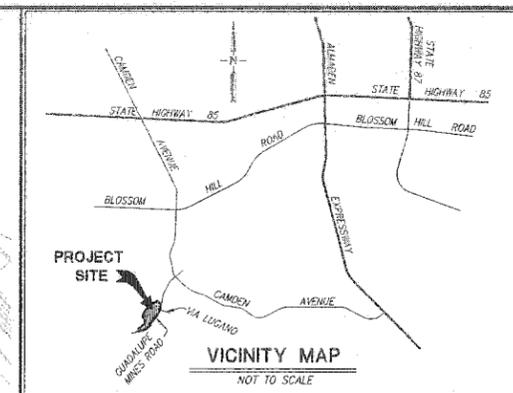
There are 929 trees on the project site, ranging in diameter from 2 to 76 (combined total) inches. Nine hundred and twenty-one (921) onsite trees, of which 120 are native, are planned to be removed with the project, as indicated by an "X" on the Existing Trees table in the Technical Appendix. Trees within the planned riparian setback area will be reviewed at the PD Permit stage and retained if feasible. None of the 60 offsite trees is to be removed. Fifty-three (53) of the trees to be removed exceed 18 inches in diameter (56-inch circumference) and come under the review of the City's Tree Ordinance, which requires approval for the removal of any tree with an 18-inch diameter (56-inch circumference) or greater. Eight (8) onsite Ordinance-sized trees are currently planned to be retained with the project, as shown on the following Existing Ordinance-Size Trees exhibit. Street trees will be planted along the public and private streets. Any tree that is removed will be replaced with the addition of a new tree(s) at the ratios shown in the Tree Replacement Ratios table, Table 5, that follows.

Trees to remain will be safeguarded before and during construction by a Tree Protection Plan developed by a consulting arborist, and implemented with measures such as the storage of oil, gasoline, chemicals, etc. away from trees; grading around trees or root pruning only as approved, and prevention of drying out of exposed soil where cuts are made; any additional tree pruning needed for clearance performed or supervised by an arborist; application of supplemental irrigation as determined by the consulting arborist; no dumping of liquid or solid wastes in the dripline or uphill from any tree; and construction of barricades around the dripline of the trees until all grading and construction is completed, as outlined in the City's Tree Ordinance.

Replacement trees are in addition to normal landscaping and required street trees. If sufficient area is not available onsite within the project for all of the replacement trees, a contribution would be made to Our City Forest where the funds would be used to plant trees within the City.

Loss of Special Status Animals

Three (3) of the 18 special status animal species potentially occurring in the region may potentially occur onsite; these include the white-tailed kite, pallid bat, and ringtail. In addition, non-listed raptors, song birds, and non-listed bat species, the individuals of which are protected under state and federal law, may potentially occur onsite. With the exception of the ringtail, site redevelopment may result in direct mortality of individuals of these special status animal species as well as other protected species of birds and bats.



NOTE:
 1. ONLY ORDINANCE SIZE TREES (GREATER THAN OR EQUAL TO 18") ARE SHOWN ON THIS PLAN.
 2. TREE LOCATION SHOWN IS APPROXIMATE.

EXISTING ORDINANCE-SIZE TREES - EXHIBIT BROOKSIDE ESTATES

CITY OF SAN JOSE, SANTA CLARA COUNTY, CALIFORNIA

RJA
RUGGERI-JENSEN-AZAR
 ENGINEERS • PLANNERS • SURVEYORS
 4690 CHABOT DRIVE, SUITE 200, PLEASANTON, CA 94588
 PH: (925) 227-9100 FAX: (925) 227-9300

DATE: JUNE 30, 2010 JOB NO. 101006 SHEET 1 OF 1

C:\LIBRARY\PROJECTS\100051\100051\ORDINANCE-TREES.Dwg 6/29/2010 4:28:09 PM JARED FREY

CITY OF SAN JOSE FILE NO. PDC 10-005

Ringtail

The ringtail could periodically be present in the large trees along the western site boundary; however, this species would primarily be restricted to the densely wooded areas associated with the creek habitat offsite. Ringtails are reclusive, nocturnal mammals that reside in the high canopies of the riparian trees where project activity would not occur. Therefore, the project would not impact the ringtail, and no mitigation is warranted.

White-tailed Kite, Non-listed Raptors, and Other Non-listed Breeding Birds

Although the loss of habitat for white-tailed kite and other nesting bird species would not be considered significant, impacts to individuals would be. The trees of the site provide suitable nesting habitat for the white-tailed kite as well as more common bird species that are likewise protected by the California Fish and Game Code and the federal Migratory Bird Treaty Act. Also, the ruderal construction yard surrounding the cement building pad was observed to support actively nesting killdeer and mallards, both of which are also protected. In addition, breeding pairs from other species may be present or could choose to nest in the onsite or nearby trees in the future. Project construction at the time of nesting (February 1 through August 31) could induce the adults to abandon the nest when juveniles are present, leading to their starvation. The mortality of juveniles would constitute a significant adverse project impact. Pre-construction surveys for nesting white-tailed kite, non-listed raptors and other non-listed breeding birds should be conducted.

Pallid Bat and Non-listed Bats

Although the loss of habitat for pallid bats would not be considered significant, impacts to individuals would be. The buildings on the site provide potentially suitable habitat for pallid bats as well as more common bat species likewise protected by the California Fish and Game Code. The mortality of individuals would constitute a significant adverse project impact. The demolition of the onsite buildings either during the breeding season when bats have the potential to establish maternal colonies or during the non-breeding season for species that form large colonies could result in substantial mortality to bats. The site does not currently contain any known roosting bats; however, pre-construction bat surveys should be conducted prior to any demolition.

Loss of Habitat for Fish or Wildlife Species

Redevelopment of the project site would convert a previously developed office complex into a residential neighborhood. In addition, the project proposes to restore approximately 3.0 acres of currently developed land into riparian and woodland habitat. While the site provides some habitat for regional wildlife populations, it is not of unique or particularly significant value to such populations. Regardless, the proposed project would result in a net gain of regionally available habitats. Thus, the project would not result in a fish or wildlife population dropping below self-sustaining levels, or threaten to eliminate an animal community; therefore, site redevelopment would not constitute a significant adverse environmental impact on wildlife resources. No mitigation is warranted.

Impacts to Movement Corridors

Wildlife movement corridors are areas where regional wildlife populations regularly and predictably move during dispersal or migration; in California, they are typically associated with valleys, rivers and creeks supporting riparian vegetation, and ridgelines. With increasing human encroachment on wildlife habitats, it has become important to establish and maintain linkages, or movement corridors, for animals to be able to access locations containing different biotic resources that are essential to maintaining their life cycles.

Guadalupe Creek to the west of the site serves as a true movement corridor, but redevelopment of the site does not propose to impact the creek. The portion of the site that is planned for redevelopment is completely developed and/or landscaped and, thus, does not appear to constitute a “movement corridor” for native wildlife, although many species potentially move within and through it. Site redevelopment would have little effect on home range and dispersal movement of native wildlife. Many migratory species that now pass through the area are neo-tropical migrant birds that are likely to pass through and over the site even when it is redeveloped. A considerable amount of open space lands in the site vicinity would continue to be used by native species for home range and dispersal movements. Therefore, this project would result in a less-than-significant effect on regional wildlife movements. No mitigation is warranted.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Trees

- Any tree that is removed shall be replaced with the addition of a new tree(s) at the ratios shown in the following Tree Replacement Ratios table.

Table 5. Tree Replacement Ratios

Diameter of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
18 inches or greater	5:1	4:1	3:1	24-inch box
12 to 17 inches	3:1	2:1	None	24-inch box
Less than 12 inches	1:1	1:1	None	15-gallon container

x:x = tree replacement to tree loss ratio

Note: Trees greater than 18” diameter will not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.

- The species and exact number of trees to be planted on the site shall be determined at the development permit stage, in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement.

- Replacement trees are to be above and beyond standard landscaping; required street trees do not count as replacement trees.
- 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 may be increased to 24-inch box and count as two replacement trees.
 - An alternative site(s) will be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building and Code Enforcement. Contact Jaime Ruiz, Parks, Recreation and Neighborhood Services Landscape Maintenance Manager, at 975-7214 or jaime.ruiz@sanjoseca.gov for specific park locations in need of trees.
 - A donation of \$300.00 per mitigation tree will be paid to Our City Forest for in-lieu offsite tree planting in the community. These funds will 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 offsite tree planting will be provided to the Planning Project Manager prior to issuance of a development permit.
- The following tree protection measures shall also be included in the project in order to protect trees to be retained during construction:

Pre-construction Treatments

- The applicant will retain a consulting arborist. The construction superintendent will 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 will be 6-foot chain link or equivalent as approved by consulting arborist. Fences are to remain until all grading and construction are completed.
- Prune trees to be preserved to clean the crown and to provide clearance. All pruning will be completed or supervised by a Certified Arborist and adhere to the Best Management Practices for Pruning of the International Society of Arboriculture.

During Construction

- No grading, construction, demolition or other work will occur within the tree protection zone. Any modifications must be approved and monitored by the consulting arborist
- Any root pruning required for construction purposes will receive the prior approval of, and be supervised by, the consulting arborist.
- Supplemental irrigation will be applied as determined by the consulting arborist.
- If injury should occur to any tree during construction, it will be evaluated as soon as possible by the consulting arborist so that appropriate treatments can be applied.

- No excess soil, chemicals debris, equipment or other materials will be dumped or stored within the tree protection zone.
- Any additional tree pruning needed for clearance during construction must be performed or supervised by an Arborist and not by construction personnel.
- 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 will be designed to withstand differential displacement.

White-tailed Kite, Non-listed Raptors, and Other Non-listed Breeding Birds

- If possible, construction should be scheduled between September and December (inclusive) to avoid the nesting season. If this is not possible, pre-construction surveys for nesting white-tailed kite, non-listed raptors and other non-listed breeding birds shall be conducted by a qualified biologist to identify active 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 shall be conducted no more than thirty (30) days prior to the initiation of these activities. The surveying biologist shall inspect all trees in and within 250 feet of the construction area for active nests. If an active nest is found in or close enough to the construction area to be disturbed by these activities, the biologist shall, in consultation with the California Department of Fish and Game, designate a construction-free buffer zone (typically 250 feet) around the nest, which shall be maintained until after the breeding season has ended and/or a qualified biologist has determined that the young birds have fledged. 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 City’s Environmental Principal Planner prior to the issuance of any grading or building permit.

Pallid Bat and Non-listed Bats

- A detailed bat survey shall be conducted to determine if bats are roosting or breeding in the onsite buildings prior to demolition. A qualified bat specialist shall look for individuals, guano, staining, and/or vocalization by direct observation and potential waiting for nighttime emergence. The survey shall be conducted during the time of year when bats are active, between April 1 and September 15. If demolition is planned within this timeframe, the survey shall be conducted within 30 days of demolition. An initial survey could be conducted to provide early warning if bats are present, but a follow-up survey will be necessary within 30 days. If demolition is planned outside of this timeframe (September 16 through March 31), the survey shall be conducted in September prior to demolition. If no bats are observed to be roosting or breeding in these structures, then no further action would be required, and demolition can proceed.
- If a non-breeding bat colony is found in the buildings to be demolished, the individuals should be humanely evicted via the partial dismantlement of the buildings prior to demolition

under the direction of a qualified bat specialist to ensure that no harm or “take” would occur to any bats as a result of demolition activities. If a maternity colony is detected in the buildings, then a construction-free buffer shall be established around the structure and remain in place until it has been determined that the nursery is no longer active. Demolition should preferably be done between March 1 and April 15 or August 15 and October 15 to avoid interfering with an active nursery.

- A biologist report outlining the results of pre-construction bat surveys and any recommended buffer zones or other mitigation shall be submitted to the City’s Environmental Principal Planner and shall be approved to the satisfaction of the Director of Planning prior to the issuance of any grading or building permit.

CONCLUSION

The implementation of the above trees; white-tailed kite, non-listed raptors, and other non-listed breeding birds; and pallid bat and non-listed bats mitigation measures would reduce the project’s impact on biological resources to a **less-than-significant impact with mitigation**.

5. CULTURAL RESOURCES

Holman & Associates conducted an extended archaeological survey dated April 21, 2010 that is on file at the City of San Jose Planning Division for review by authorized personnel.

SETTING

Prehistoric Resources

Archival Research

The project site is within a potential archaeological resource zone as outlined on the maps on file at the City of San Jose Planning Division. Maps and records at the Northwest Information Center (NWIC), located in Rohnert Park, were consulted for any record of archaeological remains in and around the project area. The review revealed that several previous archaeological investigations have occurred within the project area and that one prehistoric archaeological site (CA-SCL-135) is recorded on the property.

Previous Studies

SCL-135 was first recorded in 1974 as a disturbed habitation site containing several special activity areas on property west of Guadalupe Creek. The boundaries of SCL-135 were later extended across Guadalupe Creek onto the project site. A surface survey and backhoe testing at the previous Los Gatos Golf Course were undertaken by Archaeological Resource Management (ARM) in 1980; friable midden containing fire-altered rock and flaked stone artifacts were identified. Another surface survey of the golf course property was completed by ARM in 1984; although the property was overgrown with weeds, midden soil containing fire-altered rocks and stone tools was identified in rodent burrows. It was concluded that potentially significant archaeological resources existed on the project site and excavation of test units was recommended; however, it is unclear whether these test units were ever excavated. The boundaries of SCL-135 were extended again in 1999 following archaeological investigations by Holman & Associates west of Hicks Road; subsurface testing identified definite but relatively scant prehistoric archaeological materials.

Subsurface Testing

Extended archaeological survey (subsurface testing) of the project site was conducted on April 2, 2010. Because the native ground surface is obscured by the built environment over the entire property, mechanical backhoe testing was undertaken to test for archaeological materials. A total of six exploratory trenches were excavated along an approximately 125-foot-wide corridor along the western border of the site adjacent to Guadalupe Creek. Trenches averaged approximately 75 centimeters (cm) wide, 185 cm long, and 150 cm deep. Excavated spoils were raked by hand to examine for macro-constituents, with samples periodically screened through a hardware cloth shaker screen to identify smaller materials. Native soil was encountered from about 40 to 90 cm below existing ground surface in all test trenches. One test trench yielded definite prehistoric materials: two Franciscan chert flakes, probable fire-altered rock and friable

midden-like soil. One other trench yielded possible midden though the soil was highly reworked.

Historic Resources

There are 3 existing structures and a small pump house located on the project site, which were constructed approximately 25 years ago. None of the structures on the project site is currently listed as a City Landmark or Candidate City Landmark, or is listed or determined eligible for listing on the National or California Register of Historic Places.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
5. CULTURAL RESOURCES. Would the project:					
a. Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines §15064.5?				X	25,43,44
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?		X			27,42,104
c. Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?				X	27,67
d. Disturb any human remains, including those interred outside of formal cemeteries?			X		27,104

Prehistoric Resources and Native American Burials

Subsurface testing confirmed the presence of prehistoric archaeological materials associated with SCL-135 inside the project site, including possible midden deposit; however, testing provides limited information about the integrity of deposits that may remain beneath the site. The site has been extensively disturbed, resulting from the use of the property as a golf course and subsequent construction of the office complex; as much as 18 inches of surface deposit have been removed. To date, with the exception of a single fire/cooking feature west of Hicks Road, the archaeological deposit has mostly yielded flaked stone items, milling tools and sporadic deposits of midden-like soil containing possible fire-altered rock. These attributes typify special use sites, particularly locations where tool maintenance and replacement and resource procurement and processing tasks took place. Despite the findings of previous investigations that have produced limited artifact types and features, there remains a possibility that important archaeological deposits and even human remains could be found on the property. Because artifact yields have been low, no features have been discovered and the property has experienced multiple episodes of disturbance, additional subsurface testing is not recommended; however, all construction grading and utility trenching that could disturb native soil should be monitored by a

qualified professional archaeologist for the entire project site until the archaeologist is satisfied that construction will not disturb important archaeological deposits.

Historic Resources

As there are no designated historical structures on the site or in the vicinity and the existing structures are less than 50 years old, the project would have no significant impact on historic resources.

STANDARD MEASURES INCLUDED IN THE PROJECT

Native American Burials

- 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 will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner will be notified by the developer and will 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 will notify the Native American Heritage Commission, who will 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 landowner will reinter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.
- Any Native American human remains that are discovered and would be subject to disturbance will be removed and analyzed, a report will be prepared, and the remains will be reburied in consultation and agreement with the Native American Most Likely Descendant designated by the Native American Heritage Commission. Prior to obtaining an occupancy permit, a copy of the report will be submitted to the City's Environmental Principal Planner to the satisfaction of the Director of Planning.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Prehistoric Resources

- A qualified professional archaeologist shall be required to monitor all construction grading and utility trenching until the archaeologist is satisfied that construction will not disturb important archaeological deposits, as follows:
 - If no resources are discovered, the archaeologist shall submit a report to the City's Environmental Principal Planner verifying that the required monitoring occurred and that no further mitigation is necessary.
 - If evidence of any archaeological, cultural, and/or historical deposits is found, hand excavation and/or mechanical excavation shall proceed to evaluate the deposits for determination of significance as defined by CEQA guidelines.

- The archaeologist shall submit reports, to the satisfaction of the City's Environmental Principal Planner, describing the testing program and subsequent results; these reports shall identify any program mitigation to be completed in order to mitigate archaeological impacts (including resource recovery and/or avoidance, testing and analysis, removal, reburial, and curation of archaeological resources at a recognized storage facility). A final report shall verify completion of the mitigation program to the satisfaction of the City's Environmental Principal Planner.
- In the event that human remains and/or cultural materials are found, all project-related construction shall cease within a 50-foot radius in order to proceed with the testing and mitigation measures required.

CONCLUSION

The implementation of the above Native American burials standard measures and prehistoric resources mitigation measures would reduce the project's impact on cultural resources to a **less-than-significant impact with mitigation**.

6. GEOLOGY AND SOILS

Cornerstone Earth Group conducted a geologic hazard and preliminary geotechnical investigation dated April 5, 2010 that is included in the Technical Appendix.

SETTING

Topography

The project site slopes westerly toward Guadalupe Creek at approximately 3 to 8 percent. Elevations on the site range from approximately 300 feet above sea level along the westerly boundary to approximately 350 feet above sea level at the southerly boundary, as shown on the following Existing Topographic Map. There is an existing 3:1 slope along Guadalupe Mines Road.

Geology

The project site is underlain by Quaternary alluvium (Qal), which consists of unconsolidated to weakly consolidated silt, sand and gravel. Quaternary alluvium includes Holocene and late Pleistocene alluvium and minor amounts of beach and dune sand and marine terrace deposits.

Geologic Hazard Zone

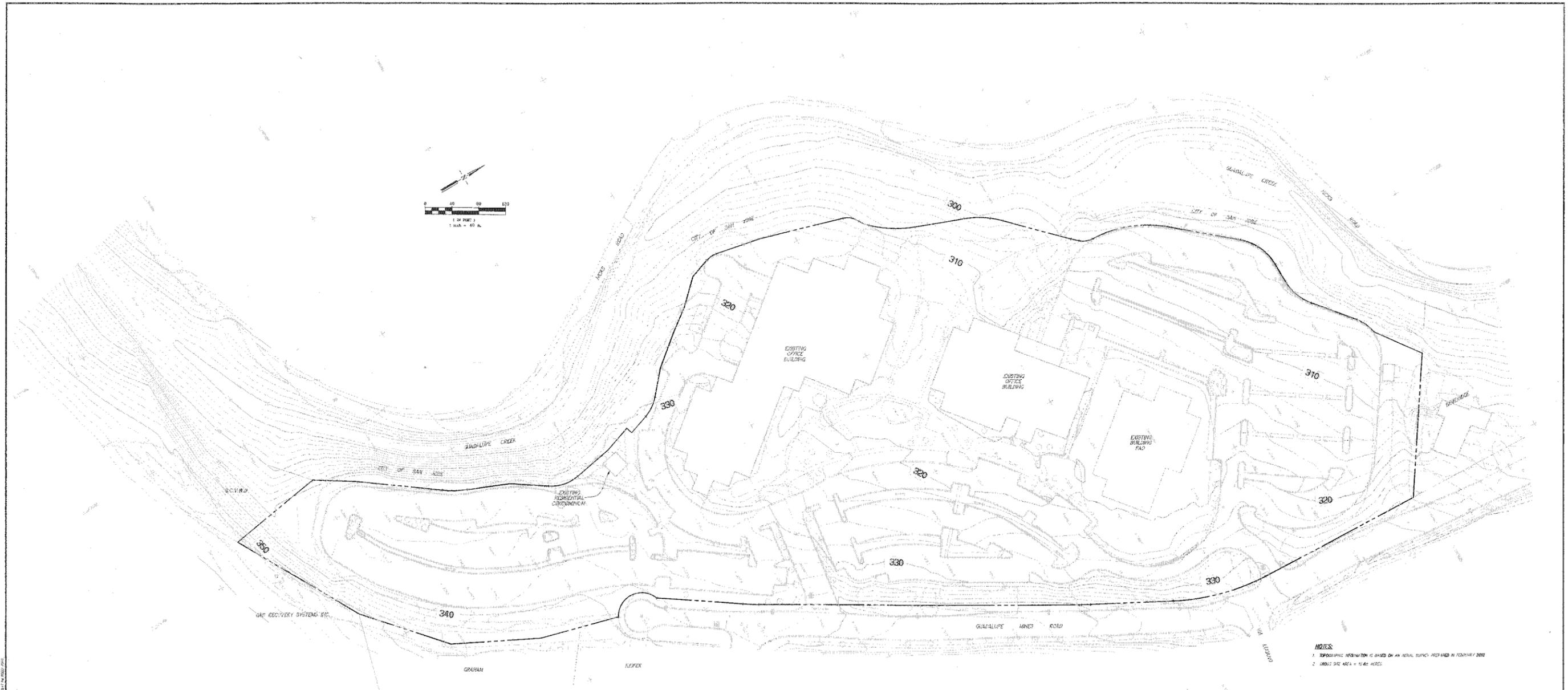
The project site is located in a geologic hazard zone as mapped by the City of San Jose in accordance with the Geologic Hazards Ordinance. For proposed development in a geologic hazard zone, a Certificate of Geologic Hazard Clearance must be obtained from the Director of Public Works before any discretionary approval for development, or any grading permit or any building permit, may be issued for any property located in a special geologic hazard area. Geologic hazard is defined as:

“any condition in earth, whether naturally occurring or artificially created, which is dangerous or potentially dangerous to life, limb, property, or improvements due to movement, failure or shifting of earth, or which, in the opinion of the Director, may lead to damage to structures which may be located on or adjacent to soils or rocks having such conditions.”

In order to receive a Certificate of Geologic Hazard Clearance, the applicant must demonstrate to the satisfaction of the Director of Public Works that the proposed development is not endangered or potentially endangered by geologic hazards on the site or in the area which may potentially affect the site, nor will it create new hazardous geologic conditions or potentially endanger adjoining lands, and that the proposed improvements, including earthwork, will adequately mitigate the identified geologic hazards.

Soils

The project site is underlain by the alluvial soils of the Arbuckle-Pleasanton association as classified by the U.S. Department of Agriculture, Soil Conservation Service. Pleasanton gravelly loam, 0-2% slopes (PpA); Pleasanton gravelly loam, 2-9% slopes (PpC); and Los Gatos clay loam, 15-30% slopes (LgE) are the specific soil types identified at the site.



EXISTING TOPOGRAPHIC MAP
6401, 6409 & 6411 GUADALUPE MINES ROAD
 CITY OF SAN JOSE, SANTA CLARA COUNTY, CALIFORNIA
 FOR: TRUMARK COMPANIES

NOTES:
 1. TOPOGRAPHIC INFORMATION IS BASED ON AN AERIAL SURVEY PERFORMED IN FEBRUARY 2010.
 2. UTM ZONE 4824 + 10 65 4200.

RJA
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DATE: FEBRUARY 23, 2010 JOB NO. 101006 SHEET 1 OF 1

Figure 29

Pleasanton gravelly loam, 0-2% slopes is characterized by a brown, massive, hard, slightly acid surface layer approximately 16 to 20 inches thick; good natural drainage; moderately slow subsoil permeability; very slow surface runoff; no erosion hazard; moderate inherent fertility (Class II); and a moderate shrink/swell capacity.

Pleasanton gravelly loam, 2-9% slopes is characterized by a brown, massive, hard, slightly acid surface layer approximately 12 to 15 inches thick; good natural drainage; moderately slow subsoil permeability; slow to medium surface runoff; slight to moderate erosion hazard; moderate inherent fertility (Class III); and a moderate shrink/swell capacity.

Los Gatos clay loam, 15-30% slopes is characterized by a brown, granular, slightly hard, slightly acid surface layer approximately 8 to 16 inches thick; good natural drainage; moderately slow subsoil permeability; medium surface runoff; moderate erosion hazard; moderate inherent fertility (Class IV); and a high shrink/swell capacity.

The northwesterly portion of the site is mapped within a hazard zone for liquefaction on the State's *Seismic Hazard Zones* maps. According to Cooper-Clark and Associates' *San Jose Geotechnical Investigation*, the site is mapped as having a high ground failure (liquefaction) potential, weak soil layers and lenses occurring at random locations and depths, moderately expansive soils, a moderate erosion potential, and a low susceptibility for landslides. The liquefaction potential is considered to warrant further geologic study at the environmental review stage. The remainder of the soils conditions can be managed using standard engineering measures and do not require further geologic study at this time as part of the environmental review process, but may require further analysis prior to the issuance of a grading or building permit.

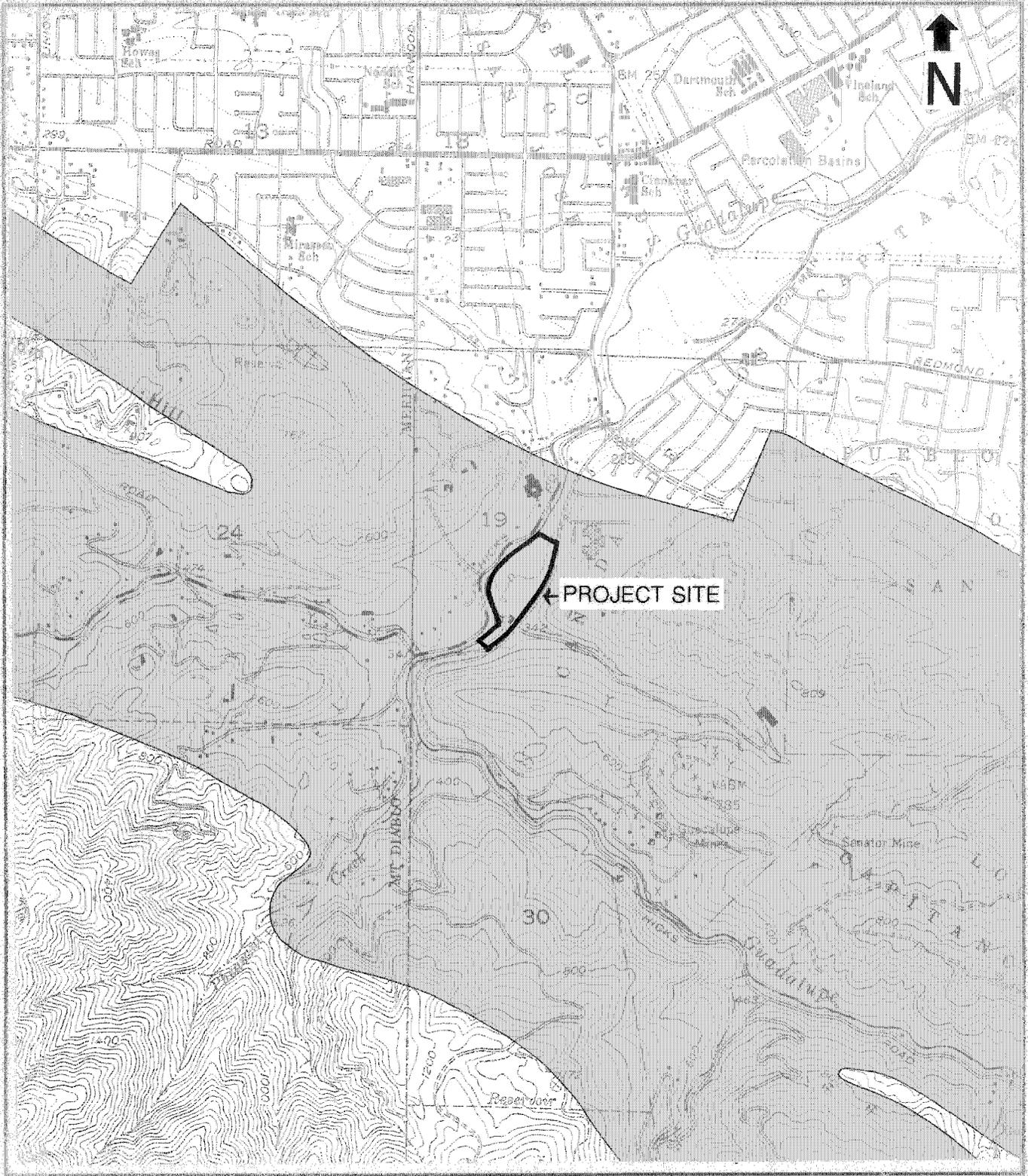
Faulting

Active Faults

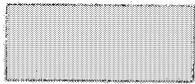
An active fault is defined as a fault along which ground displacement at or near the surface (within a few tens of feet) during the last 11,000 years (Holocene age) can be demonstrated. There are no identified active earthquake faults mapped on the site. The nearest active fault zones are the Hayward and Calaveras Faults, which are mapped approximately 10.5 and 13.3 miles, respectively, to the northeast; and the San Andreas Fault, which is mapped approximately 5.5 miles to the southwest.

Potentially Active Faults

A potentially active fault is defined as a fault along which ground displacement during the last two million years (Quaternary age) can be demonstrated or along which fault such displacement is suggested. The project site is mapped within the potentially active Shannon Fault zone, as shown on the following Fault Hazards map.



Source: Fault Hazards Map, Los Gatos Quadrangle, City of San Jose, 1983



City of San Jose Potential Hazard Zone

Fault Hazards

Figure 30

Geologic Hazard and Preliminary Geotechnical Investigation

A geologic hazard and preliminary geotechnical investigation was conducted to evaluate the existing subsurface conditions and develop an opinion regarding potential geotechnical concerns that could impact the proposed development. The investigation included a review of pertinent published and unpublished geotechnical and geologic literature on the site and its vicinity; stereoscopic examination of aerial photographs; site reconnaissance; a field exploration program to investigate and evaluate potential earthquake fault rupture and other potential geologic hazards, including drilling 12 exploratory borings and performing 5 cone penetration test (CPT) soundings; laboratory testing of selected soil samples; analysis of the data; and formulation of conclusions and preliminary recommendations.

Literature Review

The project site is located along the margin between the Santa Clara Valley (to the northeast) and the Santa Cruz Mountains (to the southwest). The site is located in a narrow alluvial-filled valley formed by Guadalupe Creek. Surficial deposits conceal bedrock in the valley, and include both Holocene-age stream channel deposits within the incised creek channel and Pleistocene-age stream alluvium and alluvial fan deposits.

The Shannon Fault Zone is one of the major elements of the front-range fault system, and is roughly 3,000 feet wide, consisting of three to five separate fault traces in the vicinity of the site. In general, the fault zone separates Franciscan Complex (Jurassic-Cretaceous) rocks on the southwest from Tertiary sedimentary rocks on the northeast. A majority of the published maps are in concurrence that: 1) a structurally complex fault zone extends along a northwest-southeast alignment across the region; and 2) one of the fault strands within the broad zone of faulting crosses the southern portion of the project site.

Several previous fault studies have been performed in the vicinity of the project site, as detailed in the report in the Technical Appendix. Taken as a whole, these previous investigations confirm that two strands of the Shannon Fault cross Guadalupe Creek and the associated alluvial valley in the project vicinity. The northern strand, expressed as a single trace, has been identified 400 feet north of the property; the southern strand, expressed as either two or possibly three traces that converge to one or two traces toward the east, trends across the southern portion of the site. None of the site studies found evidence of Holocene-active faulting along the southern strand, and the studies that extended to bedrock or pre-Holocene alluvium all provide evidence that the southern strand is not Holocene-active.

Stereoscopic Aerial Photograph Review

Five sets of stereo pairs of aerial photographs from 1954 to 2005 were scrutinized for indications of faults, landslides and other geologic hazards. No obvious topographic, vegetation, or tonal lineaments are present in the site vicinity.

Site Reconnaissance

A surface reconnaissance of the site was performed on March 12, 2010. The property is characterized as a low, gently inclined bench or platform that has been incised by Guadalupe Creek. The southern portion of the site is generally higher in elevation than the northern portion. The Guadalupe Creek channel slopes are moderately steep and range from approximately 6 to 30 feet in height. Some recent bank erosion was observed and some shallow sloughs are present in the steeper slopes.

Field Investigation

Twelve (12) exploratory borings were drilled on the site from March 12 to 16, 2010 to depths of approximately 18 to 35 feet; and five CPT soundings were performed on March 15, 2010 to depths of approximately 10 to 23 feet. The approximate locations and logs of the borings and soundings are included in the report in the Technical Appendix. Artificial fill is present as an approximately 1 to 4-foot-thick layer underlying the parking areas across the site; the fill consists of reworked native materials (clay, sand and gravel) and imported artificial debris (including pieces of asphalt and bricks). A thicker amount appears to be present at the southern end of the site, where past grading resulted in leveling of a natural sloping ground surface and drainage swale. The site appears to be covered with an accumulation of undifferentiated fluvial deposits, including stream-deposited alluvium and alluvial fan deposits; two sub-units of the Pleistocene deposits were identified on the basis of grain size. Monterey Shale Formation was encountered in several borings in the northern portion of the site. Temblor Sandstone Formation was observed in boring samples centrally in the site. Borings in the southern portion of the site encountered the Franciscan Complex. A detailed Geologic Map is included in the report in the Technical Appendix. Perched groundwater was encountered in some of the explorations at depths ranging from approximately 6.5 to 27.5 feet below current grades.

Laboratory Testing

The laboratory testing program was performed to evaluate the physical and mechanical properties of the soils retrieved from the site to aid in verifying soil classification. Moisture content, dry densities, washed sieve analysis and plasticity index tests were performed. The results of the laboratory testing program are included in the report in the Technical Appendix. The onsite soils were determined to have a moderate to high expansion potential.

Investigative Conclusions

The primary geotechnical concerns at the site are localized creek bank instability, the presence of artificial fill, the presence of moderately to highly expansive soils, differential movement due to material transitions, the potential for co-seismic ground deformation across the southern Shannon Fault zone, and seismic shaking. The project site is considered feasible from a geotechnical and geologic viewpoint for construction of the proposed development, providing the concerns listed above are addressed in the project design.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
6. GEOLOGY AND SOILS. Would the project:					
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving: 1) 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.)		X			46,47, 50,51,105
2) Strong seismic ground shaking?			X		27,49,105
3) Seismic-related ground failure, including liquefaction?		X			31, 49,87,105
4) Landslides?			X		47,49,105
b. Result in substantial soil erosion or the loss of topsoil?			X		48,49,105
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?		X			49,105
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X		48,49,105
e. 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?				X	28

General

All earthwork and foundation plans and specifications will comply with the recommendations of the Geologic Hazard and Preliminary Geotechnical Investigation by Cornerstone Earth Group. The report lists approximately 15 recommendations that are included in the project for site grading, fill removal, material for new fill, drainage, erosion control, foundations and vehicular pavements, most of which reflect standard engineering practices that are required for similar projects. Site-specific conditions are described below.

Geologic Hazard Zone

The project site is located within a geologic hazard zone as mapped by the City in accordance with the Geologic Hazards Ordinance. Based on the review and acceptance of the geotechnical report prepared by Cornerstone Earth Group, the City Engineering Geologist issued a Certificate

of Geologic Hazard Clearance for the project. A copy of the Certificate letter is included in the Technical Appendix.

Expansive Soils

Expansive soils shrink and swell as a result of moisture changes. The surface soils on the site pose a hazard to building foundations because of their moderate to high shrink/swell potential. Measures for buildings on expansive soils include drainage control and the use of special foundations. Drainage will be controlled and directed away from structures and pavements. Slabs-on-grade will need to have sufficient reinforcement and be supported on a layer of non-expansive fill; foundations will need to extend below the zone of seasonal moisture fluctuation. If mat foundations are considered for any of the proposed structures, they should be designed to tolerate anticipated differential soil movement.

Artificial Fill

Borings encountered artificial (man-made) fill extending to depths ranging from approximately 1 to 4 feet below current site grades. Areas of deeper fill (up to approximately 3 to 6 feet) may be present beneath existing structures. In addition, a former seasonal drainage swale, golf course detention pond and swimming pool were present at the site prior to the office development; the fill in these areas could be on the order of 5 to 8 feet thick. Following demolition of the office development, the upper 2 to 3 feet of artificial fill beneath the existing buildings may be highly variable due to foundation and utility removal, and the existing fill may not uniformly support the loads from the proposed development. The upper 3 to 4 feet of all existing artificial fill will need to be over-excavated and replaced as engineered fill. In the former detention pond area, it may be necessary to over-excavate all of the previously-placed fill material. Additional exploration will be required during the design-level geotechnical investigation to further evaluate the lateral extent and depth of the deeper fill areas.

Differential Movement due to Material Transitions

Material transitions occur when two or more materials with differing geotechnical characteristics (bedrock, native alluvial soils, and previous or new engineered fill) interface in a small area, such as within a single residential building pad. Material transitions should be over-excavated and rebuilt with engineered fill to reduce the potential for differential movement beneath structures.

Creek Bank Slope Stability

The Guadalupe Creek bank varies from steep and high along the southern portion of the property to low and gentle in the northern portion. Indications of shallow slope instability, including surficial creep and one slump, were observed in the southern portion of the site, where the slope gradient is about 1:1 and the bank is up to 30 feet in height. In addition, an area of active erosion and bank undercutting is occurring in the central portion, where an up to 8-foot-high vertical scarp has been formed by repeated erosion along an outside meander in the creek

channel. Continued creek bank erosion could potentially impact any improvements located directly adjacent to the creek.

Minimum static and seismic factors of safety with respect to sliding for the steepest and highest creek bank condition adjacent to the proposed development were computed as described in the report in the Technical Appendix. The results of the analyses indicate that the resulting factors of safety are slightly below to above minimum acceptable levels for static and seismic loading conditions. Because of the proximity of the proposed residential development to the top of the existing creek bank, a preliminary review of the potential for slope deformation during seismic events was also performed. The results of the slope deformation analysis indicate probable maximum displacements within 30 feet of the top of bank on the order of a few inches or less. On a preliminary basis, the potential impacts to the proposed residential structures due to creek bank slope deformation are relatively low. Proposed site improvements to be located within 20 to 40 feet of the top of creek bank, such as streets, underground utilities, fences or backyard improvements, may experience some movement following strong ground shaking. A creek bank setback equivalent to a 2:1 slope projection should be established from the base of the creek bank. For the southern portion of the site, a 2:1 projection would result in a horizontal setback of approximately 50 feet from the top of the bank; in the northern portion of the site, a 2:1 projection would result in a horizontal setback of approximately 15 to 20 feet. A more detailed creek bank evaluation will be performed during the design-geotechnical investigation once grading and improvement plans are available.

Erosion

Development of the project site may subject the soils to accelerated erosion, both in graded areas and along the Guadalupe Creek stream banks. In order to minimize erosion, erosion control measures such as those described in the Association of Bay Area Governments (ABAG) *Manual of Standards for Erosion & Sediment Control Measures* will be incorporated into the project.

Ground Rupture

Primary Fault Rupture

Ground rupture (surface faulting) tends to occur along lines of previous faulting. One fault trace and a possible subsidiary trace of the Shannon Fault were identified across the southern portion of the project site. Based on previous studies of the Shannon Fault at locations to the west and east of the site that revealed past fault rupture to be pre-Holocene in age, and thus not active according to the State definition of activity, the potential for primary tectonic fault rupture on the site is considered to be low. No mitigation for primary fault rupture is required.

Co-Seismic Ground Deformation

There is potential for minor surface deformation (including minor ground fissures) during future large earthquakes that could be generated by other faults in the vicinity: moderate to high potential within the zones depicted around the Shannon Fault traces in the southern portion of the site, and low potential elsewhere. A map showing these zones is included in the report in the

Technical Appendix. Foundations constructed within the potential co-seismic deformation zones should be supported on rigid mat foundations designed to tolerate increased foundation movement compared to foundations located outside the designated zones.

Seismic Shaking

The maximum seismic event occurring on the site would probably be from effects originating from the Hayward, Calaveras, or San Andreas fault systems. Ground shaking effects can be expected in the area during a major earthquake originating along any of the active faults within the Bay Area. At present, it is not possible to predict when or where movement will occur on these faults. It must be assumed, however, that movement along one or more of these faults will result in a moderate or major earthquake during the lifetime of any construction on this site. The effects on development would depend on the distance to the earthquake epicenter, duration, magnitude of shaking, design and quality of construction, and geologic character of materials underlying foundations.

The maximum credible earthquake, which is defined as "*the maximum earthquake that appears capable of occurring under the presently known framework*", for the San Andreas Fault ranges from magnitude 8.0 to 8.3; and from magnitude 7.0 to 7.5 for either the Hayward or Calaveras Faults. The maximum probable earthquake, which is defined as "*the maximum earthquake that is likely to occur during a 100-year interval*", for the San Andreas Fault ranges from magnitude 7.5 to 8.5; from magnitude 6.75 to 7.5 for the Hayward Fault; and from magnitude 6.5 to 7.0 for the Calaveras Fault.

Structural damage from ground shaking is caused by the transmission of earthquake vibrations from the ground into the structure. Ground shaking is apparently the only significant threat to structures built on the site; however, it is important to note that well-designed and constructed structures that take into account the ground response of the soil or rock in their design usually exhibit minor damage during earthquake shaking.

The proposed structures on the site will be designed and constructed in conformance with the latest edition of the Uniform Building Code Guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking on the site.

Secondary Seismic Effects

Liquefaction

The northwestern portion of the site is within a State-designated liquefaction hazard zone. Soil liquefaction is a phenomenon in which saturated, cohesionless soil layers located close to the ground surface lose strength during cyclic loading, such as imposed by earthquakes. During the loss of strength, the soil acquires a "mobility" sufficient to permit both horizontal and vertical movements. Soils that are most susceptible to liquefaction are clean, loose, saturated, uniformly graded, fine-grained sands. Soil analyses at the site indicate that a few thin alluvial layers near the northwest side, adjacent to Guadalupe Creek, could potentially experience liquefaction

triggering that could result in soil softening and post-liquefaction total settlement ranging from negligible to less than 0.5 inch. Although the site is underlain by approximately 10 to 25 feet of Pleistocene-aged alluvial soils, differential settlements are anticipated to be less than 0.25 inch over a horizontal distance of 50 feet. No mitigation for liquefaction is required.

Lateral Spreading

Lateral spreading is horizontal/lateral movement of relatively flat-lying soil deposits towards a free face such as an excavation, channel or open body of water; typically, lateral spreading is associated with liquefaction of one or more subsurface layers near the bottom of the exposed slope. Discontinuous layers of potentially liquefiable soils are located on the northern half of the site; however, the potential for lateral spreading in this area is considered unlikely due to the relatively low creek bank height and the distance from the top of the creek bank to proposed improvements. No mitigation for lateral spreading is required.

Other Secondary Seismic Effects

Based on the topographic and lithologic data, the risk of regional subsidence or uplift, landslides, tsunamis or seiches is considered low at the site.

STANDARD MEASURES INCLUDED IN THE PROJECT

Geologic Hazard Zone

- A Certificate of Geologic Hazard Clearance has been obtained from the Director of Public Works prior to any discretionary approval for all development in areas shown on the Geologic Hazards Ordinance map; and any Conditions of Clearance including, but not limited to, measures identified in the geologic evaluation for slope stabilization, surface and subsurface drainage control, offsite improvements, use restrictions, erosion control and/or maintenance guarantees for private improvements contained therein will be implemented as specified. *A Certificate of Geologic Hazard Clearance was issued for the project on June 25, 2010.*

Erosion

- A City-approved Erosion Control Plan will be developed and implemented prior to approval of a grading permit or Public Works clearance with such measures as: 1) the timing of grading activities during the dry months, if feasible; 2) temporary and permanent planting of exposed soil; 3) temporary check dams; 4) temporary sediment basins and traps and/or 5) temporary silt fences.

Seismic Shaking

- The proposed structures on the site will be designed and constructed in conformance with the latest edition of the Uniform Building Code Guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking on the site.

Liquefaction

- The geologic hazard and preliminary geotechnical investigation report addressing the potential hazard of liquefaction will be submitted to, and reviewed and approved by, the City Geologist prior to issuance of a grading permit or Public Works clearance. The investigation should be consistent with the guidelines published by the State of California (CDMG Special Publication 117) and the Southern California Earthquake Center (“SCEC”) report.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Artificial Fill

- The upper 3 to 4 feet of all existing artificial fill shall be over-excavated and replaced as engineered fill.
- All of the previously-placed fill material in the former detention pond area shall be over-excavated and replaced as engineered fill.

Differential Movement due to Material Transitions

- Material transitions shall be over-excavated and rebuilt with engineered fill to reduce the potential for differential movement beneath structures.

Creek Bank Slope Stability

- A creek bank setback equivalent to a 2:1 slope projection shall be established from the base of the creek bank.

Co-Seismic Ground Deformation

- Foundations constructed within the potential co-seismic deformation zones shall be supported on rigid mat foundations designed to tolerate increased foundation movement compared to foundations located outside the designated zones.

CONCLUSION

The implementation of the above geologic hazard zone, erosion, seismic shaking and liquefaction standard measures and artificial fill, differential movement due to material transitions, creek bank slope stability, and co-seismic ground deformation mitigation measures would reduce the project’s impact on geology and soils to a **less-than-significant impact with mitigation**.

7. GREENHOUSE GAS EMISSIONS AND ENERGY

Donald Ballanti conducted an air quality impact analysis, which includes greenhouse gas emissions, dated May, 2010 that is included in the Technical Appendix.

SETTING

Greenhouse Gases and Climate Change

Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, much like a greenhouse does. The accumulation of GHGs has been implicated as a driving force for global climate change. Definitions of climate change vary between and across regulatory authorities and the scientific community, but in general can be described as the changing of the earth's climate caused by natural fluctuations and anthropogenic activities which alter the composition of the global atmosphere.

California State law defines greenhouse gases as:

- Carbon Dioxide (CO₂)
- Methane (CH₄)
- Nitrous Oxide (N₂O)
- Hydrofluorocarbons
- Perfluorocarbons
- Sulfur Hexafluoride

The overall approach to the GHG calculation in the report in the Technical Appendix is based upon the technical advisory of the Governor's Office of Planning and Research (OPR) embodied in the document *CEQA and Climate Change: Addressing Climate Change Through California Environmental Quality Act (CEQA) Review*. According to the Governor's OPR, the most common GHG that results from human activity is carbon dioxide, followed by methane and nitrous oxide. The last three of the six identified GHGs are primarily emitted by industrial facilities. For this analysis, only carbon dioxide, methane and nitrous oxide emissions are considered. These primary greenhouse gases are described below.

Carbon dioxide is primarily generated by fossil fuel combustion in stationary and mobile sources. Due to the emergence of industrial facilities and mobile sources in the past 250 years, the concentration of carbon dioxide in the atmosphere has increased 35 percent. Carbon dioxide is the most widely emitted GHG and is the reference gas [Global Warming Potential (GPW) of 1] for determining GWPs for other GHGs.

Methane is emitted from biogenic sources, incomplete combustion in forest fires, landfills, manure management, and leaks in natural gas pipelines. In the United States, the top three sources of methane are landfills, natural gas systems, and enteric fermentation. Methane is the

primary component of natural gas, which is used for space and water heating, steam production, and power generation. The GWP of methane is 21.

Nitrous oxide is produced by both natural and human-related sources. Primary human-related sources include agricultural soil management, animal manure management, sewage treatment, mobile and stationary combustion of fossil fuel, adipic acid production, and nitric acid production. The GWP of nitrous oxide is 310.

Greenhouse Gas Effects

There is international scientific consensus that human-caused increases in GHGs have and will continue to contribute to global warming, although there is uncertainty concerning the magnitude and rate of the warming. Potential global warming impacts in California may include, but are not limited to, loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years. Secondary effects are likely to include a global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity.

Greenhouse Gas Regulations

Federal

In September, 2009, the EPA issued a final rule for mandatory reporting of GHGs from large GHG emissions sources in the United States. In general, this national reporting requirement will provide EPA with accurate and timely GHG emissions data from facilities that emit 25,000 metric tons or more of CO₂ per year. An estimated 85 percent of the total U.S. GHG emissions, from approximately 10,000 facilities, are covered by this final rule.

In April, 2009, EPA published their Proposed Endangerment and Cause or Contribute Findings for Greenhouse Gases under the CCA (Endangerment Finding) in the Federal Register. The Administrator proposed the finding that atmospheric concentrations of GHGs endanger the public health and welfare within the meaning of Section 202(a) of the CCA. The final finding was released on December 7, 2009. The findings do not, in and of themselves, impose any emission reduction requirements but rather allow EPA to finalize the GHG standards proposed earlier this year for new light-duty vehicles as part of the joint rulemaking with the Department of Transportation.

State

As detailed in the report in the Technical Appendix, State greenhouse gas regulations consist of:

- Assembly Bill (AB) 1493 (2002), that required ARB to develop and adopt regulations that achieve “*the maximum feasible reduction of greenhouse gases emitted by passenger vehicles and light-duty trucks and other vehicles determined by ARB to be vehicles whose primary use is noncommercial personal transportation in the state*”;
- AB 32 (2006) California Global Warming Solutions Act, which required CARB to design and implement emission limits, regulations and other measures, such that feasible and

cost-effective statewide GHG emissions are reduced to 1990 levels by 2020 (representing a 25 percent reduction in emissions);

- AB 32 Climate Change Scoping Plan (2008), which was adopted by CARB to meet the 2020 greenhouse gas reduction limits outlined in AB 32. In order to meet these goals, California must reduce its greenhouse gases by 30 percent below projected 2020 levels, or about 10 percent from today's levels;
- Senate Bills (SBs) 1078 and 107 and Executive Order S-14-08, which required retail sellers of electricity to provide at least 20 percent of their supply from renewable sources by 2017; by 2010; and expanded the state's Renewable Energy Standard to 33 percent renewable power by 2020, respectively;
- SB 1368 (2006), which required the California Public Utilities Commission (PUC) to establish a GHG emission performance standard for baseload generation from investor-owned utilities;
- SB 97 (2007), which acknowledged climate change is a prominent environmental issue that requires analysis under CEQA and directed the Governor's Office of Planning and Research (OPR) to prepare, develop and transmit guidelines for mitigating GHG emissions or the effects of GHG emissions, as required by CEQA;
- SB 375 (2008), which aligned regional transportation planning efforts, regional GHG reduction targets, and land use and housing allocation;
- Executive Order S-3-05 (2005), which, in recognition of California's vulnerability to the effects of climate change, set forth a series of target dates by which statewide emission of GHGs would be progressively reduced, as follows: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; and by 2050, reduce GHG emissions to 80 percent below 1990 levels. The executive order also directed the Secretary of the California EPA to coordinate a multi-agency effort to reduce GHG emissions to the target levels;
- Executive Order S-13-08 (2008), which directed California to develop methods for adapting to climate change (sea level rise) through preparation of a statewide plan; and
- Executive Order S-1-07 (2007), which proclaimed the transportation sector as the main source of GHG emissions in California (over 40 percent of statewide GHG emissions) and established a goal to reduce the carbon intensity of transportation fuels sold in California by a minimum of 10 percent by 2020.

Local

The BAAQMD has established a climate protection program to reduce pollutants that contribute to global climate change and affect air quality in the Bay Area. The climate protection program includes measures that promote energy efficiency, reduce vehicle miles traveled, and develop alternative sources of energy, all of which assist in reducing emissions of GHG and in reducing air pollutants that affect the health of residents. BAAQMD also seeks to support current climate protection programs in the region and to stimulate additional efforts through public education and outreach, technical assistance to local government and other interested parties, and promotion of collaborative efforts among stakeholders.

Sources of Greenhouse Gas Emissions

Anthropogenic GHG emissions worldwide as of 2005 totaled approximately 30,800 CO₂ equivalent million metric tons (MMTCO₂E). The United States was the top producer of greenhouse gas emissions as of 2005. The primary greenhouse gas emitted by human activities in the United States was CO₂, representing approximately 84 percent of total GHG emissions. Carbon dioxide from fossil fuel combustion, the largest source of US greenhouse gas emissions, accounted for approximately 80 percent of US GHG emissions

The primary contributors to GHG emissions in California are transportation, electric power production from both in-state and out-of-state sources, industry, agriculture and forestry, and other sources, which include commercial and residential activities. These primary contributors to California's GHG emissions and their relative contributions are presented in the following table.

Table 6. Greenhouse Gas Sources in California (2004)

Source	Annual GHG Emissions (MMTCO ₂ E)	Percent of Total
Agriculture	27.9	5.8
Commercial Uses	12.8	2.6
Electricity Generation	119.8	24.7
Forestry (<i>Excluding Sinks*</i>)	0.2	0.0
Industrial Uses	96.2	19.9
Residential Uses	29.1	6.0
Transportation	182.4	37.7
Other	<u>16.0</u>	<u>3.3</u>
Total	484.4	100.0

* Emissions are for the forestry industry. Forests, themselves, are a sink for carbon dioxide, as photosynthesis removes carbon dioxide from the atmosphere.

Energy

California and the nation in general have been in an extended period of increasingly higher energy costs and depleting non-renewable energy resources for utilities and transportation. Public utilities and public transit that are available to serve the project are located in the project vicinity.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
7. GREENHOUSE GAS EMISSIONS AND ENERGY. Would the project:					
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X		100
b. Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?			X		100
c. Encourage activities which result in the use of large amounts of fuel and energy.			X		26,28

Greenhouse Gas Emissions

Standards

The BAAQMD adopted *CEQA Guidelines* significance thresholds for GHG emissions, which include quantitative thresholds of significance for GHG emissions, on June 2, 2010. The proposed updated guidance provides that a development project, other than a stationary source, would have a significant cumulative impact unless:

- The project can be shown to be in compliance with a qualified Climate Action Plan; or
- Project emissions of CO₂ equivalent GHGs (CO₂e) are less than 1,100 metric tons per year; or
- Project emissions of CO₂ equivalent GHGs are less than 4.6 metric tons per year per service population (residents plus employees).

Greenhouse Gases and Climate Change

The project's incremental increases in GHG emissions associated with traffic increases and direct and indirect energy use would contribute to regional and global increases in GHG emissions and associated climate change effects. Estimated GHG emissions for proposed new uses and GHG emissions associated with current occupied uses of the site that will be removed are shown in the following table. A description of the methodology and assumptions used in calculating GHG emissions is provided in the report in the Technical Appendix.

Project net annual emissions would not exceed the BAAQMD proposed threshold of significance; therefore, the project would have a less-than-significant impact on GHG emissions.

Table 7. Project Greenhouse Gas Estimates in Metric Tons per Year

Annual Emission in Metric Tons CO ₂ -eq	
Project Operation	
Direct Mobile Sources	1,209.55
Direct Area Sources	295.91
Indirect Electrical Usage	137.18
Indirect Water Conveyance	4.94
Indirect Wastewater Treatment	<u>8.52</u>
Total (Metric Tons/Year)	1,856.11
Existing Uses Removed *	
Direct Mobile Sources	630.84
Direct Area Sources	74.88
Indirect Electrical Usage	195.95
Indirect Water Conveyance	0.30
Indirect Wastewater Treatment	<u>0.76</u>
Total (Metric Tons/Year)	902.75
Net Change in Emissions	953.36
BAAQMD Proposed Threshold of Significance	1,100.00

* 56,116 sf occupied building

GHG emissions estimates in the above table do not reflect recent changes to building codes. The California Building Standards Commission (CBSC) recently adopted statewide green building standards. Known as CALGREEN, the regulations will go into effect on January 1, 2011. The 2010 Green Building Standards Code will require:

- 20 percent mandatory reduction in indoor water use, with voluntary goal standards for 30, 35 and 40 percent reductions;
- Separate water meters for non-residential buildings' indoor and outdoor water use, with a requirement for moisture-sensing irrigation systems for larger landscape projects;
- Diversion of 50 percent of construction waste from landfills, increasing voluntarily to 65 and 75 percent for new homes and 80 percent for commercial projects;
- Mandatory inspections of energy systems (i.e., heat furnace, air conditioner, mechanical equipment) for non-residential buildings over 10,000 square feet; and
- Low-pollutant-emitting interior finish materials such as paints, carpet, vinyl flooring and particle board.

Energy Efficiency

Project development would result in the consumption of energy in three forms: 1) the fuel energy consumed by construction vehicles; 2) bound energy in construction materials such as asphalt, steel, concrete, pipes and manufactured or processed materials such as lumber and glass; and 3) ongoing operational use of energy by project residents for transportation and utilities.

The automobile would be the primary means of access to the project site; however, the availability of bus service on Camden Avenue would provide an alternate, energy-conserving means of transportation for project residents.

The major opportunities to conserve energy are related to the building design. An east-west longitudinal building orientation (maximum southerly window exposure) is the optimum arrangement for capturing the sun's energy during winter months. Where windows with southerly exposure are used, a 32 to 34-inch eave overhang would be required to shield the windows from the summer sun.

The buildings will be designed in accordance with all applicable insulation and energy conservation regulations as prescribed by Title 24 of the California Administrative Code, which sets energy efficient design standards, in order to regulate energy consumed for heating and cooling. Project development will also be in conformance with the City of San Jose Building Code, which also sets forth energy efficient design standards.

Green Design

The Green Building Policy for Private Sector New Construction (Policy 6-32), which was adopted by the City Council on October 7, 2008, demonstrates the City's commitment to environmental, economic and social stewardship, to yield cost savings through reduced operating costs, to provide healthy work environments, and to contribute to the City's goals of protecting, conserving and enhancing the region's environmental resources. The Policy uses third-party Green Building Certification levels of Leadership in Energy and Environmental Design (LEED) or Build It Green (BIG) as green building standards. Adherence to these standards would result in energy efficiency levels from 10 to 15 percent better than those achieved with the 2009 Title 24 California Efficiency Standards.

The BIG GreenPoint rating system assesses energy and water efficiency, indoor air quality, resource efficiency of materials and construction methods, and community design. The project site and conceptual project design include components of sustainable design, which will result in a project of "green" design, as follows:

Project Site

- Divert/recycle job site construction waste
- Use recycled content aggregate in roadway base

Foundation

- Replace Portland cement in concrete with recycled fly ash and/or slag

Landscape

- Plant no invasive species
- Minimize turf in installed landscape
- Install high-efficiency irrigation systems

Structural Frame and Building Envelope

- Size door and window headers for load
- Use engineered lumber
- Use energy heels on roof trusses

Exterior

- Use environmentally preferable decking
- Use durable and non-combustible siding materials
- Use durable and fire resistant roofing materials or assembly

Insulation

- Install insulation with recycled content in ceilings and/or floors

Plumbing

- Insulate all hot water pipes
- Install water efficient fixtures (showerheads; bathroom and kitchen faucets)
- Install only high-efficiency toilets

Heating, Ventilation and Air Conditioning

- Properly design HVAC system
- Install high-efficiency HVAC filter

Building Performance

- Building envelope diagnostic evaluations
- Building performance exceeds Title 24

Finishes

- Use Low-VOC interior wall/ceiling paints
- Reduce formaldehyde in interior cabinets and countertops finishes

Appliances and Lighting

- Install Energy Star dishwasher
- Install a built-in recycling center

Other

- Develop a homeowner manual of green features/benefits and conduct walkthroughs

Innovation

- Provide educational signage to promote green building practices
- Provide installed green building educational signage

STANDARD MEASURES INCLUDED IN THE PROJECT

Energy Efficiency

- Energy efficient design standards including the design and exposure of windows, insulation, mechanical and electrical equipment and landscaping will be incorporated in accordance with the provisions of Title 24 of the California Administrative Code and of the San Jose Building Code.

Green Design

- The project will be reviewed for conformance to the Green Building Policy (Policy 6-32) at the Planned Development Permit stage.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

CONCLUSION

The implementation of the above energy efficient design and green building standard measures would reduce the project's impact on energy to a **less-than-significant impact**

8. HAZARDS AND HAZARDOUS MATERIALS

Cornerstone Earth Group conducted a Phase I environmental site assessment dated February 23, 2010 and a soil and groundwater quality evaluation dated May 12, 2010 that are both included in the Technical Appendix.

SETTING

Phase I Environmental Site Assessment

A Phase I environmental site assessment was conducted to identify, to the extent feasible, recognized environmental conditions at the property. The term “recognized environmental condition” (REC) means the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property. The investigation included site history research (a review of available aerial photographs and maps, previous documents and interviews with knowledgeable persons); a site reconnaissance; and regulatory agency database review for nearby soil and groundwater contamination cases.

Historical Review

Aerial Photographs and Topographic Maps - Site

Historical aerial photographs of the site and vicinity from 1939 through 2005 and topographic maps from 1919 through 1980 were reviewed. The site appears to be mostly undeveloped land with what appears to be a residence and related outbuildings with fenced areas in the southern portion in the 1939 aerial photo. The site appears to have been developed as a golf course in the 1965 aerial photo. A building and parking lot are shown on the southern portion of the site, with the golf course located on the northern portion. An apparent pond/water feature is visible on the west-central portion of the site. By 1982, additional features are shown on the southern portion (tennis courts and pool). The site is shown to be occupied by the current building at 6411 Guadalupe Mines Road in the 1993 aerial photo; the existing caretaker’s residence and pump house are also shown. The current building at 6409 Guadalupe Mines Road has been added by the 1998 aerial photo; while the existing building pad at 6401 Guadalupe Mines Road is shown in the 2005 photo.

The site is shown as undeveloped land in the 1919 topographic map; a tributary to Guadalupe Creek that originates in the valley to the east is shown crossing the site. From 1968 on, topographic maps show the site to be occupied by a golf course.

Aerial Photographs and Topographic Maps - Vicinity

The general site vicinity appears to have historically consisted of agricultural land and undeveloped property with widely spaced residences. By the 1960s, an increase in residential development is apparent, along with a few commercial buildings. In addition, the Guadalupe

Landfill is visible on aerial photographs to the east of the site by the 1960s. Subsequent maps and aerial photos depict further increases in development.

City Directories

City directories dated from 1922 to 2006 were reviewed to obtain information pertaining to past site occupants, as follows:

Year	Address	Occupant
1991	6411 Guadalupe Mines Road	Ashton Tate
1996	6411 Guadalupe Mines Road	Viking Freight Systems, Good Samaritan Health Service
2000	6411 Guadalupe Mines Road	Viking Freight administration office
	6409 Guadalupe Mines Road	Hybrid Networks
2006	6411 Guadalupe Mines Road	Fed Ex administration office

Previous Documents

A review of previous documents, as detailed in the report in the Technical Appendix, revealed that the project site was part of the Los Gatos Country Club from at least the late 1950s to 1986 when the 6411 Guadalupe Mines Road building was constructed. The northern portion of the site was reportedly covered by the golf course and the southern portion contained the clubhouse, swimming pool, tennis courts and parking lot. Pesticides or herbicides may have been used at the former golf course. The 6409 Guadalupe Mines Road building was constructed in 1997; and the current building pad at 6401 Guadalupe Mines Road was constructed in 2001, after which building construction was halted.

Viking Freight Systems, Inc. reportedly first occupied the 6411 Guadalupe Mines Road building in 1996 for use as corporate offices. The former tenant was reportedly Good Samaritan Health Service. Direct Company, Pacific Tech Capital and Up-to-Date Technology were also reported as prior tenants. In 2005, the 6411 Guadalupe Mines Road building was reportedly occupied by Federal Express, and the 6409 Guadalupe Mines Road building was noted to be a multi-tenant building that was primarily vacant.

A 1,000-gallon diesel aboveground storage tank (AST) and an emergency generator were present at 6411 Guadalupe Mines Road. A former diesel fuel leak was reported by Viking Freight Systems. Fifteen gallons of diesel reportedly leaked from a fuel line onto soil adjacent to the emergency generator; impacted soil was subsequently excavated and disposed offsite. The leak area was observed and all contaminated soil appeared to have been removed. A 180-gallon diesel tank and emergency generator were reportedly present in a pump house onsite that was formerly part of the golf course irrigation system.

Limited sampling of building materials at 6411 Guadalupe Mines Road was conducted to evaluate asbestos content; no asbestos was detected in the materials sampled. Additional sampling was recommended prior to renovation or demolition activities.

Interviews

The only current site occupant is Monolithic Power Systems (MPS), which has occupied the 6409 Guadalupe Mines Road building for approximately 3 years. It uses the building for office space related to the design and testing of semiconductors. Interviews with the MPS Operations Manager indicated that significant quantities of hazardous materials are not used onsite, and the elevator is regularly serviced.

Site Reconnaissance

A site reconnaissance was conducted on February 4, 2010 to observe current site conditions in an attempt to identify RECs. The site was occupied by two commercial buildings (6409 and 6411 Guadalupe Mines Road) and a concrete pad for a third building (6401 Guadalupe Mines Road).

The two-story 6409 Guadalupe Mines Road building was occupied by MPS and used mainly for general office purposes; typical office space, conference rooms, a lobby and cafeteria were observed. Laboratory space for testing of semiconductors was also observed, as well as a loading dock. A hydraulic-powered elevator was present; the elevator equipment room was observed and no indications of hydraulic fluid leakage were apparent. Three small hazardous materials storage cabinets were observed, each containing several 1-gallon containers of chemicals consisting mainly of acids, bases, acetone and isopropyl alcohol. Additionally, common cleaning and facility maintenance supplies were observed in two janitorial closets. No indication of chemical spills or leakage was apparent. An electrical transformer was located on a concrete pad near the loading dock on the north side of the building; no indications of transformer oil leakage were apparent.

The three-story 6411 Guadalupe Mines Road building was observed to be vacant, and appeared to have been used for general office space. Two elevators, loading docks and a former cafeteria were observed. The elevator equipment room contained hydraulic equipment for the elevator, and an electrical room contained lead-acid battery banks for emergency backup power; no indications of significant hydraulic fluid or battery leakage were apparent. A 1,000-gallon, double-walled diesel aboveground storage tank (AST) was observed on a concrete pad on the southwesterly side of the building; double-walled fuel piping led to an adjacent emergency generator. An electrical transformer was located on a concrete pad adjacent to the generator. No indications of diesel fuel or transformer oil leakage were apparent.

A two-story caretaker's residence was observed to the south of the 6411 Guadalupe Mines Road building. Additionally, a pump house structure was observed on the northern portion of the site. Access to the residence and pump house was not available at the time of the site visit. A second diesel AST and generator were reportedly present within the pump house. The remainder of the site was observed to consist of landscaped areas and asphalt paved vehicle drives and parking areas. No wells or evidence of underground storage tanks were observed. Several feet of fill

were reportedly identified on the southern end of the site; approximately 10 to 11 feet of construction debris and garbage were reported overlying native soils.

Regulatory Agency Review

A regulatory agency database report was obtained and reviewed to help establish whether contamination incidents have been reported on the site or in the vicinity, as detailed in the report in the Technical Appendix. Onsite occupants, including Viking Freight, FedEx and MPS, are listed on several databases including San Jose Hazmat, HAZNET, FINDS and EMI. These database listings generally indicate that hazardous materials were used, stored or disposed from the site. No hazardous materials incidents from offsite facilities have been reported that appear likely to significantly impact groundwater beneath the site.

Conclusions

Former Golf Course Pesticides and Herbicides

Pesticides and herbicides may have been used on the former golf course on the project site. Although it has been previously concluded that the potential use of pesticides and herbicides at the former golf course is not likely a concern due to probable degradation, as well as disturbance of soil during subsequent development activities, near-surface soil sampling to verify the absence of significant levels of pesticides and herbicides should be undertaken.

Onsite Tributary to Guadalupe Creek

As shown on historic topographic maps, a tributary to Guadalupe Creek formerly crossed the site; this tributary flowed from the valley to the east that currently is occupied by the Guadalupe Landfill, which reportedly operated as a burn dump from 1929 to 1959. Runoff from the burn dump, therefore, likely flowed through the former onsite tributary. Burn dumps can be associated with a variety of contaminants, including heavy metals, polynuclear aromatic hydrocarbons (PAHs) and dioxins. The soil quality in the former tributary area should be evaluated for these potential contaminants.

Fill Material

In 1981, prior to construction of the onsite buildings, 10 to 11 feet of fill containing construction debris and garbage were reportedly identified on the southern end of the site. The extent and quality of this fill should be evaluated. In addition, the quality of the soil used to fill the tributary, the former swimming pool and former golf course pond should also be evaluated.

Soil and Groundwater Quality Evaluation

A soil and groundwater quality evaluation was conducted to investigate the potential RECs identified by the Phase I environmental site assessment. The investigation included the drilling and logging of 24 exploratory borings; collection of near-surface soil samples at 9 additional locations; laboratory analyses of selected soil samples; and drilling of two deeper exploratory borings to attempt to collect groundwater grab samples.

Subsurface investigation activities were performed on March 11, March 17, and April 21, 2010, as follows:

- Six borings were drilled in the south portion of the site where fill and debris were reportedly encountered in 1981 geotechnical borings.
- Three borings were drilled in the southwest portion of the site in the general area of the former golf course clubhouse to attempt to sample the backfill of the former swimming pool.
- Two borings were drilled in the general area of the former creek tributary that crossed the site; one of the borings was also located in the general area of the former golf course pond that was located along the tributary.
- One soil sample was collected from the swale on the west side of Guadalupe Mines Road; the swale appears to be a remnant of the former creek tributary.
- Nine near-surface soil samples were collected from selected onsite locations to evaluate the presence of residual organochlorine pesticides and chlorinated herbicides.
- Two borings were drilled to evaluate the potential impact to groundwater from petroleum hydrocarbons detected in two of the soil borings.
- Ten additional borings were drilled to evaluate the lateral and vertical extent of petroleum hydrocarbons detected in soil that exceeded residential ESLs.
- To evaluate groundwater quality beneath the site, groundwater grab samples were collected from one exploratory boring; a sufficient amount of groundwater was not encountered in the second exploratory boring.

The approximate locations and logs of the borings and soundings are included in the report in the Technical Appendix.

To help evaluate soil quality beneath selected areas of the site, soil samples were analyzed for 17 CAM metals, organochlorine pesticides and/or chlorinated herbicides, total petroleum hydrocarbons in the diesel (TPHd) and motor oil (TPHmo) ranges, and pH. Five samples of fill material plus the three native soil samples collected from the former creek tributary area were additionally analyzed for PAHs and PCBs. Two of the native soil samples collected from the former creek tributary area were also analyzed for dioxins/furans. Groundwater grab samples were analyzed for TPHd and TPHmo, total petroleum hydrocarbons in gasoline (TPHg) plus benzene, toluene, ethylbenzene and xylenes (BTEX), and VOCs. The results of the laboratory testing program are included in the report in the Technical Appendix.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
8. HAZARDS AND HAZARDOUS MATERIALS. Would the project:					
a. Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?		X			26,27, 28,106,107

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
8. HAZARDS AND HAZARDOUS MATERIALS (Cont.). Would the project:					
b. 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?			X		28,106,107
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?			X		27, 28,106,107
d. 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?			X		85,106
e. 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?				X	27,69
f. 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?				X	27,69
g. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?				X	27
h. 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?				X	25, 27,57,58

The project site is not located within the Santa Clara County Airport Land Use Commission (ALUC) jurisdiction, nor is it on one of the City's designated evacuation routes. The site also is not located within an area subject to wildfires.

General

The project site will be viewed by a qualified environmental professional during demolition and pre-grading activities to observe areas of the property that may have been obscured by existing structures or pavement for such items as stained soils, septic systems, underground storage tanks, and/or unforeseen buried utilities; and, if found, a mitigation program will be developed, submitted to the City's Environmental Principal Planner, and implemented with such measures as soil testing, removal and/or offsite disposal at a permitted facility.

Wells

There are no known water wells on the project site. If an old well(s) is discovered during grading operations, the well(s) will be destroyed prior to the construction. If not properly destroyed, a well could cause contamination of the groundwater. Well destruction is regulated by the Santa Clara Valley Water District's Ordinance No. 90-1 in order to assure that such wells will not cause pollution or contamination of groundwater or otherwise jeopardize the health, safety, or welfare of the people of the district. The Ordinance requires that a permit be obtained before a well can be destroyed.

Septic Systems

There are no known septic systems on the site. If remnants of an old system are discovered during grading operations, the septic system should be removed in accordance with the requirements of the Santa Clara County Sewage Disposal Ordinance.

Demolition

The project proposes the demolition of a structure(s) that may contain hazards such as asbestos-containing materials (ACM) or lead based paint (LBP). The structures to be removed should be surveyed for the presence of ACM and/or LBP. If any suspect ACM are present, they should be sampled prior to demolition and removed in accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) and Cal-OSHA requirements, if warranted. Notification must also be made to the Bay Area Air Quality Management District (BAAQMD). If any suspect LBP is present, it should be sampled prior to demolition and removed in accordance with EPA, OSHA and BAAQMD requirements, if warranted.

Soil Contamination

Chemical Storage and Use

Chemicals currently used and stored onsite by MPS include mainly acids, bases, acetone and isopropyl alcohol; only small quantities (several 1-gallon containers) were observed. Common cleaning and facility maintenance supplies were also observed in janitorial closets. Hydraulic fluid is used with onsite elevator equipment, transformer oil is present within electrical transformers, and lead-acid back-up batteries were observed. Diesel fuel is stored in a 1,000-gallon AST to the southwest of 6411 Guadalupe Mines Road and, reportedly, within a 180-gallon AST located within the pump house. No indications of significant hazardous materials leaks or spills were observed during the site reconnaissance; however, the interior of the pump house should be observed to establish that no leaks from the reported 180-gallon diesel AST have occurred.

Fifteen gallons of diesel fuel reportedly leaked from a fuel line onto soil adjacent to the emergency generator to the southwest of 6411 Guadalupe Mines Road. Impacted soil was reportedly excavated and disposed offsite. The leak area was previously observed and all contaminated soil appeared to have been removed. Based on the small volume of fuel released

and the previous observations, this former spill does not appear to pose a significant threat to the site.

Previously Reported Buried Debris

No buried debris or garbage was observed in the exploratory borings. The debris/garbage reported in the 1981 geotechnical investigation may have been removed during the construction of the existing development and/or limited in size and not encountered during this current investigation. A Soil Management Plan that provides protocol for contractors in the event that pockets of buried suspect materials are encountered during site development activities should be prepared.

Organochlorine Pesticides, Chlorinated Herbicides, PAHs and PCBs

Laboratory analyses of soil samples collected did not detect PCBs, PAHs, or chlorinated herbicides above laboratory detection limits. Organochlorine pesticides were mostly not detected in the 25 soil samples analyzed for these constituents, with the exception of DDE, DDD, DDT, and chlordane, which were detected in several samples at concentrations below residential (unrestricted) California Human Health Screening Levels (CHHSLs). Under most circumstances, the presence of a chemical in soil below the corresponding CHHSL can be assumed not to pose a significant health risk. Based on the analytical results, further evaluation of soil for organochlorine pesticides, chlorinated herbicides, PAHs and PCBs does not appear required. The DTSC previously recommended that groundwater be evaluated for the presence of pesticides and herbicides; based on the soil analytical results, significant impact to groundwater from pesticides and herbicides appears unlikely and the evaluation of groundwater for these constituents does not appear required.

Metals in Soil

Metals generally were detected at concentrations that appeared consistent with typical background levels, except for nickel, mercury and cadmium. Because the nickel concentrations appeared to be consistently elevated, the concentrations detected are likely background for the site. It has been noted that soils analyzed from northern California often contain higher concentrations of nickel due to the predominance of volcanic and ultramafic rocks. In addition, the concentrations of nickel detected were significantly lower than the residential CHHSL. Based on the analytical results, the concentrations of nickel detected do not appear to be a significant concern for the proposed project.

Mercury was also detected at concentrations that appeared higher than typical background levels for soils in Santa Clara County. Bedrock in the site vicinity contains natural deposits of mercury; the historic Almaden Quicksilver District (the largest mercury mine in North America) is located approximately one-quarter to one-half mile to the southeast. Therefore, the concentrations of mercury detected may be the result of background levels in the site vicinity. One soil sample (at 2.0 to 2.5 feet) of the 30 analyzed contained 23 ppm mercury, which exceeds the residential CHHSL of 18 ppm. Based on the analytical results, the concentrations of mercury

detected do not appear to be a concern for residential development of the site. The California hazardous waste limit (TTL) for mercury is 20 ppm, however; soil at the location of the boring with the highest detected mercury concentration (SB-8) should be over-excavated for offsite disposal.

Cadmium was detected at 1.8 ppm, above the residential CHHSL of 1.7 ppm, at 2.0 to 2.5 feet in one of the 19 soil samples analyzed. Based on the analytical results, the concentrations of cadmium also do not appear to be a significant concern for residential development of the site. Soil at the location of the boring with the highest detected cadmium concentration (SB-5) could also be over-excavated for offsite disposal.

Petroleum Hydrocarbons in Soil

Laboratory analyses detected TPHd and TPHmo exceeding the residential Environmental Screening Levels (ESLs) in soil samples collected from the west portion of the site; the highest concentrations were collected from a depth of approximately 2.0 to 2.5 feet in the general area of the former golf course clubhouse and potential former swimming pool area. No CHHSLs are available for TPHd or TPHmo. Per CalEPA guidance, petroleum hydrocarbon data are compared to ESLs, which are used to screen sites for potential human health concerns where releases of hazardous chemicals to soils have occurred. Under most circumstances, the presence of a chemical in soil at concentrations below the corresponding ESL can be assumed not to pose a significant health risk. Additional borings were drilled to determine the lateral and vertical extent of the petroleum hydrocarbon contamination; based on these analytical results, the lateral extent of soil exceeding residential ESLs was determined, and this soil appears limited in vertical extent to the upper approximately 2 to 3 feet. The soil with TPHd and TPHmo detected above the residential ESLs should be over-excavated for appropriate offsite disposal.

Because the petroleum compounds detected may be associated with fill imported to the site during development of the existing offices and parking lots, pockets of petroleum-impacted soil could and likely will be present elsewhere onsite. If observed (i.e., soil with significant odors or discoloration) during project development, such soil should also be over-excavated for appropriate offsite disposal.

Dioxins and Furans in Soil

As noted, a tributary to Guadalupe Creek formerly flowed across the site. Laboratory analyses detected several dioxins and furans in the two soil samples collected from the former tributary area. As detailed in the report in the Technical Appendix, the highest dioxin TEQ (adjusted sum of toxicity factors for various dioxins and furans) was 1.6 ppt, which is below the residential CHHSL of 4.6 ppt. Based on the analytical results, the concentrations of dioxins/furans detected do not appear to be a significant threat to human health in a residential setting. Because the dioxins detected appear to be from sediment derived from the former burn dump east of the site (offsite source), the concentrations of dioxin compounds in the former tributary channel are

likely to be generally uniform along the tributary; therefore, additional evaluation of soil along the former onsite tributary does not appear to be required.

Groundwater Quality

Laboratory analyses of groundwater collected during this investigation did not detect petroleum fuel hydrocarbons or VOCs above laboratory detection limits. The groundwater collection boring was located approximately 30 to 50 feet down-gradient from borings where TPHd and TPHmo were detected above residential ESLs with respect to the anticipated groundwater flow direction toward the north-northwest. The petroleum hydrocarbons detected in soil above residential ESLs appear limited in vertical extent and do not appear to be significantly impacting groundwater quality. Further evaluation of groundwater does not appear required at this time.

City Review

The City Environmental Services Department reviewed the Phase I environmental site assessment and the soil and groundwater quality evaluation reports and stated that appropriate report conclusions and recommendations (over-excavation and disposal of soils impacted by TPHd and TPHmo and metals at SB-5 and SB-8, with verification that the impacted soil has been removed) were made. No additional soil testing is required.

STANDARD MEASURES INCLUDED IN THE PROJECT

Wells

- If a well is found during grading operations, a well destruction permit will be obtained from the Santa Clara Valley Water District, and the well will be destroyed in accordance with District standards.

Septic Systems

- If a septic system is found during grading operations, it will be abandoned in accordance with the requirements of the Santa Clara County Sewage Disposal Ordinance.

Asbestos-Containing Materials

- The structure(s) to be removed will be surveyed for the presence of asbestos-containing materials (ACM) at the demolition permit stage; and if any suspect ACM are present, they will be sampled prior to demolition in accordance with NESHAP guidelines, and all potentially friable ACM will be removed prior to building demolition and disposed of by offsite burial at a permitted facility in accordance with NESHAP, Cal-OSHA and BAAQMD requirements.

Lead Based Paint

- The structure(s) to be removed will be surveyed for the presence of lead based paint (LBP) at the demolition permit stage; and if any suspect LBP is present, it will be sampled prior to demolition, and all potential LBP will be removed prior to building demolition and disposed of by offsite burial at a permitted facility in accordance with EPA and OSHA requirements.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Buried Debris

- A Soil Management Plan that provides protocol for contractors in the event that pockets of buried suspect materials (debris and/or garbage) are encountered during site development activities shall be prepared and implemented.

Metals in Soil

- Soil at the location of the boring with the mercury concentration detected above the residential CHHSL (SB-8) shall be over-excavated for appropriate offsite disposal.
- Soil at the location of the boring with the cadmium concentration detected above the residential CHHSL (SB-5) shall be over-excavated for appropriate offsite disposal.
- Verification samples shall be collected and analyzed for mercury and cadmium to document that the impacted soil has been sufficiently removed from the site.
- Regulatory agency oversight shall be requested if significantly elevated levels of contaminants of concern are detected in the soil samples.

Petroleum Hydrocarbon-Impacted Soil

- Soil with TPHd and TPHmo detected above the residential ESLs shall be over-excavated for appropriate offsite disposal.
- If pockets of petroleum-impacted soil are observed (i.e., soil with significant odors or discoloration) during project development, such soil shall be over-excavated for appropriate offsite disposal.
- Verification samples shall be collected and analyzed for TPHd and TPHmo to document that the impacted soil has been sufficiently removed from the site.

CONCLUSION

The implementation of the above wells, septic systems, asbestos-containing materials and lead based paint standard measures and buried debris, metals in soil and petroleum hydrocarbon-impacted soil mitigation measures would reduce the project's impact on hazards and hazardous materials to a **less-than-significant impact with mitigation**.

9. HYDROLOGY AND WATER QUALITY

SETTING

Waterways

Guadalupe Creek is located within a Santa Clara Valley Water District (SCVWD) easement along the westerly site boundary.

Flooding

The project site is not within an area of historic flooding; however, according to the Federal Emergency Management Agency's (FEMA) *Flood Insurance Rate Maps*, the Guadalupe Creek channel is within the limits of potential inundation with the occurrence of a one percent flood while the remainder of the site is within Zone D, an area with undetermined flooding, but flooding is possible. The Santa Clara Valley Water District's *Maps of Flood Control Facilities and Limits of 1% Flooding* also show the site does not lie within a mapped 100-year floodplain. The limits of the potential inundation are shown on the following FEMA-based Potential Flooding map.

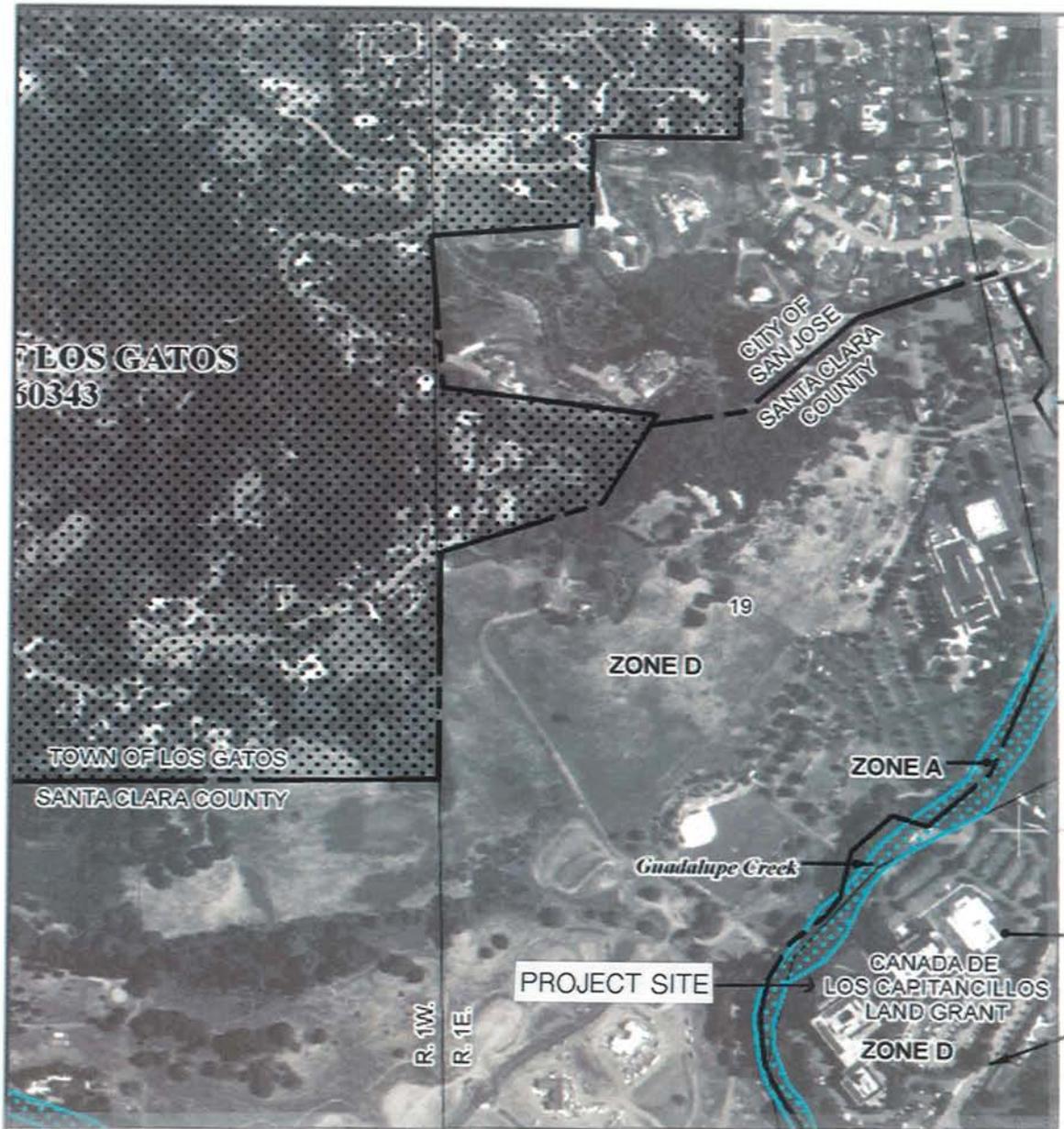
Water Quality

Stormwater runoff flows from the project site via the City's storm drainage system to Guadalupe Creek, which becomes the Guadalupe River at its confluence with Alamos Creek, and then north to the San Francisco Bay.

The project site is currently covered with buildings, a building pad, parking and landscaping, and is approximately 59 percent impervious surfaces.

Nonpoint Sources

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 Jose is subject to the conditions of the City's National Pollutant Discharge Elimination System (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 10,000 square feet or more to: 1) include stormwater treatment measures; 2) ensure that the treatment measures be designed to treat an optimal volume or flow of stormwater runoff from the project site; and 3) ensure that stormwater treatment measures are properly installed, operated and maintained. On October 14, 2009, the RWQCB adopted the Municipal Regional Stormwater NPDES Permit No. CAS612008 for the San Francisco Bay Region; this Permit replaces current countywide municipal stormwater permits with a Municipal Regional Permit (MRP) for all 76 Bay Area municipalities in an effort to standardize stormwater requirements in the region.



Source: FEMA, Flood Insurance Rate Maps, Santa Clara County, California, Unincorporated and Incorporated Areas, Panel No. 06085C0381H, May 18, 2009

Potential Flooding

Figure 31

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) for specified land uses, and includes the requirement of regular maintenance to ensure their effectiveness. Later, the City adopted the Post-Construction Hydromodification Management Policy (8-14) to manage development-related increases in peak runoff flow, volume and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to local rivers, streams and creeks. Policy 8-14 was revised in February, 2010 for consistency with the MRP. Implementation of these Policies will reduce potential water quality impacts to less-than-significant levels.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
9. HYDROLOGY AND WATER QUALITY. Would the project:					
a. Violate any water quality standards or waste discharge requirements?			X		28,61,80
b. 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)?				X	25,27
c. Substantially alter the existing drainage pattern of the site or area, including 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?			X		25,26
d. 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 that would result in flooding on- or off-site?			X		25,26
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X		26,28
f. Otherwise substantially degrade water quality?			X		26,28

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
9. HYDROLOGY AND WATER QUALITY (Cont.). Would the project:					
g. 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?				X	26, 27,59,60
h. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?				X	26, 27,59,60
i. 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?				X	27,28
j. Be subject to inundation by seiche, tsunami or mudflow?				X	27

Flooding

The project site is not within the limits of potential inundation with the occurrence of a one percent flood. The site is not subject to seiche or tsunami. There is an existing 18-inch City of San Jose storm drainage line through the site, which is designed to serve the site in a developed condition. Residential development of the site would not cause flooding. Any excess flows beyond the design capacity would pond onsite.

Erosion

The approximately 10 percent decrease in impervious surface on the site would result in a decrease in runoff. Decreased flow and duration would not increase downstream streambank erosion. The project would not have a direct outfall into any stream. As described above, project flows would drain through the existing storm drainage system to Guadalupe Creek, which is adjacent to the site.

Water Quality

The primary impact on water quality would result from the addition of impervious surfaces, such as rooftop, driveway and street runoff. Particulates, oils, greases, toxic heavy metals, pesticides and organic materials are typically found in urban storm runoff. The project's contribution would have a potentially significant impact on water quality. Stormwater runoff could decrease under project conditions as the amount of impervious surfaces (buildings and pavement) would decrease from approximately 59 percent of the site to approximately 49 percent, as shown in the following table. The proposed decrease in impervious surfaces would decrease the amount of stormwater discharged into the storm drainage system and Guadalupe Creek. In addition, temporary construction-related activities such as clearing, grading, or excavation could result in potentially significant impacts to water quality.

Table 8. Pervious and Impervious Surfaces Comparison

	Existing Condition (sq ft)	%	Proposed Condition (sq ft)	%	Difference (sq ft)	%
Site (acres): 15.8	Site (sq ft): 689,850		689,850			
Building Footprint(s)	97,875	14	155,176	22	57,301	8
Parking/Driveway	95,714	14	27,855	4	-67,859	-10
Sidewalks, Patios, Paths, etc.	21,479	3	25,383	4	3,904	1
Streets (Public/Private)	191,428	28	131,782	19	-59,646	-9
Landscaping/OS	283,354	41	349,654	51	66,300	10
Total	689,850	100%	689,850	100%	0	0%
Impervious Surfaces	406,496	59	340,196	49	-66,300	-10
Pervious Surfaces	283,354	41	349,654	51	66,300	10
Total	689,850	100%	689,850	100%	0	0%

Stormwater runoff and pollution would be reduced by the use of front yard grassy swales, disconnected roof drains, and bioretention cell areas, as shown on the Conceptual Stormwater Control Plan, Figure 23. Grassy swales are open, shallow channels with vegetation covering the side slopes and bottom that collect and slowly convey runoff flow to downstream points. They both reduce the quantity and improve the quality of runoff. Grassy swales would be used within some of the landscaping and common open space areas. Roof drains that are not connected to the storm drainage system divert runoff to landscaped areas via splash blocks or pop-up drainage emitters. Bioretention cells are small landscaped, graded areas constructed with a special soil mix and lined with a porous medium that can aid in reducing stormwater runoff, replenishing the aquifer, and filtering nonpoint source pollution. These measures would also provide some flow control benefit in conformance with HMP Policy provisions.

STANDARD MEASURES INCLUDED IN THE PROJECT

Water Quality

Construction

- Prior to the commencement of any clearing, grading or excavation, the project will 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 will 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 will file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB).
- The project will incorporate Best Management Practices (BMPs) into the project to control the discharge of stormwater pollutants including sediments associated with construction activities.
- The project applicant will comply with the City of San Jose Grading Ordinance, including erosion and dust control during site preparation and with the City of San Jose 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:
 - Restriction of grading to the dry season (April 15 through October 15) or meet City requirements for grading during the rainy season;
 - Utilize onsite 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; and
 - Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

Post-Construction

- Prior to the issuance of a Planned Development Permit, the applicant must 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 will comply with the Municipal Regional Stormwater NPDES Permit No. CAS612008, which provides enhanced performance standards for the management of stormwater of new development.
- The project will comply with applicable provisions of the following City Policies – 1) Post-Construction Urban Runoff Management Policy (6-29) which establishes guidelines and minimum BMPs for all projects; and 2) Post-Construction Hydromodification Management Policy (8-14) which provides for numerically-sized (or hydraulically-sized) TCMs.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

CONCLUSION

The implementation of the above construction and post-construction water quality standard measures would reduce the project's impact on hydrology and water quality to a **less-than-significant impact**.

10. LAND USE AND PLANNING

SETTING

General Plan

The land use designation for the project site on the *San Jose 2020 General Plan Land Use/Transportation Diagram* is Medium Low Density Residential (8 DU/AC), as shown on the preceding General Plan Map, Figure 5. The project conforms to this land use designation.

Special Areas

The project site is not located within any of the following special areas:

- Midtown Planned Community and Specific Plan Area
- Jackson – Taylor Planned Residential Community
- Communications Hill Planned Residential Community
- Evergreen Planned Residential Community
- Berryessa Planned Residential Community
- Silver Creek Planned Residential Community
- Alviso Master Plan Area
- Tamien Specific Plan Area
- Downtown Strategy Plan Area
- North San Jose (Rincon de Los Esteros Redevelopment Area)
- Edenvale Redevelopment Area
- Martha Gardens Planned Community

Zoning

The project site is currently zoned A(PD) (Planned Development District) for Administrative Office / Research and Development, as shown on the preceding Zoning Map, Figure 6. The project is an application to rezone the site to A(PD) (Planned Development District) for a single family detached residential development in accordance with the proposed General Development Plan.

Existing and Surrounding Uses

The project site is currently administrative office and research and development (R&D) and contains two office/R&D buildings, a small caretaker's residence, a building pad, a small pump house and associated parking. Previous uses of the site include: a golf course. Land uses surrounding (within 500 feet of) the project site include: residential development to the north; transportation (Guadalupe Mines Road), residential development and the Guadalupe Sanitary Landfill to the east; open space to the south; and public park/open space (Guadalupe Creek), transportation (Hicks Road) and low density residential to the west. The activity area of the landfill is located approximately 1/2 mile from the project site; the Guadalupe Rubbish Disposal Company has permits for the following activities: landfill, compost, yard waste grinding, landscape processing and sales, quarry, processing, transfer station, waste tire storage, equipment maintenance, and a construction and demolition materials recovery facility.

Habitat Conservation Plan / Natural Community Conservation Plan (HCP/NCCP)

As discussed in the preceding Biological Resources section, the City of San Jose, Santa Clara Valley Transportation Authority, Santa Clara Valley Water District, Santa Clara County and the cities of Gilroy and Morgan Hill are preparing a joint Habitat Conservation Plan/Natural Community Conservation Plan. The Habitat Plan is being developed in association with the

USFWS, CDFG and NMFS and in consultation with stakeholder groups and the general public to protect and enhance ecological diversity and function within more than 500,000 acres of southern Santa Clara County. The Interim Project Referral Process requires the local participating agencies to notify the wildlife agencies (CDFG and USFWS) of projects that have the potential to adversely impact covered species or natural communities, or conflict with the preliminary conservation objectives of the Habitat Plan.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
10. LAND USE AND PLANNING. Would the project:					
a. Physically divide an established community?				X	25,26
b. 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?				X	29,65
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?				X	25,26,28

Compatibility

The project would change the land use on the site from administrative office / R&D to single family detached residential use in accordance with the General Plan land use designation. Residential use is compatible with the surrounding area. Development of the project site would introduce new roads and homes to the area. These uses would change the view of the site and would generate increases in traffic, noise and air pollution in the area that would not be significant.

General Plan Policy Conformance

The project is located within the Greenline/Urban Growth Boundary and the Urban Service Area boundary in conformance with the Growth Management and Greenline/Urban Growth Boundary major strategies and policies. Loop streets and cul-de-sacs are incorporated in the project plans, rather than streets stubbed into lands planned for non-urban use at the edge of the Valley floor, in conformance with Urban Design policy No. 13. Two distinct housing types, with several different variations within each type, are proposed in conformance with Housing policy No. 1. Street trees are to be provided along all residential streets in conformance with Urban Design policy No. 15 and Urban Forest policy No. 4. Although onsite tree preservation is not feasible and many trees are to be removed, appropriate tree replacement is to be provided in conformance with Urban Design policy No. 24. Guadalupe Creek and the existing natural riparian corridor

along the site's westerly boundary are being preserved, in conformance with Riparian Corridors and Upland Wetlands policy No. 1. The project is to be energy efficient and include green building design features, and the project would result in fewer daily and peak hour trips than the existing use, in conformance with the Sustainable City major strategy and Energy policies. Guadalupe Creek and the existing riparian corridor are being protected in conformance with Water Resources policy No. 5; and specific construction and post-construction measures to control the quantity and improve the water quality of urban runoff are to be provided in conformance with Water Resources policy No. 12. Identified potential hazards to human habitation are to be adequately mitigated in conformance with Residential Land Use policy No. 5, Hazards policy No. 1 and the Earthquakes policies.

Habitat Conservation Plan / Natural Community Conservation Plan (HCP/NCCP)

The project site meets the threshold that requires an interim Habitat Conservation Plan project referral, has been referred to the agencies and no comments have been received.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

CONCLUSION

The proposed project would have **no impact** on land use and planning.

11. MINERAL RESOURCES

SETTING

Extractive resources known to exist in and near the Santa Clara Valley include cement, sand, gravel, crushed rock, clay and limestone. Santa Clara County has also supplied a significant portion of the nation's mercury over the past century. Pursuant to the mandate of the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board has designated the Communications Hill Area, bounded generally by the Southern Pacific Railroad, Curtner Avenue, State Route 87 and Hillsdale Avenue, as the only area in San Jose containing mineral deposits that are of regional significance as a source of construction aggregate materials.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
11. MINERAL RESOURCES. Would the project:					
a. 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?				X	27,29,67
b. 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?				X	27,29,67

Since the project site is outside of the Communications Hill area, there will be no impact on any known important mineral resource.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

CONCLUSION

The proposed project would have **no impact** on mineral resources.

12. NOISE

Charles M. Salter Associates, Inc. conducted an environmental noise assessment dated April 12, 2010 that is included in the Technical Appendix.

SETTING

Existing Noise Sources

Noise intrusion over the site originates primarily from vehicular traffic sources on Guadalupe Mines Road, which carries a peak hour traffic volume of approximately 400 along the site. Vehicles, including large trucks, use Guadalupe Mines Road to access the Guadalupe Landfill, Guadalupe Rubbish and Disposal Company, and Valley's Pride Landscaping Products, all located southeast of the site. Children's voices were audible in the northwestern portion of the site, presumably from the school or childcare at the church across Hicks Road.

ALUC Noise Zone

The project site is not located within an Airport Land Use Commission (ALUC) Noise Zone (65 dB CNEL).

Measurements

Noise levels are described in terms of the Day-Night Sound Level (DNL), which is the 24-hour noise descriptor used by the City of San Jose to define acceptable noise levels. To obtain the DNL values, three long-term 24-hour sound level measurements and two short-term 15-minute "spot" measurements were made between March 7-10, 2010, at the following locations, which are shown in the report in the Technical Appendix: 1) approximately 40 feet west of the Guadalupe Mines Road centerline in the central portion of the site; 2) northwesterly portion of the site along Guadalupe Creek; 3) southwesterly portion of the site along Guadalupe Creek; 4) approximately 45 feet west of the Guadalupe Mines Road centerline in the northeasterly portion of the site (spot); and 5) approximately 45 feet west of the Guadalupe Mines Road centerline in the southeasterly portion of the site (spot). The short-term measurements were compared with the concurrent measurements at the long-term monitors to determine how sound levels vary along Guadalupe Mines Road. The following existing DNL values were determined: 64 dBA at Location 1; 60 dBA at Location 2; 62 dBA at Location 3; 60 dBA at Location 4; and 62 dBA at Location 5.

Single-Event Noise

The maximum recurring noise level at the long-term monitor along Guadalupe Mines Road was 87 dBA.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
12. NOISE. Would the project result in:					
a. 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?		X			26, 29,68,108
b. Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?				X	25,27
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X		25,26,28
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X		25,26,28
e. 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?				X	27,69
f. 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?				X	27,69

Standards

Noise criteria that apply to the project are included in the City of San Jose General Plan, which establishes a policy of requiring noise mitigation from transportation noise for residential land use where the exterior level exceeds 60 dB DNL and/or the interior level exceeds 45 dB DNL. It is recognized, however, that attainment of the exterior noise quality levels in the vicinity of San Jose International Airport, the Downtown Core Area and along major roadways may not be achieved within the time frame of the General Plan. In these areas, an exterior noise goal of 65 dB DNL is acceptable where it is not feasible to reduce the exterior noise level to 60 dB DNL.

Equipment-Generated Noise

The San Jose Zoning Ordinance contains performance standards for the generation of noise at adjacent properties. In summary, noise generation is limited to 55 dB at residential property lines and 60 dB at commercial property lines.

Single-Event Noise

Neither the City nor the State currently regulates maximum instantaneous interior noise levels from intermittent single-events outdoors, such as noise from trucks. However, the City's current Envision San Jose 2040 Proposed General Plan Update Goals, Policies and Implementation Actions include a goal to limit recurring maximum levels from intermittent sources to 50 dBA in bedrooms and 55 dBA in other rooms.

Exterior Noise Exposures

Onsite measurements and calculations determined that the maximum DNL for the most impacted dwellings along Guadalupe Mines Road under existing traffic conditions is 60 to 64 dB.

To fully assess the impact of traffic noise on the project, future traffic levels must also be considered. Future peak hour traffic volumes on Guadalupe Mines Road along the site are projected to increase from the existing 400 to 900 in the year 2035; this corresponds to approximately a 3 to 4-decibel increase in environmental noise from this roadway. The City of San Jose does not provide forecast volumes for Hicks Road; in the absence of published data, a similar increase across the site was assumed. The future year 2035 noise exposure along Guadalupe Mines Road is calculated to increase to 67 dB DNL, and to 63 dB DNL along the westerly site boundary. The center of the site is estimated at below 60 dB DNL. Due to attenuation for additional distance from the sources of noise, estimated future noise levels at the proposed setback of homes along Guadalupe Mines Road would be approximately 65 dB DNL, exceeding the City of San Jose policy level by 5 dB. Estimated future noise levels at the westernmost homes would be approximately 61 dB DNL, exceeding the City policy level by 1 dB.

The un-shielded estimated future DNL at residences along Guadalupe Mines Road is 65 dB. Based on assumptions that private yards will be located at least 60 feet, and that noise barriers will be located approximately 35 feet, from the roadway centerline, preliminary calculations suggest that a six-foot-high noise barrier (above roadway elevation) along Guadalupe Mines Road would reduce traffic noise to the City's goal of 60 dBA or lower. Final wall height will be determined during the design phase.

The un-shielded estimated future DNL at residences in the westerly portion of the site is 61 dB, due to a combination of vehicle noise from Hicks Road and noise from the Guadalupe Creek (estimated based on minimum ambient noise levels measured along the site's westerly property line). The estimated future DNL contribution from vehicles on Hicks Road is approximately 60 dBA, which is consistent with the City's goal for exterior noise levels.

Interior Noise Exposures

To determine the interior DNL values, a 15 dB attenuation factor was applied to the measured exterior exposure. This factor represents an annual average condition; i.e., assuming that windows with single-strength glass are kept open up to 50 percent of the time for natural

ventilation. Interior noise exposures in the dwelling units closest to Guadalupe Mines Road would be 50 dB DNL under projected future (2035) traffic conditions, and 46 dB DNL at the westernmost homes. Thus, the interior exposures would be 1 to 5 dB in excess of the 45 dB interior limit of the General Plan.

To meet the indoor noise level criterion due to exterior sources, it will be necessary for the exterior façades of some units to be sound-rated. Recommendations for sound-rated construction will depend on the size and type of rooms, windows and exterior façades, and will be determined during the design phase. Preliminary calculations suggest that standard dual-pane construction-grade windows, which have sound insulation ratings in the range of STC 26 to 28, will reduce interior levels to 45 dB DNL or lower.

Equipment Generated Noise

Stationary noise sources associated with the project may consist of residential air-conditioning units. The project should incorporate measures to reduce noise from air conditioning units and/or other stationary equipment to acceptable levels. These measures, which may include equipment selection and location and, if necessary, equipment enclosures, will be determined during the design phase.

Single-Event Noise

The maximum recurring noise level at the long-term monitor along Guadalupe Mines Road was 87 dBA. Assuming the noise sources were vehicles near the center of the near lane of traffic (approximately 30 feet east of the monitor location), the corresponding maximum recurring noise level at the setback of proposed residences would be approximately 80 dBA. Preliminary calculations suggest that windows with sound insulation ratings in the range of STC 40 to 45, and exterior wall assemblies including additional layers of gypsum board, may be needed to reduce indoor noise levels to 50 dBA in bedrooms and 55 dBA in other rooms. While this is not currently a requirement, maximum noise levels from trucks should be considered and it may be prudent to design noise reduction to achieve these indoor limits.

Temporary Construction Noise

During construction, the site preparation and construction phase would generate temporary sound levels ranging from approximately 70 to 90 dBA at 50 foot distances from heavy equipment and vehicles. These construction vehicles and equipment are generally diesel powered, and produce a characteristic noise that is primarily concentrated in the lower frequencies.

The powered equipment and vehicles act as point sources of sound, which would diminish with distance over open terrain at the rate of 6 dBA for each doubling of the distance from the noise source. For example, the 70 to 90 dBA equipment peak noise range at 50 feet would reduce to 64 to 84 dBA at 100 feet, and to 58 to 78 dBA at 200 feet. Therefore, during the construction

operations, sound level increases of 20 to 40 dBA due to these sources could occur near the project boundary.

Since construction is carried out in several reasonably discrete phases, each has its own mix of equipment and consequently its own noise characteristics. Generally, the short-term site preparation phase, which requires the use of heavy equipment such as concrete crushers, bulldozers, scrapers, trenchers, trucks, etc., would be the noisiest. The ensuing building construction and equipment installation phases would be quieter and on completion of the project, the area's sound levels would revert essentially to the traffic levels.

STANDARD MEASURES INCLUDED IN THE PROJECT

Interior Noise

- Mechanical ventilation will be provided in accordance with Uniform Building Code requirements when windows are to be closed for noise control, to the satisfaction of the Chief Building Inspector.

Equipment Generated Noise

- Post-construction mechanical equipment will conform to the City's General Plan limitation of 55 dB DNL at residential property lines and 60 dB DNL at commercial property lines by utilizing measures such as equipment selection and location and, if necessary, equipment enclosures.

Temporary Construction Noise

- Construction activities will be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any onsite or offsite 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.
- The contractor will 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 will be equipped with adequate mufflers and will be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.
- Stationary noise-generating equipment will be located as far as possible from sensitive receptors. Staging areas will be located a minimum of 200 feet from noise-sensitive receptors, such as residential uses.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Exterior Noise

- A 6-foot-high noise attenuation barrier shall be constructed along Guadalupe Mines Road.

Interior Noise

- Windows and sliding glass doors shall be operable and STC 40 to 45 rated windows and doors and/or exterior wall assemblies including additional layers of gypsum board shall be installed to reduce indoor noise levels to 50 dBA in bedrooms and 55 dBA in other rooms at all residences subject to excessive single-event noise.
- Windows and sliding glass doors shall be operable and STC 28 or higher rated windows and doors shall be installed at all living spaces on the remainder of the site.
- All units shall be equipped with forced air ventilation systems to allow the occupants the option of maintaining the windows closed to control noise, and maintain an interior noise level of 45 dB DNL.
- 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 will be attenuated to 45 dB DNL to the satisfaction of the Director of Planning, Building and Code Enforcement.

Temporary Construction Noise

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

CONCLUSION

The implementation of the above interior noise, equipment generated noise and temporary construction noise standard measures and the exterior noise, interior noise and temporary construction noise mitigation measures would reduce the project’s impact on noise to a **less-than-significant impact with mitigation.**

13. POPULATION AND HOUSING

SETTING

The population of the City of San Jose is approximately 1,006,892 (January 1, 2009). The project site is located in Census Tract 5119.09, which has a population of approximately 7,587 (2000 Census). There is one housing unit currently on the project site.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
13. POPULATION AND HOUSING. Would the project:					
a. 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)?			X		25,26,28
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	25,26
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	25,26

The project would displace 1 existing housing unit with an estimated population of up to 4 persons. The project would add 95 housing units that would add approximately 333 people to the City of San Jose for a net increase of 94 housing units and approximately 329 people, which would not be a substantial increase to the City's population.

Growth Inducement

Direct growth inducing impacts include the construction of streets and utilities that would provide access to or capacity for additional undeveloped land. The site is bordered by developed residential uses, by the Guadalupe Sanitary Landfill, and by Guadalupe Creek and open space beyond the Urban Service Area Boundary - Greenline/Urban Growth Boundary. The project would not have a direct growth inducing impact. Indirect growth inducing impacts include increases in population and economic impacts. There would be short-term increases in employment in the construction industry. The project would not have a significant indirect growth inducing impact.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

CONCLUSION

The proposed project would have a **less-than-significant impact** on population and housing.

14. PUBLIC SERVICES

SETTING

Schools

The project site is in the Los Gatos Union School District (K-8) and the Los Gatos-Saratoga Joint Union High School District (9-12). Students from the project are expected to attend:

School	Address	Approx. Distance (miles)	Enrollment
Blossom Hill Elementary*	16400 Blossom Hill Road, Los Gatos	4.4	656
Fisher Middle	19195 Fisher Avenue, Los Gatos	5.0	1,004
Los Gatos High	20 High School Court, Los Gatos	5.9	1,744

*Depending on classroom space availability.

All of the schools are considered to be at capacity.

Parks

There are no developed City of San Jose parks within walking distance (3/4 mile) of the project site. The closest City park is T.J. Martin Park, a 9.3-acre neighborhood park located on Melbourne Boulevard at Jeanne Avenue, approximately 1.4 miles to the northeast; it contains two playgrounds, a children's water play feature and turf areas. The closest regional park is Almaden Quicksilver County Park, a 4,152-acre park that includes over 34 miles of hiking, equestrian and/or biking trails and historic remnant quicksilver mining structures; the Mockingbird Hill entrance is located approximately 5.3 miles to the southeast. In addition, the City's Guadalupe Creek Trail Master Plan includes a future trail alignment along the easterly side of Guadalupe Mines Road.

Fire Protection

The project site is in the service area of the San Jose Fire Department. The closest fire station is Station No. 17, located at 5170 Coniston Way, approximately 2.2 miles northeasterly of the site. In addition, Station No. 22 is located at 6461 Bose Lane, approximately 2.2 miles easterly of the site.

Police Protection

The project site is within Beat Building Block (BBB) 333 of the San Jose Police Department's service area. The most frequent calls-for-service in BBB 333 from January 1, 2009 through January 1, 2010 were assault, burglary, theft and auto burglary.

Libraries

The project site is served by the San Jose Public Library System. The closest branch library is the Vineland Branch, located at 1450 Blossom Hill Road, approximately 1.9 miles northeasterly of the site.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
14. PUBLIC SERVICES. Would the project:					
a. 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?			X		28
Police protection?			X		28,73
Schools?			X		4,5,28
Parks?			X		28
Other Public Facilities?			X		28

Schools

The project would add additional students to the Los Gatos Union School District and the Los Gatos-Saratoga Joint Union High School District, as follows:

School	Enrollment	Generation Factor	Number of Students
Blossom Hill Elementary and Fisher Middle	656 / 1,004	0.366/du (K-8)	35
Los Gatos High	1,744	0.208/du	20

Based on the district generation factors listed above, the project would generate a total of up to 55 students. This is not considered to have a significant physical effect on the environment.

The State School Facilities Act provides for school district impaction fees for elementary and high schools and related facilities as a condition of approval to offset the increased demands on school facilities caused by residential projects. Both districts have implemented such a fee. The one-time fee, which is based on the square footage of new habitable residential construction, would be paid prior to the issuance of a building permit and would be allocated to the two districts.

Parks

The City of San Jose provides parks and recreation facilities within the city. Project residents would increase the demand for public park facilities. There are currently no developed City parks within the 3/4-mile reasonable walking distance standard; however, the City's Guadalupe Creek Trail Master Plan includes a future trail alignment along the easterly side of Guadalupe Mines Road, across from the project site.

Recreation facilities proposed with the project include a common open space area, containing a play area, a picnic table and lawn area for active and passive recreational activities, located in the southwesterly portion of the site. In addition, a path is planned along the riparian corridor with a split rail cedar fence and benches.

Parkland Dedications

The City has established a Parkland Dedication Ordinance that requires dedication of land and/or payment of fees for neighborhood and community park or recreational purposes in accordance with the Services and Facilities and the Parks and Recreation Goals and Policies of the General Plan. There are currently no plans to dedicate land for park purposes with the project. Fees would be paid to improve park features in the area.

Fire Protection

The San Jose Fire Department provides fire protection for the city. No additional fire personnel or equipment are expected to be necessary to serve the project.

Police Protection

The San Jose Police Department provides police protection for the city. No additional police personnel or equipment are expected to be necessary to serve the project.

Libraries

The San Jose Public Library System provides library services for the city. No additional library personnel or volumes (items) are expected to be necessary to serve the project.

STANDARD MEASURES INCLUDED IN THE PROJECT

Schools

- A school impact fee will be paid to the school district(s) to offset the increased demands on school facilities caused by the proposed project, in accordance with California Government Code Section 65996.

Parks

- The project will conform to the City's Park Impact Ordinance (PIO) and/or Parkland Dedication Ordinance (PDO) (Municipal Code Chapters 14.25 and 19.38, respectively).

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

CONCLUSION

The implementation of the above schools and parks standard measures would reduce the project's impact on public services to a **less-than-significant impact**.

15. RECREATION

SETTING

There are no developed City of San Jose parks within walking distance (3/4 mile) of the project site. The closest City park is T.J. Martin Park, a 9.3-acre neighborhood park located on Melbourne Boulevard at Jeanne Avenue, approximately 1.4 miles to the northeast; it contains two playgrounds, a children's water play feature and turf areas. The closest regional park is Almaden Quicksilver County Park, a 4,152-acre park that includes over 34 miles of hiking, equestrian and/or biking trails and historic remnant quicksilver mining structures; the Mockingbird Hill entrance is located approximately 5.3 miles to the southeast. In addition, the City's Guadalupe Creek Trail Master Plan includes a future trail alignment along the easterly side of Guadalupe Mines Road.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
15. RECREATION.					
a. Would the project 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?			X		70,71
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?			X		26,28

The City of San Jose provides parks and recreation facilities within the city. Project residents would increase the demand for public park facilities. There are currently no developed City parks within the 3/4-mile reasonable walking distance standard; however, the City's Guadalupe Creek Trail Master Plan includes a future trail alignment along the easterly side of Guadalupe Mines Road, across from the project site.

Recreation facilities proposed with the project include a common open space area, containing a play area, a picnic table and lawn area for active and passive recreational activities, located in the southwesterly portion of the site. In addition, a path is planned along the riparian corridor with a split rail cedar fence and benches.

STANDARD MEASURES INCLUDED IN THE PROJECT

Recreation

- The project will conform to the City's Park Impact Ordinance (PIO) and/or Parkland Dedication Ordinance (PDO) (Municipal Code Chapters 14.25 and 19.38, respectively).

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

CONCLUSION

The implementation of the above recreation standard measure would reduce the project's impact on recreation to a **less-than-significant impact**.

16. TRANSPORTATION / TRAFFIC

Hexagon Transportation Consultants, Inc. conducted a traffic operations study dated July 1, 2010 that is included in the Technical Appendix.

SETTING

Street System

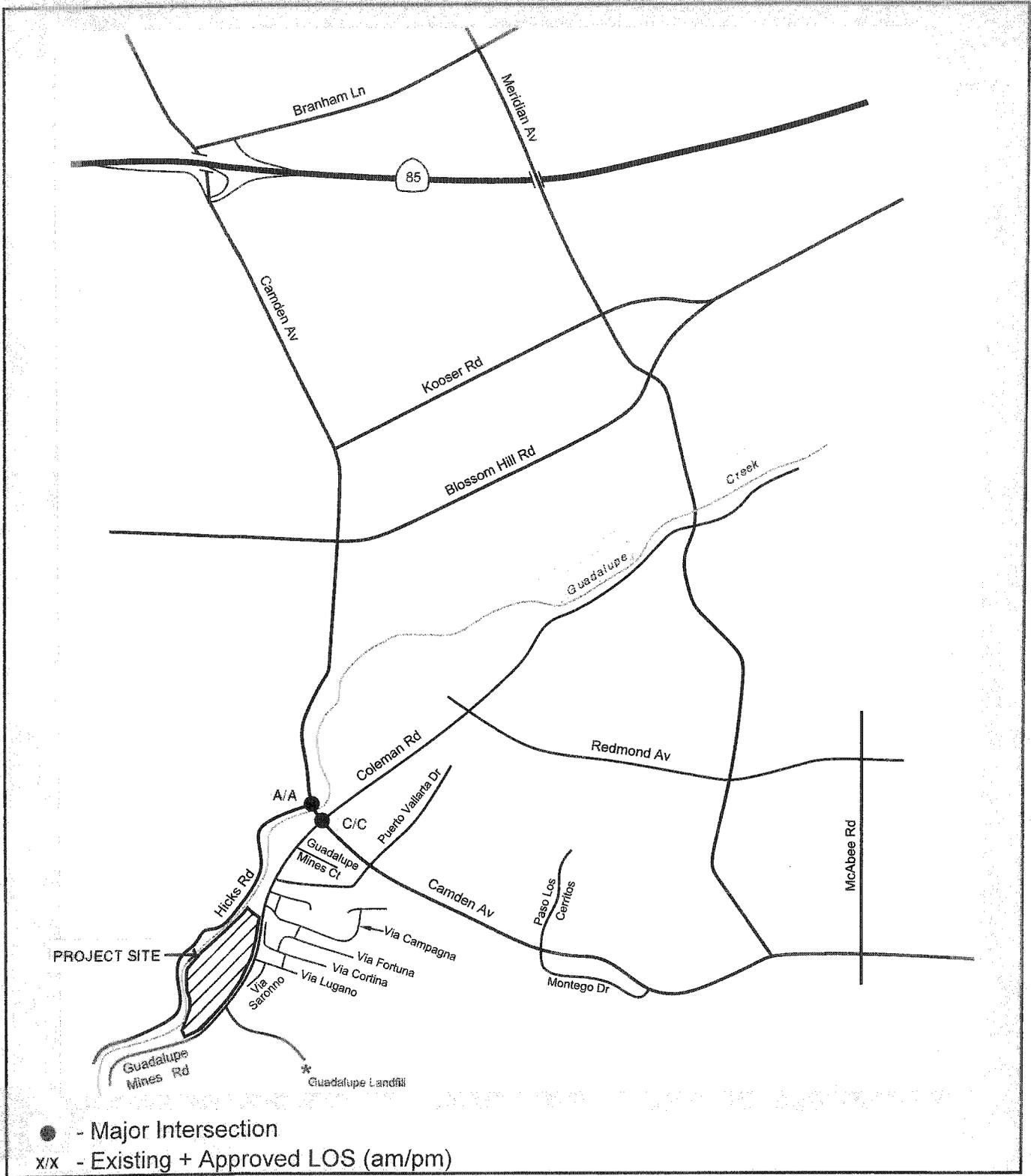
Access to the project site is provided by Guadalupe Mines Road, which is a 2-lane street that provides access to Almaden Expressway and State Routes 85 and 87 via Camden Avenue and/or Blossom Hill Road.

Level of Service

In an urban street network, the critical determinants for overall traffic conditions are the operational characteristics of the major intersections. To establish a standard frame of reference when describing traffic flow, the concept of level of service is used. As described by the *Highway Capacity Manual*, the level of service of a facility is a theoretical traffic volume determined by its physical and operational characteristics and by stipulated conditions of traffic flow. Delay is a measure of driver discomfort, frustration, fuel consumption, and lost travel time, which is measured as the average stopped delay per vehicle. Flow conditions vary from unrestricted at Level A to forced flow at Level F, as described below. The major street system in the project site vicinity and the levels of service are shown on the following Major Street System map.

Level of Service	Type of Flow	Traffic Conditions	V/C Ratio	Delay (sec.)
A	Free	No approach phase fully utilized. No vehicle waits longer than one red indication.	<0.60	≤10.0
B	Stable	An occasional approach phase is fully utilized.	0.60-0.69	10.1-20.0
C	Stable	Occasional drivers may have to wait through more than one red signal. Backups may develop behind turning vehicles.	0.70-0.79	20.1-35.0
D	Approaching Unstable	Delays to vehicles may be substantial during short peaks, but periodic clearance of queues prevents excessive backups from developing.	0.80-0.89	35.1-55.0
E	Unstable	Capacity, with sustained delays and backups.	0.90-0.99*	55.1-80.0
F	Forced	Excessive delay.	Varies	>80.0

* In general, V/C ratios could not be greater than 1.00. However, if future demand projections are considered for analytical purposes, a ratio greater than 1.00 might be obtained, indicating that the projected demand would exceed the capacity.



Major Street System

Figure 32

Existing Conditions

Existing conditions were obtained from new manual turning-movement counts conducted on June 8, 2010. Trips generated by the existing 56,116 square foot building of occupied office space and the Guadalupe Landfill were also obtained from counts conducted on June 8, 2010.

The area intersections were evaluated under existing and future traffic conditions to determine their level of service. The existing operations of the two signalized intersections near the project site (Camden Avenue and Coleman Road/Guadalupe Mines Road, and Camden Avenue and Hicks Road) were evaluated using current morning and evening peak hour traffic volumes. Existing plus approved traffic volumes were estimated by adding to existing peak hour volumes the potential trips that could be generated by the existing 123,231 square feet of vacant office space on the site. The following table lists the weighted average delays and equivalent levels of service for the existing and existing plus approved morning and evening peak hours. The General Plan/Transportation Level of Service Policy requires that the minimum overall performance of City streets during peak travel periods should be level of service "D". The results of the level of service analysis show that both intersections operate at acceptable levels of service under existing plus approved conditions.

Table 9. Existing Levels of Service

Intersection	Peak Hour	Existing		Existing + Approved	
		Delay* (sec.)	LOS	Delay* (sec.)	LOS
Camden Avenue and Coleman Road/ Guadalupe Mines Road	a.m.	33.0	C	32.3	C
	p.m.	24.3	C	31.0	C
Camden Avenue and Hicks Road	a.m.	7.2	A	6.7	A
	p.m.	9.0	A	8.4	A

*Delay – Average delay for the whole intersection in seconds.

LOS = Level of Service

Existing Truck Traffic

According to 24-hour mechanical tube count data, Guadalupe Mines Road currently carries a traffic volume of 2,862 vehicles per day. Large trucks driving to and from the Guadalupe Sanitary Landfill currently make up about 16.5 percent of those trips, or 472 trips per day. As described in the report in the Technical Appendix, it can be concluded that the existing daily traffic volume on Guadalupe Mines Road is well within the acceptable limit. In addition, the number of large trucks is not uncharacteristically high for a roadway such as Guadalupe Mines Road, which is designed to accommodate all types of vehicles including trucks.

Public Transit

Public transit in the project area is provided by the Santa Clara Valley Transportation Authority. Limited-stop bus routes 328 (Almaden Expressway and Camden to Lockheed Martin / Moffett

Industrial Park) and 330 (Almaden Expressway and Camden to Tasman Drive) operate along Camden Avenue with stops at Coleman Road/Guadalupe Mines Road. The project site is not located within 2,000 feet of a light rail station.

Congestion Management Program Analysis

A Congestion Management Program (CMP) analysis was not performed because the Santa Clara County Congestion Management Agency, which monitors regional traffic issues, does not require an analysis for small projects of less than 100 peak hour trips.

Freeway Segment Analysis

A freeway level of service analysis was not performed since project trips on freeway segments would not be greater than one percent of the capacity of the segments.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
16. TRANSPORTATION/TRAFFIC. Would the project:					
a. Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			X		76,109
b. 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?			X		78
c. 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?				X	27,28
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?				X	26,28
e. Result in inadequate emergency access?				X	26,28
f. Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X	26,29

Trip Generation

Trip generation estimates were done under two scenarios: 1) with trips from the two existing buildings only, and 2) with trips from the two existing buildings and the addition of the third approved building. As shown in the following table, there would be a decrease in daily and peak hour trips under both scenarios.

Table 10. Trip Generation Estimates

Land Use	Units/ Size	Trip Rate	Daily Trips	A.M. Peak Hour Trips			P.M. Peak Hour Trips		
				In	Out	Total	In	Out	Total
Existing									
Office / R&D*	56,116 sf			40	1	41	3	13	16
Office / R&D**	123,231 sf			167	23	190	82	158	190
Proposed									
SFD Residential	94 units	9.9	<u>931</u>	<u>33</u>	<u>60</u>	<u>93</u>	<u>60</u>	<u>33</u>	<u>93</u>
Difference			-494	-174	36	-138	25	-138	-113
Existing + Approved Third Building									
Office / R&D	222,173 sf	8.0	1,777	265	32	297	46	226	272
Proposed									
SFD Residential	94 units	9.9	<u>931</u>	<u>33</u>	<u>60</u>	<u>93</u>	<u>60</u>	<u>33</u>	<u>93</u>
Difference			-232	28	-204	14	-193	-179	

* Occupied

** Occupied + Vacant

Trip Distribution and Assignment

The project-generated trips were distributed and assigned to the local street system in accordance with existing travel patterns on the surrounding roadway system and the relative locations of complementary land uses.

Project Impacts

The area intersections were analyzed for changes in average delay and level of service with the addition of project traffic. The average delays and corresponding levels of service are listed in the following table.

Table 11. Project Levels of Service

Intersection	Peak Hour	Exist. + Approved		Exist. + App. + Project		Δ Crit. Delay* (sec.)	Δ Crit. V/C Ratio
		Delay* (sec.)	LOS	Delay* (sec.)	LOS		
Camden Avenue and Coleman Road/ Guadalupe Mines Road	a.m.	32.3	C	33.4	C	0.0	0.00
	p.m.	31.0	C	25.7	C	-4.0	-0.05
Camden Avenue and Hicks Road	a.m.	6.7	A	6.8	A	0.0	0.01
	p.m.	8.4	A	8.6	A	-0.1	0.00

* Delay = Average delay for the whole intersection in seconds.

LOS = Level of Service

V/C = Volume to Capacity

The acceptable existing plus approved levels of service at the two area intersections would remain unchanged with the addition of project traffic. Therefore, the project's traffic impacts would be non-significant and no mitigation measures are required to meet the City's Transportation Level of Service Policy.

Truck Traffic

The existing daily traffic volume (including large trucks) on Guadalupe Mines Road is well within the acceptable design limit. The proposed project would not increase the number of truck trips on Guadalupe Mines Road to and from the Guadalupe Sanitary Landfill.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

CONCLUSION

The project's impact on transportation / traffic would be a **less-than-significant impact**.

17. UTILITIES AND SERVICE SYSTEMS

SETTING

Sanitary Sewers

There is an existing 6- to 8-inch City of San Jose sanitary sewer in Guadalupe Mines Road. Extensions within the project would be required.

Wastewater Treatment

Wastewater treatment for the City of San Jose is provided by the San Jose-Santa Clara Water Pollution Control Plant (WPCP). Capacity is expected to be available to serve the project based on the current capacity of 167 million gallons per day (MGD). The Water Pollution Control Plant is currently operating under a 120 MGD dry weather flow trigger. This requirement is based upon the State Water Resources Board (SWRB) and the Regional Water Quality Control Board (RWQCB) concerns over the effects of additional freshwater discharges on the saltwater marsh habitat, and pollutants loading to the South Bay from the WPCP. A Growth Management System regulates new development to assure that the capacity is not exceeded. There are programs and services in place to help minimize flows to the Plant and, while plans are in place to ensure Plant compliance with the 120 mgd trigger, those plans call for conservation and water recycling as strategies for ongoing compliance.

Water Supply

There is an existing 8-inch San Jose Water Company (SJWC) water line in Guadalupe Mines Road, northerly of Via Lugano, and a 16-inch SJWC water line in an easement across the northerly end of the project site. Extensions within the project would be required.

Storm Drainage Facilities

There is an existing 18-inch City of San Jose storm drainage line in Guadalupe Mines Road at Via Lugano, that heads northwesterly through the project site to outfall into Guadalupe Creek. Extensions within the project would be required.

Solid Waste / Recycling

Residential solid waste disposal service for the project site is provided by the City of San Jose, using Garden City Sanitation, Inc. and/or California Waste Solutions. They are currently using the Newby Island sanitary landfill disposal site operated by International Disposal Company. The landfill area has an estimated service life based on remaining capacity and contractual commitments to 2023. An unlimited residential recycling program in the City currently results in an approximately 50 percent reduction in residential solid waste that typically required disposal in a landfill.

Gas and Electric Service

Natural gas and electric services for San Jose are provided by Pacific Gas and Electric Company. There are existing services in the area.

Telephone Service

Residential telephone service for the project site is provided by AT&T. There is existing service in the area.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
17. UTILITIES AND SERVICE SYSTEMS. Would the project:					
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X		28,80
b. 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?			X		28
c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		28
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X		28
e. 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?			X		28
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X		28
g. Comply with federal, state and local statutes and regulations related to solid waste?			X		28

Sanitary Sewers

Sanitary sewer service for the project site is provided by the City of San Jose. The existing sanitary sewer line in Guadalupe Mines Road is available and adequate to serve the project. Extensions within the project would be provided. A private sanitary sewer pump station is to be provided with the project because the elevations on the site are lower than Guadalupe Mines Road.

Wastewater Treatment

Wastewater treatment for the City of San Jose is provided by the San Jose-Santa Clara Water Pollution Control Plant. The project is estimated to generate an average of approximately

22,500 gallons per day (0.02 MGD) of effluent, based on the Growth Management System's land use/effluent coefficient of 237 gallons per day per single family detached residential unit. High energy efficiency appliances (e.g., Energy Star Certified clothes washers, dishwashers, etc.) would be provided with the project.

Water Supply

Water for the project site is provided by the San Jose Water Company. The existing water lines in Guadalupe Mines Road and across the northerly end of the project site are available and adequate to serve the project. Extensions within the project would be provided. The project is estimated to require approximately 43,300 gallons of water per day, based on 130 gallons per person per day. The project incorporates built-in water savings devices such as shower heads with flow control devices and low flush toilets to reduce water usage.

Storm Drainage Facilities

An increase in impervious surfaces associated with project development would cause an increase in stormwater runoff. Storm drainage service for the project site is provided by the City of San Jose. The existing storm drainage line through the site is available and adequate to serve the project. Extensions within the project would be provided. An onsite collection system including curbs, gutters and an underground system would be included in the project.

Solid Waste / Recycling

Residential solid waste disposal service for the project site is provided by the City of San Jose. The project is estimated to generate up to approximately 182 tons of solid waste per year, based on 3.0 pounds per person per day; however, with recycling, the amount disposed of in a landfill could be reduced to approximately 91 tons per year.

Construction / Demolition Debris

The project is also subject to mandatory construction and demolition debris recycling. At least 50 percent of the debris generated from the project must be recycled.

Gas and Electric Service

There are existing Pacific Gas and Electric Company gas and electric services in the area that would be extended as required to serve the project. There is sufficient capacity in this utility system to provide adequate project service.

Telephone Service

There are existing AT&T telephone facilities in the area that would be extended as required to serve the project. There is sufficient capacity in this utility system to provide adequate project service.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

CONCLUSION

The project's impact on utilities and service systems would be a **less-than-significant impact**.

18. MANDATORY FINDINGS OF SIGNIFICANCE

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
18. MANDATORY FINDINGS OF SIGNIFICANCE.				
a. Does the project have the potential to (1) degrade the quality of the environment, (2) substantially reduce the habitat of a fish or wildlife species, (3) cause a fish or wildlife population to drop below self-sustaining levels, (4) threaten to eliminate a plant or animal community, (5) reduce the number or restrict the range of a rare or endangered plant or animal or (6) eliminate important examples of the major periods of California history or prehistory?		X		
b. 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 and the effects of other current projects.			X	
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X		

Impact Summary

As discussed in previous sections, the proposed project would have environmental effects that could cause substantial adverse effects on human beings, either directly or indirectly, with respect to air quality, biological resources, geology and soils, hazards and hazardous materials, hydrology and water quality, and noise. With the implementation of the previously listed Standard Measures and Mitigation Measures Included in the Project, these impacts would be reduced to less-than-significant impacts with mitigation.

APPENDIX

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Although Mindigo & Associates have used their best efforts to prepare a complete and competent report, Mindigo & Associates shall not be liable for cost or damage to any project due to judicial or administrative action, whether or not such action is based on the form or content of this report or portion prepared by Mindigo & Associates. Any services of staff or subconsultants of Mindigo & Associates required by any party in any litigation on or related to this report shall be paid for by the party requesting such services at the current, standard consulting rates of Mindigo & Associates.

INITIAL STUDY / EIR

DISCLOSURE STATEMENT

APPLICANT Trumark Companies

PROJECT TITLE BROOKSIDE ESTATES
PDC10-005

PROJECT LOCATION Westerly side of Guadalupe Mines Road, approximately 1,350 feet
southerly of Via Campagna
(6401, 6409 and 6411 Guadalupe Mines Road)

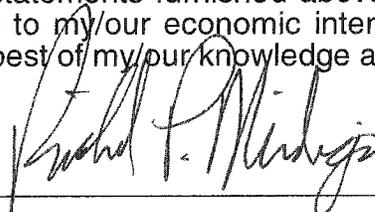
Mindigo & Associates has prepared the above Initial Study or Draft Environmental Impact Report, doing business as:

An Individual

The above-named, now has or will have the following direct or indirect economic interest or interests in the development of, or, after its completion, the operation of the project for which the attached Initial Study or Draft EIR has been submitted:

None, Except Fees For The Preparation Of Environmental Studies

I/We declare, under penalty of perjury, that the statements furnished above pertaining to the environmental effects of a proposed project and to my/our economic interest or interests in that project are complete, true and correct to the best of my/our knowledge and belief.



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In order to achieve maximum objectivity in the Environmental Review process, the City requires persons, including individuals, firms, associations, partnerships, trusts, corporations, or companies, who submit to the City applications for Environmental Clearance, or who submit to the City a proposed Draft EIR, to disclose any economic interest in the project which they have derived or will or might derive from the development of, or, after its completion, the operation of the project. This application shall apply to consultants and subcontracted consultants who prepare all, or portions of, the Environmental Clearance document or the proposed Draft EIR. Each proponent, consultant, and subcontracted consultant shall prepare a disclosure statement as presented in this application.

You have an indirect economic interest in the project if your spouse or dependent child or agent acting on your behalf owns or otherwise has an economic interest in the site upon which the project is to be developed or if your spouse or dependent child or agent acting on your behalf has a present or future economic interest in the development of, or, after its completion, operation of the project. Briefly but specifically describe each of your direct and indirect economic interests in the project. You need but disclose the nature of your economic interest in the project, not the amount of said interest. If you have no interest, simply write "none" in the space provided.

Persons and Organizations Consulted

1. **Chris Davenport**, Trumark Companies
2. **Erik Schoennauer**, Planning Consultant, The Schoennauer Company
3. **Jared Frey**, Civil Engineer, RJA
4. **Suzanne Carrig**, Administrator of Special Projects, Santa Clara County Office of Education
5. **Richard Whitmore**, Superintendent, Los Gatos Union School District
6. **Jane Marashian**, Assistant to the Superintendent, Los Gatos - Saratoga Joint Union High School District
7. **Karen Mack**, Principal Engineering Technician, Transportation Department, City of San Jose
8. **Terry Hardy**, Engineering Clerk, Maps and Records Division, Engineering Department, San Jose Water Company
9. **Gas and Electrical Mapping Departments**, Pacific Gas and Electric Company
10. **Brad Brown**, Park Planner, Parks, Recreation & Neighborhood Services Department, City of San Jose
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