INITIAL STUDY

FOR THE

PALM SITE
GENERAL PLAN AMENDMENT

File: GP06-04-03

CITY OF SAN JOSE

October 2006

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Appendices

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Chapter 1. Background Information

PROJECT DATA

1. **Project Title:** Palm Site General Plan land use amendment (file no. GP06-04-03)

2. **Lead Agency Name and Address:** City of San Jose Planning, Building, and Code Enforcement, 200 E. Santa Clara Street, San Jose, CA 95113

3. **Contact Person and Phone Number:** Meera Nagaraj, Meera.Nagaraj@sanjoseca.gov, (408) 535-7867

4. **Project Location:** The property is located on the south side of State Route (SR) 237, between N. First Street and Headquarters Drive, in north San Jose. The Assessor's Parcel Numbers for the site are 097-03-066, -079, -081, -085, -087, -093, -100, -101, -105, -108.

5. **Project Proponent**: Hunter/Storm LLC, 20725 Valley Green Drive, Suite 100, Cupertino, CA 95014 Contact: Linda Callon, Berliner Cohen (408) 286-5800

6. **Project Description:** Change the San Jose 2020 General Plan Land Use/Transportation Diagram designation on a 36.3-acre site from *Industrial Park* with a *Mixed Industrial Overlay* to *Combined Industrial/Commercial*.

7. **Environmental Consultant**: Denise Duffy & Associates, Inc. Main Office: 947 Cass Street, Monterey, CA 93940 Contact: Leianne Humble (831) 373-4341

Chapter 2. Project Description

INTRODUCTION

This Initial Study has been prepared pursuant to the requirements of the California Environmental Quality Act (CEQA). The purpose of an Initial Study is to determine whether the proposed project could significantly affect the environment, requiring the preparation and distribution of an Environmental Impact Report. Based on the following analysis, it appears that the environmental impacts of the project would be eligible for a Mitigated Negative Declaration.

PROJECT LOCATION

The project site is located on the south side of SR 237, between N. First Street and Headquarters Drive in north San Jose, Santa Clara County. The Assessor's Parcel Numbers (APNs) for the site are 097-03-066, -079, -081, -085, -087, -093, -100, -101, -105, -108. Figures 1 and 2 illustrate the regional and vicinity location of the project. The Assessor's Parcel Map for the site is presented in Figure 3.

The existing project site consists of two undeveloped parcels along either side of Holger Way. The property does not contain any buildings or structures, with the exception of Holger Way, which is closed, and various utilities. The site contains weedy vegetation and some trees, and is entirely enclosed with a chain-link fence. An aerial of the project area is provided in Figure 4, and photos of the existing site are presented in Figure 5.

PROJECT DESCRIPTION

The project applicant has applied for a General Plan amendment (GPA) on a 36.3-acre site located on the south side of SR 237, between N. First Street and Headquarters Drive (file no. GP06-04-03). The project proposes to change the San Jose 2020 General Plan Land Use/Transportation Diagram designation for the site from 36.3-acre site from *Industrial Park* with a *Mixed Industrial Overlay* to *Combined Industrial/Commercial* (refer to Figure 2).

PROJECT OBJECTIVES

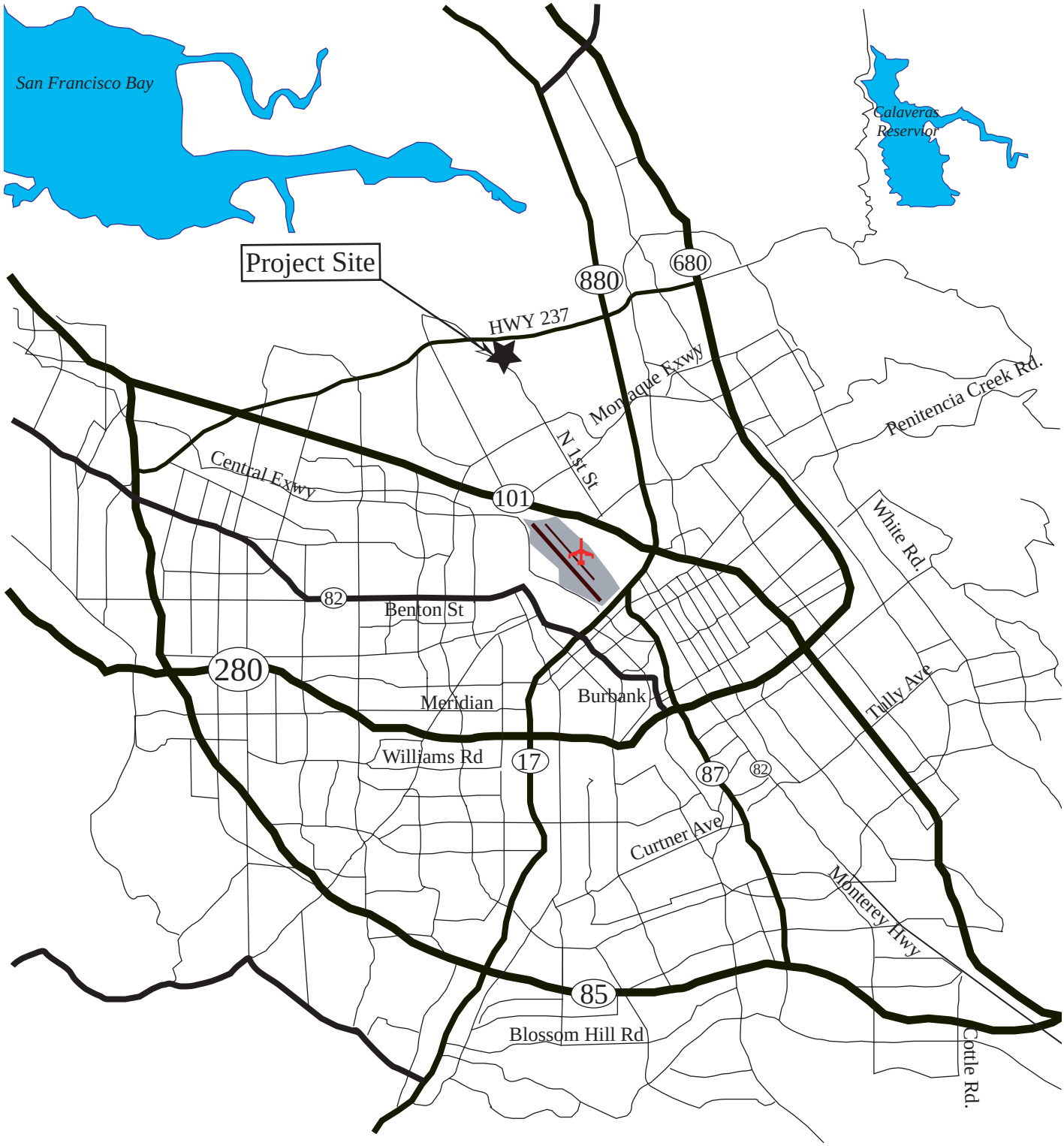
The purpose of the project is to allow for commercial, office, and industrial park development at a desirable location with access from SR 237 and N. First Street, at the gateway to the N. First Street area. These uses would be arranged on the site in a manner that avoids land use incompatibilities. Commercial and industrial park uses at this property would help fulfill a portion of the commercial and industrial square footage envisioned in the first phase of the North San Jose Area Development Policy.

It is the intent of this Initial Study to provide the City of San Jose, decision makers, and the general public with the relevant environmental information to use in considering the required approval for the project. The City of San Jose would use the environmental document for discretionary approval of the proposed General Plan amendment.

REQUIRED APPROVALS

The project will require the following approvals:

- City of San Jose – Environmental Clearance (Negative Declaration)
- City of San Jose – General Plan amendment



N	Regional Map	Figure 1

Source Data : Hunter/Storm Development Company

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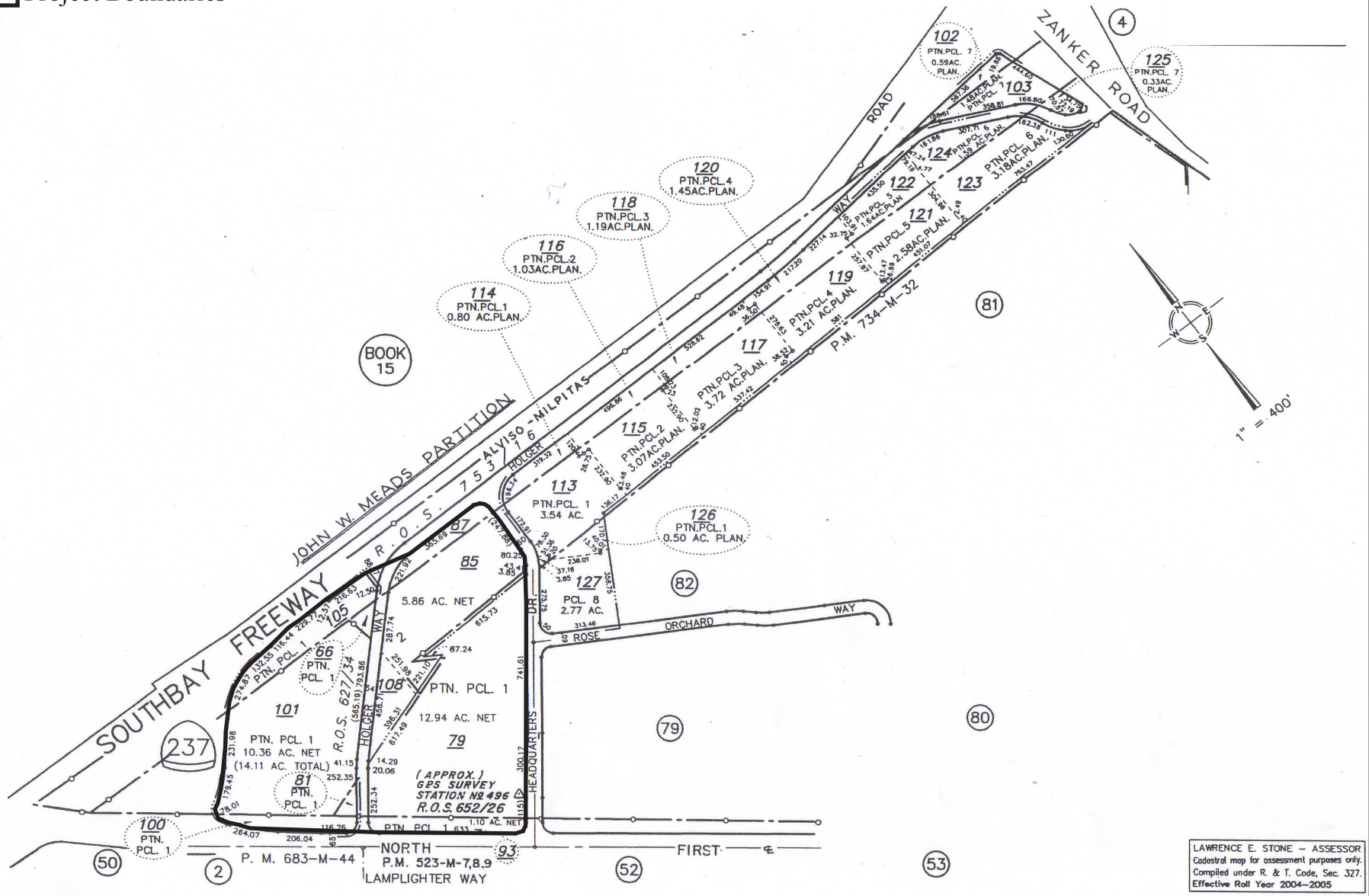
Proposed General Plan Amendment

Figure 2

Project Boundaries



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Assessor's Parcel Map

Figure 3

N

Aerial of Project Area

Figure 4

1. View of site from N. First Street looking east, showing Holger Way.

2. View of site from Headquarters Drive looking northeast.

3. View of site from N. First Street and SR 237 looking south.

4. View of site's south boundary along Headquarters Drive, showing existing trees.

Site Photos

Figure 5

Chapter 3. Environmental Setting, Impacts and Mitigation

INTRODUCTION

The following section describes the environmental setting, and identifies the environmental impacts anticipated from development of the proposed project. The criteria provided in the CEQA environmental checklist were used to identify potentially significant environmental impacts associated with the project. Mitigation is presented for potentially significant impacts. Sources used for analysis of potential impacts are cited in the checklist and listed in Chapter 4.

Several environmental studies have been completed for the project site and larger project area. Existing information was obtained from several of these documents for preparation for the Initial Study. These documents are incorporated by reference and include the following:

- *Final Environmental Impact Report 3COM Corporation Site X Project, North San Jose*, June 1997.

- *Draft Program Environmental Impact Report, North San Jose Development Policies Update*, March 2005 and *First Amendment to the Draft Program Environmental Impact Report, North San Jose Development Policies Update*, June 2005.

Additional sources are identified in **Section 4. References** of this Initial Study.

A. AESTHETICS

Introduction

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

- Urban Design Policy #1: Apply Strong Architectural & Site Design Controls on Development
- Urban Design Policy #2: Private Development should include Adequate Landscaped Areas
- Urban Design Policy #8: Design to consider Security, Aesthetics and Public Safety
- Urban Design Policy #10: Limits Building Height

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

- San Jose Outdoor Lighting Policy (City Council Policy 4-3, as revised 6/20/00)
- San Jose Industrial and Commercial Design Guidelines

Setting

The existing project site consists of two undeveloped parcels bisected by Holger Way. The visual character of the site is that of a vacant, disturbed site with limited vegetation. The property does not contain any buildings or structures, with the exception of Holger Way and various utilities. Existing vegetation on the property consists of weedy vegetation and several ornamental trees along the site's west and south boundaries. In addition, two palm trees grow near the center of the north parcel.

The visual character of the larger project area is urban, and consists of industrial, office, and residential uses. The viewshed is generally dominated by transportation facilities, including SR 237 and its ramps and N. First Street. A mobile home park and multi-family residential development (condominiums) lie west of the site. Office and industrial park (R&D) uses are located south of the site along Headquarters Drive and north of the site across SR 237.

Impacts and Mitigation

Thresholds per CEQA checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
1. AESTHETICS. Would the project:					
a) Have a substantial adverse effect on a scenic vista?				X	1, 2, 3
b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				X	1, 2, 3
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X		1, 2
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			X		1, 2
e) Increase the amount of shade in public or private open space on adjacent sites?				X	1, 2

Discussion

The proposed General Plan amendment would allow for the development of commercial, office, and/or industrial uses on the project site, or a compatible mixture of such uses, as per the *Combined Industrial/Commercial* designation.

The North First Street corridor is the premium location for technology industrial headquarters development in the Silicon Valley. Any new development occurring in the area would be required to conform to the design criteria set forth in the North San Jose Area Development Policy. Building heights on the site would be restricted to 120 feet, in accordance with the General Plan Urban Design policies for the North San Jose area. In addition, new development would be required to conform to the City's *Commercial and Industrial Design Guidelines*.

Future commercial, office, and/or industrial park development would include lighting for security and site recognition. These sources would likely consist of outdoor lighting of parking areas, driveways, and walkways, and lighted commercial signage. The increase in night lighting from new development would not significantly increase the ambient light levels in the area, which are already dominated by existing sources along N. First Street, Headquarters Drive, and SR 237. Potential impacts from night lighting would be further minimized by conformance with the City's policies and regulations regarding outdoor lighting (including *City Council Policy 4-3*).

The proposed General Plan amendment and future uses would not result in significant visual impacts, due to the urbanized character of the existing area, disturbed nature of the existing site, and setbacks from nearby residential uses by a major arterial (i.e., N. First Street).

Future development allowed by the proposed General Plan amendment would be conducted in conformance with adopted City plans and policies, and would result in less-than-significant impacts on aesthetics.

B. AGRICULTURAL RESOURCES

Setting

In California, agricultural land is also given consideration under CEQA. According to Public Resources Code §21060.1, "agricultural land" is identified as prime farmland, farmland of statewide importance, or unique farmland, as defined by the USDA land inventory and monitoring criteria, as modified for California. CEQA also considers impacts on lands that are under Williamson Act contracts. The project site is located on fallow agricultural land. The land was used as fruit orchards in the 1950s and 1960s, and for vegetable cultivation in the 1970s. The project property is identified as on the Santa Clara County Important Farmlands Map (1996) as "urban/built up land" and "other land." The site does not contain any important or prime farmland.

Impacts and Mitigation

Thresholds per CEQA checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
2. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. 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	2, 4
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	1, 2

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?				X	1, 2

Discussion

The project is not located on property identified as important or prime farmland on the Santa Clara County Important Farmlands Map. In addition, the site is not under Williamson Act contract and does not involve any agricultural uses. The project, therefore, would not impact agricultural land or resources.

C. AIR QUALITY

Introduction

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

- Air Quality Policy #1: Establish Appropriate Land Uses & Regulations to Reduce Air Pollution
- Air Quality Policy #2: Promote Expansion & Improvement of Public Transportation Systems
- Air Quality Policy #5: Design Development near Transit Stations to Promote Transit Usage
- Transportation Policy #17: Encourage Pedestrian Travel
- Transportation Policy #19: Encourage Walking, Bicycling, and Public Transportation
- Transportation Policy #23: Design Street and Sidewalks to Promote Transit Access
- Transportation Policy #28: Promote Implementation of Transportation Demand Management Measures
- Transportation Policy #51: Develop a Safe and Direct Bicycle Network
- Commercial Land Use Policy #1: Distribute Commercial Land Uses to Minimize Auto Travel

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

Setting

The project is located within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) is the local agency authorized to regulate stationary air quality sources in the Bay Area. The BAAQMD develops and enforces air quality regulations for non-

vehicular sources, issues permits, participates in air quality planning, and operates a regional air quality monitoring network. The federal Clean Air Act and the California Clean Air Act mandate the control and reduction of certain air pollutants. Under this Act, the U.S. Environmental Protection Agency and the California Air Resources Board have established ambient air quality standards for certain "criteria" pollutants, in order to protect public health and welfare. Primary criteria pollutants include carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxides (NO_X), particulate matter (PM_{10}), sulfur dioxide (SO_2), and lead (Pb). Secondary criteria pollutants include ozone (O_3), and fine particulate matter (aerosols).

The federal Clean Air Act and the California Clean Air Act require that the California 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 national and state standards, the designation of nonattainment areas is different under the federal and state legislation. The Bay Area is currently a nonattainment area for the state 1-hour ozone standard. However, the Bay Area has attained the national 1-hour ozone standard.

The California Air Resources Board and U.S. EPA have proposed that the San Francisco Bay Area be classified as a nonattainment area for the federal 8-hour ozone standard. The California Air Resources Board and U.S. EPA have proposed that the San Francisco Bay Area be considered unclassifiable with respect to the federal $PM_{2.5}$ standards. Unclassifiable means that an area cannot be classified on the basis of available information as meeting or not meeting the national primary or secondary ambient air quality standard for the pollutant. Under the California Clean Air Act, Santa Clara County is a nonattainment area for ozone and PM_{10}. The county is either in attainment or unclassified for 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".

The BAAQMD defines sensitive receptors as facilities where sensitive population groups are found. These land uses include residences, schools, playgrounds, retirement homes, and hospitals. The nearest sensitive receptors to the project site consist of a mobile home park and condominiums located across N. First Street. The nearest residences consist of the mobile home park located approximately 200 feet west of the property boundary.

Impacts and Mitigation

Thresholds per CEQA checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?				X	1, 5

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
b) Violate any air quality standard or contribute to an existing or projected air quality violation?				X	1, 5
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?				X	1, 5
d) Expose sensitive receptors to substantial pollutant concentrations?			X		1, 5
e) Create objectionable odors affecting a substantial number of people?				X	1

Discussion

Long-term Impacts

The project area is governed by the BAAQMD. The most recent update to the BAAQMD CEQA Air Quality Guidelines was prepared to guide assessment of air quality impacts of a project. Together with the Air Quality Management Plan, it provides guidelines to determine compliance with state and federal air quality standards and requirements for CEQA analysis (*BAAQMD CEQA Guidelines*, 2001).

Because the project is a General Plan amendment and no specific project is proposed, data is not available to quantify projected carbon monoxide (CO) or regional emissions. On the local scale, the project could alter traffic patterns and increase local CO emissions at intersections and along roadways. If future development on the site generates 2,000 or more net new daily vehicle trips, modeling of future air pollution emissions would be required as part the project-level environmental review, in accordance with the requirements of the BAAQMD.

Construction Impacts

Future commercial and industrial park development associated with the General Plan amendment would result in short-term air quality impacts during construction. Construction activities, including site clearing and soil disturbance, could generate dust emissions and locally elevated levels of particulates (PM_{10}) downwind of construction activities. This increase in dust could result in significant impacts to residential uses located near the site. Future development would be subject to the applicable General Plan policies and the City's Grading Ordinance. Future development allowed by the proposed General Plan amendment would not result in significant construction-related air quality impacts.

Consistency with Clean Air Plan

The current Clean Air Plan (CAP), *2005 Ozone Strategy*, was adopted by BAAQMD on January 4, 2006. This plan is based on population projections through 2020 compiled by the Association of Bay Area Governments (ABAG). The *2005 Ozone Strategy* uses population projections that extend beyond the City's General Plan buildout year of 2020. The City estimates that the population of San Jose at General Plan buildout would be approximately 1.27 million, which is higher than the 1.15 million population projected for San Jose by 2025 used for the CAP. The City's estimate, however, is consistent with the figures from ABAG of 1.34 million by 2030. BAAQMD staff has indicated that the next update of the CAP would utilize the latest available population projections from ABAG.

Based on the results of the long-term traffic analysis for the project (see Appendix C), the proposed change in land use would result in a net reduction of 964 jobs and no change in the number of households relative to the current General Plan designation. In addition, the long-term traffic analysis indicated that the proposed General Plan amendment would decrease the vehicle miles traveled in the proximity area during the AM peak hour, and that the overall vehicle miles traveled would not significantly increase during the PM peak hour. The General Plan amendment would not induce additional population growth, nor would it generate substantial new long-term traffic trips (and associated air pollution emissions) relative to the existing designation. Therefore, the proposed General Plan amendment would not conflict with current clean air planning efforts.

Project-Level Measures to be Considered at the Time of Development

- Require modeling of project emissions for future development that generates more than 2,000 vehicle trips per day to determine if emissions exceed BAAQMD thresholds. If thresholds are exceeded based on modeling, measures shall be implemented to reduce vehicle trips or vehicle miles traveled, to encourage use of low emission vehicles, or to use other support measures based on BAAQMD CEQA Guidelines.

- Implement the following standard dust control measures during construction of future development:

    - Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall 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 two feet of freeboard.
    - Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
    - Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality.
    - Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.

D. BIOLOGICAL RESOURCES

Introduction

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

- Species of Concern Policy #2: Retain Habitat Areas that Support Species of Concern
- Species of Concern Policy #4: Protect Burrowing Owls and Habitat
- Urban Forest Policy #2: Preserve Ordinance-sized and Other Significant Trees
- Urban Forest Policy #3: Encourage the Maintenance of Mature Trees
- Urban Forest Policy #5: Encourage Appropriate Tree Selection and Placement
- Urban Forest Policy #6: Use Tree Species with Low Water Requirements
- Urban Forest Policy #7: Incorporate Trees that Support Urban Wildlife
- Urban Design Policy #2: Include Adequate Landscaping in Private Development

Setting

The project site is located on two undeveloped parcels bisected by Holger Way. Existing vegetation on the project property consists of bare ground and sparse ruderal (i.e., weedy) vegetation that was recently mowed at the time of the field review (June 2006). Several ornamental trees also extend along the west and south boundaries of the property, and two palm trees grow near the center of the north parcel.

Vegetation/Trees

Vegetation on the site is limited to ruderal (weedy) vegetation and planted trees. The project site contains 42 trees. These consist of planted ornamental trees within a narrow band along N. First Street and Headquarters Drive, as well as two palms near the center of the site. A list of the trees on the site, by type, size, and condition, is provided in the Tree Survey completed for the site, contained in Appendix A.

The City of San Jose Municipal Code (13.32.20.I) serves to protect all trees, including any live or dead woody perennial plant, having a main stem or trunk 56 inches or more in circumference (18 inches in diameter) at a height of 24 inches above natural grade slope. The City's tree ordinance applies to both native and non-native species. A tree removal permit is required from the City for removal of ordinance-sized trees.

City-designated heritage trees are considered sensitive resources. A heritage tree is any tree located on private property, which because of factors including (but not limited to) its history, girth, height, species, or unique quality, has been found by the City Council to have special significance to the community. It is unlawful to vandalize, mutilate, remove or destroy heritage trees. There are no City-designated heritage trees in the project area, as per the City's heritage tree list.

Wildlife

A burrowing owl survey was completed for the property by H.T. Harvey & Associates (HTH) in June 2006, and is contained in Appendix B. Burrowing owls (*Spermophilus beecheyi*) are listed as a species of special concern by the California Department of Fish & Game (CDFG). Owl surveys were conducted by HTH on June 12-15, 2006. During the initial reconnaissance, the site was found to contain a few ground squirrel burrows scattered at low densities throughout the site. Three additional surveys were completed to satisfy the CDFG protocol. Thorough examination of the burrows by HTH on June 12 revealed no evidence of burrowing owls (e.g., feathers, prey remains, droppings). No burrowing owls were found on June 13, although a single casting (undigestible material regurgitated by an owl) was found near the west end of Holger Way. On June 14, an adult burrowing owl was observed near the southwest entrance to the property, about 100 feet northeast of the Holger Way entrance. This owl had apparently been roosting under a thick metal plate on the north side of Holger Way. The lack of castings or feathers indicate that this location had been used very briefly, probably for fewer than 24 hours. On June 15, no burrowing owls were observed and no signs of use found anywhere on the project site. HTH has concluded that the single owl detected on the site was a visitor from the existing population in the open habitat north of SR 237 that was briefly foraging on the project site.

Although the project site may provide foraging habitat for burrowing owls occasionally dispersing from breeding sites north of SR 237, the site provides limited habitat for foraging owls due to high vegetation during winter and spring and regular mowing in the summer. Given the lack of evidence of burrowing owl use, and the large amount of foraging habitat available north of SR 237, HTH has concluded that the loss of habitat on the project site would not be significant under CEQA.

Based on the protocol-level surveys, burrowing owls are not currently using the site for nesting, and nesting habitat is not ideal. The site appears to have been graded in the last few years and there are very few ground squirrel burrows on the site. According to the project applicant, the ruderal vegetation on the property was high until it was recently mowed, decreasing the quality of the habitat for burrowing owls. Burrowing owls prefer low vegetation or bare ground. Although it appears that owls did not breed on the site in 2006 and do not currently occupy any burrows on the site, pre-construction surveys would be warranted before any ground disturbance (including movement of the metal plates against the curb on Holger Way) to assure that the project does not impact any owls that may have moved onto the site.

With the exception of burrowing owls, the project site has a relatively low habitat value for wildlife due to the disturbed nature of the property. The landscape trees and turf areas may provide habitat for species associated with urban areas, including urban adapted birds such as house sparrow (*Passer domesticus*), northern mockingbird (*Mimus polyglottos*), mourning dove (*Zenaida macroura*), Brewer's blackbird, and American crow. Fox squirrel (*Sciurus niger*) and Botta's pocket gopher (*Thomomys bottae*) may also occur in this habitat.

The two palm trees on the site could potentially provide habitat for nesting raptors. HTH has observed red-tailed hawks (*Buteo jamaicensis*) nesting in the shorter palm in the past, and barn owls (*Tyto alba*) regularly use fan palms for nesting. No nesting by any raptor species was noted in June

2006. Nesting raptors are protected under the CDFG Code, as well as under the federal Migratory Bird Treaty Act.

Impacts and Mitigation

Thresholds per CEQA checklist

ENVIRONMENTAL IMPACTS		Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
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		1, 5
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X	1, 5
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	1, 5
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	1, 5
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X		1, 5
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	1, 5

Discussion

Wildlife

Based on the protocol-level surveys conducted by HTH, burrowing owls are not currently using the project site for nesting, and nesting habitat is not ideal. The site appears to have been graded in the last few years and there are very few ground squirrel burrows on the site. The ruderal vegetation on the property was high until recently mowed, decreasing the quality of the habitat for burrowing owls. Burrowing owls prefer low vegetation or bare ground. Although it appears that owls did not breed on the site in 2006 and do not currently occupy any burrows on the site, pre-construction surveys would be warranted prior to any ground disturbance (including movement of the metal plates against the curb on Holger Way) to avoid impacts to owls that may have dispersed to the site.

Raptors and their nests are protected by both federal and state regulations. The trees on the project site may provide suitable nesting habitat for raptors. Any loss of fertile raptor eggs or nesting raptors, or any activities resulting in raptor nest abandonment, would be considered a significant impact. Construction of future development on the site, including tree removal and site grading, may result in raptor nest abandonment and loss of nesting raptors or eggs if present within the project site. Future development could impact raptors, if present on the site. Pre-construction surveys would be warranted prior to any construction or tree removal to avoid impacts to raptors.

Trees

Construction of future commercial, office, and/or industrial development may result in the removal of some or all of the trees on the site. A tree survey has been completed for the site, as presented in Appendix A. The site contains 42 trees, four of which are ordinance sized (see Appendix A). A permit is required from the City of San Jose for removal of ordinance-sized trees. In addition, the City requires replacement of non-ordinance sized trees in accordance with established tree replacement ratios.

Future development allowed by the proposed General Plan amendment would be conducted in conformance with adopted City plans and policies, resulting in less-than-significant impacts on biological resources.

Project- Level Measures to be Considered at the Time of Development

- Schedule construction of future development to avoid the raptor breeding/nesting season to the extent feasible. If it is not feasible to avoid the breeding/nesting season, pre-construction surveys for nesting raptors shall be performed prior to the initiation of construction, including the removal of trees, by a qualified biologist or ornithologist no more than 30 days prior to construction. If an active raptor nest is found within the limits of construction activities, a qualified biologist or ornithologist, in consultation with CDFG, shall determine the extent of a construction-free buffer zone to be established around the nest.

- Prior to ground disturbance on the project site for future development, pre-construction surveys for burrowing owls shall be conducted. If owls are found on the site, they may be evicted during the non-breeding season (September 1 to January 31) if permission is obtained from the CDFG, using a one-way door on the burrow. If eviction is necessary, the project may be required to provide compensatory mitigation for loss of burrowing owl habitat CDFG.

- All trees that are to be removed shall be replaced at the ratios set forth in the table below:

Diameter of Tree to be Removed	Type of Tree to be Removed	Minimum Size of Each Replacement Tree
	Non-Native	
18 inches or greater	4:1	24-inch box
12-17 inches	2:1	24-inch box
Less than 18 inches	1:1	15-gallon container
x:x = tree replacement to tree loss ratio Note: Trees greater than 18" diameter shall not be removed unless a tree removal permit, or equivalent, has been approved for the removal of such trees.		

In the event that the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the City's Environmental Principal Planner, at the development permit stage:

- The size of a 15-gallon replacement tree can be increased to 24-inch box and count as two replacement trees.

- An alternative site(s) 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.[1]

- A donation of $300 per mitigation tree to Our City Forest or San Jose Beautiful for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting will be provided to the Planning Project Manager prior to issuance of a development permit.

- Future development shall implement measures to protect trees that are to be retained during construction in accordance with the City's requirements.

E. CULTURAL RESOURCES

Introduction

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

- Historic, Archaeological, and Cultural Resources Policy #8: For proposed development sites identified as archaeologically sensitive, the City should require investigation during the planning process in order to determine if valuable archaeological remains may be affected by the project and require that appropriate mitigation measures be incorporated into the project design.

- Historic, Archaeological, and Cultural Resources Policy# 9: Recognizing that Native American burials may be encountered at unexpected locations, the City conditions development permits and tentative subdivision maps that upon discovery of such burials during construction, development activity will cease until professional archaeological examination and reburial in an appropriate manner is accomplished.

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

Setting

An archaeological investigation was conducted by Holman & Associates for the *3Com Corporation Site X Project Final EIR*, which included the project site (1996). This investigation consisted of an archival search and a site reconnaissance. The archival search showed that the Guadalupe River corridor is archaeologically sensitive, since numerous resources have been previously identified in this area.

An historical study was completed by Archives & Architecture (1997) to research the site's historical background and the potential for historical deposits on the property. No structures are located on the project site; however, the historical study concluded that the project area could potentially contain significant buried historic archaeological resources and recommended a program of subsurface testing.

Subsurface mechanical testing of the site was conducted by Holman & Associates (1997) to search for indications of buried or obscured archaeological resources. Mechanical testing did not identify any notable prehistoric or historic cultural resources in the project area. Trenching activities identified widespread recent (probably post 1940s) trash and scant historic materials. The materials encountered during this investigation were not considered archeologically significant.

Impacts and Mitigation

Thresholds per CEQA checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
5. CULTURAL RESOURCES. Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA 15064.5?				X	7, 8
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA 5064.5?			X		7, 8
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X	7, 8
d) Disturb any human remains, including those interred outside of formal cemeteries?				X	1

Discussion

The results of the cultural resources investigations for the project area did not discover any prehistoric or significant historic materials. Final conclusions did not call for further archaeological testing or monitoring of the site.

Development of uses allowed by the proposed designation change are not expected to affect cultural resources, although there remains some potential that buried archaeological materials may be encountered during construction, especially due to the site's proximity to the Guadalupe River.

Future development allowed by the proposed General Plan amendment would be conducted in conformance with adopted City plans and policies, resulting in a less-than-significant impact on cultural resources.

F. GEOLOGY AND SOILS

Introduction

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

- Soils and Geologic Conditions Policy #1: Development Should Evaluate and Mitigate Geologic Hazards
- Soils and Geologic Conditions Policy #6: Development Should Mitigate Soils and Geologic Hazards
- Soils and Geologic Conditions Policy #8: Development Should Not Create Geological Hazards on Adjoining Properties
- Earthquake Policy #1: Design and Construct Buildings to Resist Earthquakes
- Earthquake Policy #3: Approval of Development Based on Mitigation of Seismic Hazards
- Earthquake Policy #5: New Development to Evaluate and Mitigate for Seismic Hazards
- Hazards Policy #1: Development Permitted Only Where Danger to Health and Safety of Community Mitigated to Acceptable Level
- Hazards Policy #2: Consider "Acceptable Exposure to Risk Related to Various Land Uses" During Review Process

Setting

A geotechnial study was completed for the project site by Treadwell & Rollo (December 2000). This study included summary of previous boring results, additional exploration of subsurface conditions, and evaluation of site-specific development constraints.

The site topography is generally flat, located between 5-10 feet above mean sea level. The topography of the site slopes gently to the northwest. Study results indicate that the site is underlain by 30 to 60 feet of medium stiff to very stiff clay interbedded with sand, silty sand, and gravely sand layers up to 11 feet thick. The clay is underlain by 10 to 45 feet of dense sand, silty-clayey sand, and gravelly sand. Stiff clay and silt lies beneath this stratum to the maximum depth explored. Lab tests show that the near-surface soils are highly expansive (i.e., have a high shrink-swell potential). Groundwater was encountered at a depth of seven to 10 feet below ground surface; however, this level is subject to fluctuation depending on weather conditions.

Major active fault systems in the area are the San Andreas, Calaveras, Hayward, and San Gregorio. The probability of a magnitude 6.7 or greater earthquake occurring in the Bay Area by 2030 is

approximately 70% (USGS and California Division of Mines & Geology, 1999). The project site would be subject to strong ground shaking in the event of a large magnitude earthquake on any of the regional fault systems. Strong seismic shaking can result in ground failure associated with liquefaction, lateral spreading, subsidence, and differential compaction. The geotechnical study evaluated the potential for these effects on the project site.

The results of the geotechnical investigation indicate that liquefaction potential on the site is low. Due to the relatively flat topography of the site, ground failure such as lurching or landsliding are also unlikely. Because of the clayey nature of the near-surface soil and low potential for liquefaction, the potential for seismically-induced subsidence and differential compaction is negligible.

Impacts and Mitigation

Thresholds per CEQA checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
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:					
i) Rupture of a know earthquake fault, as delineated 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	1, 9
ii) Strong seismic ground shaking?			X		1, 9
iii) Seismic-related ground failure, including liquefaction?			X		1, 9
iv) Landslides?				X	1, 9
b) Result in substantial soil erosion or the loss of topsoil?			X		1, 9
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		1, 9
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		1, 9
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	1, 9

Discussion

The results of the geotechnical investigation indicate that the site is suitable for development. The geotechnical constraints associated with future development of the site are the expansive nature of near-surface soils, settlement from addition of fill, and shoring/dewatering for any future underground structures. These conditions could result in significant impacts by undermining the future development on the site. A design-level geotechnical investigation would be required at the time that a specific development project is proposed.

Due to its location near several major faults, the project site would be subject to at least one large to severe magnitude (7.0+) earthquake causing considerable ground shaking on the site. The project site would also be subject to periodic ground shaking from small to moderate earthquakes. This would result in potential damage to future commercial development on the site. Seismic impacts would be minimized with development and implementation of a design-level geotechnical study and compliance with the requirements of the California and Uniform Building Codes for seismic zone 4.

Future development allowed by the proposed General Plan amendment would be conducted in conformance with adopted City plans and policies regarding geology and soils, resulting in a less-than-significant impact from these hazards.

Project-Level Measures to be Considered at the Time of Development

- Future development shall be designed in accordance with the specific recommendations of design-level geotechnical/foundation investigations. Prior to the issuance of a Public Works Clearance for the project, a design-level geotechnical foundation analysis shall be prepared to the satisfaction of the Director of the Department of Public Works.

G. HAZARDS AND HAZARDOUS MATERIALS

Introduction

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

- Hazards Policy #1: Development Permitted Only Where Danger to Health and Safety of Community Mitigated to Acceptable Level
- Hazardous Materials Policy #1: Proper Storage and Disposal of Hazardous Materials
- Hazardous Materials Policy #2: City Support for Legislation for Safe Transport of Hazardous Materials
- Hazardous Materials Policy #3: Incorporate Soil and Groundwater Analysis for New Development
- Water Resources Policy #7: Require Proper Construction/Monitoring of Facilities Storing Hazardous Materials

In addition, development is subject to the City of San Jose's established guidelines for gas lines entitled "Development Guidelines for Land in Proximity to High-Pressure Natural Gas Pipelines" (1986).

Setting

A Phase I Environmental Assessment was prepared for the project site by ENVIRON International in August 2001. The scope of this assessment included 1) a site survey, 2) interview with the property owner, 3) review of previous Phase I and Phase II Assessments for the area, 4) review of historic maps and aerials, 5) a local agency file search, and 6) a regulatory agency database search.

The project site consists of 36.3 acres of land bisected by Holger Way. The site is surrounded by SR 237 and entrance ramp to the north, N. First Street and residential uses to the to the west, and Headquarters Drive and industrial park uses to the south.

With the exception of the closed portion of Holger Way, the project site is unpaved and contains bare soil and weedy vegetation. The only structures on the site are sidewalks, street pavement, and drainage structures. Storm drains are located on the streets bordering and intersecting the site. Two metal pipes protruding about two feet out of the ground with control panels were observed along Holger Way. The pipes were marked "force main – maintained by the City of San Jose," and appeared to be associated with municipal water lines. Two concrete inlets are located on the site on either side of Holger Way to pull water from the site during flooding. (These inlets are not currently used or maintained.) The field survey did not identify any evidence of PCB-containing equipment, asbestos-containing materials, storage tanks, or other hazardous materials.

Based on the results of the Phase I assessment, the site was used as a pear orchard from at least 1951 through the 1970s, when the orchards were replaced with vegetable crops. Various structures and buildings appear on the site in historic photos, probably associated with the agricultural uses. Agricultural use of the site appears to have terminated in the late 1970s or early 1980s.

Potential sources of contamination at the project site consist of the former use of agricultural chemicals on or in the vicinity of the site. In 1996, ENVIRON conducted a Phase II investigation to assess the potential presence of residual pesticides or other chemicals on the project site. This study included the collection of soil and groundwater samples that were tested for pesticides, BCBs, hydrocarbons, volatile organic compounds, and lead. Results of the soil and groundwater investigation identified low concentrations of organochlorine pesticides at levels below the US EPA's residential preliminary remediation goals (PRGs) for these compounds. Low concentrations of diesel and motor oil were detected in the soil, and diesel was also detected in the groundwater. The concentrations in the groundwater did not correlate spatially with the areas of soil contamination, suggesting that the groundwater contamination may be attributable to an offsite source. Based on the professional opinion of ENVIRON, the detected diesel and motor oil concentrations in the soil and groundwater are not high enough to warrant further investigation.

One of the soil samples collected from the site contained lead in excess of the U.S. EPA's residential PRG but below the industrial PRG. The average lead concentration of the samples analyzed for lead throughout the site was below both PRGs, and was not considered a significant concern at the site based on the results of the study.

A database search was conducted to identify recorded hazardous materials incidents in the project area (July 2001). This review included federal, state, and/or local lists of known or suspected contamination sites; known generators/handlers of hazardous waste; known waste treatment, storage, and disposal facilities; and permitted underground storage tank sites. The project site was not identified in any of the databases searched. The database search did identify incidents or hazardous material facilities in the project area; the Phase I Assessment concluded that these did not represent a significant hazard to the project site. An updated Phase I evaluation would be required at the time that a specific development project is reviewed to assess current conditions.

A 24-inch high-pressure gas line extends through the project site along Holger Way. The City of San Jose has established guidelines entitled "Development Guidelines for Land in Proximity to High-Pressure Natural Gas Pipelines" (1986) that relate to development near high-pressure natural gas pipelines. These guidelines were developed based on evaluation by the Department of Planning and the Fire Department of the risks from locating new development near gas pipelines. The guidelines state that only buildings that have a "low-density occupancy load" should be allowed within 250 feet of the edge of the pipeline right-of-way. Buildings assumed to have a low-density occupancy load are defined as single and multiple family dwellings, offices, industrial buildings, hotels/motels, parking garages, and retail stores that are not a part of a shopping mall. No building of more than two stories is allowed within 250 feet of the edge of the pipeline right-of-way.

Potential hazards related to the gas line were specifically addressed in an analysis prepared for the project site in 2000 by Weidlinger & Associates (*Analysis of Pipeline Fire Hazard to Windows Planned for the Palm Campus*, October 20, 2000). The results of this evaluation concluded that the use of laminated windows at a distance of 50 to 100 feet from the pipeline would provide adequate safeguard against a potential failure of the natural gas pipeline (i.e., deflagration event).

Impacts and Mitigation

Thresholds per CEQA checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
7. 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	1, 10
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		1, 10

ENVIRONMENTAL IMPACTS		Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school?				X	1, 10
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	1, 10
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	1, 2
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	1, 2
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X	1, 2
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	1, 2

Discussion

The project is not located within an airport land use plan or within two miles of any airports, and would not be subject to hazards associated with airport operations. In addition, the project site is not located within ¼ mile of any schools. The project would not interfere with any emergency response plans or introduce risk of wildland fire.

Previous investigations have identified the presence of hazardous materials in site soils and groundwater. Results of the soil and groundwater investigation identified low concentrations of organochlorine pesticides and diesel fuel in the soil, lead in the soil, and low levels of diesel in the groundwater. The Phase I Assessment for the site prepared in 2001 concluded that the chemical concentrations in the soil and groundwater were not considered a significant environmental concern at the site. However, additional studies may be required prior to construction of future development on the site to confirm that they do not pose a risk to human health or the environment. The presence of hazardous materials in excess of RWQCB thresholds could pose a risk to human health or the environment, representing a significant impact.

The facilities identified in the regulatory database were not deemed a significant risk to the site. An updated Phase I evaluation would be required at the time that a specific development project is proposed to confirm hazardous materials conditions in the project area.

The project site contains a high-pressure gas line. Potential hazards related to the gas line were addressed in a previous analysis prepared for the project site (Weidlinger & Associates, October 20, 2000). The results of this evaluation concluded that the use of laminated windows at a distance of 50 to 100 feet from the pipelines would provide adequate safeguard against a potential failure of the

natural gas pipeline (i.e., deflagration event). Future development would be evaluated by the City to assure that public health and safety risks are avoided.

Future commercial or office development would not involve the use of substantial amounts of hazardous materials. Future industrial uses are expected to consist of office and R&D. Should future industrial facilities use, store, and/or transport hazardous materials, the implementation and enforcement of local, state, and federal regulations regarding hazardous materials would minimize impacts from such use to a less–than-significant level.

Future development allowed by the proposed General Plan amendment would be conducted in conformance with adopted City plans and policies regarding hazards and hazardous materials, reducing impacts to a less-than-significant level.

Project- Level Measures to be Considered at the Time of Development

- Prior to disturbance or construction on the project site for future development, an updated Phase I Assessment shall be completed and information on site contamination confirmed to assure that current conditions do not pose a risk to human health or the environment. Any required remediation measures shall be implemented to reduce contamination (i.e., from hydrocarbons, pesticides, lead) to acceptable cleanup levels in accordance with all local, state, and federal requirements.

- Future development would be evaluated by the City to assure that public health and safety risks are avoided, in conformance with the City's "Development Guidelines for Land in Proximity to High-Pressure Natural Gas Pipelines".

H. HYDROLOGY AND WATER QUALITY

Introduction

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

- Level of Service Goal #2: For Storm Drainage: Minimize Flooding Potential
- Level of Service Policy #12: Design New Projects to Minimize Runoff and Flooding
- Water Resources Policy #8: City to Establish Policies to Control Runoff and Pollutants
- Water Resources Policy #12: Require Measures to Control Urban Runoff and Maintain Water Quality
- Flooding Policy #1: Design New Development to Protect from the 100-Year Flood
- Flooding Policy #7: Provide Adequate Flood Control for New Projects
- Storm Drainage and Flood Control Policy #12. Design Projects to Minimize Damage from Flooding

New development is also subject to the regulations of the NPDES, RWQCB, City's Flood Hazard Ordinance, Federal (FEMA) Flood Insurance regulations, City's Post-Construction Urban Runoff Management (Policy 6-29), and City's Post-Construction Hydromodification Management Policy (Policy 8-14).

Setting

The site topography is generally flat, located between 5-10 feet above mean sea level. The topography of the site slopes gently to the northwest. The nearest surface water to the site is the Guadalupe River, which extends northwesterly about 0.5 miles west of the property. Guadalupe River discharges to the San Francisco Bay approximately 1.25 miles north of the project area.

Flooding/Drainage

The following discussion of flooding is based on information in the North San Jose Development Policies Update EIR. The Guadalupe River channel has been improved along certain reaches through the urbanized areas of the Santa Clara Valley floor. The channel from Interstate 880 north to the Bay has been improved to 100-year design standards by the Santa Clara Valley Water District (SCVWD). Spill from the channel south of Interstate 880 would flow north along the east side of the channel through the North San Jose area to SR 237. At SR 237, the estimated 100-year flow rate for a spill from Guadalupe would be approximately 2,300 cubic feet per second. The flood water would cross SR 237 near N. First Street and continue north to the Alviso area. Overflows from the Guadalupe River have not flooded the North San Jose area since 1955, prior to construction of the channel from Interstate 880 to the Bay. The channel did overflow in downtown San Jose in 1995, but the flooding did not extend into North San Jose. There has been localized flooding in North San Jose in recent years from the constraints in the local storm sewer system.

The U.S. Army Corps of Engineers (Corps), in conjunction with the Santa Clara Valley Water District (SCVWD) recently constructed a flood protection project for the Guadalupe River from Interstate 880 south to Interstate 280. The SCVWD also recently constructed a project to improve the channel capacity of the Guadalupe River downstream of Interstate 880 to Alviso. This project will increase the channel capacity to contain the 100-year design capacity of the upstream flood protection project and potential increases from stormwater pump stations in the lower reach. FEMA has issued revised flood maps that will be effective October 25, 2006 to reflect the flood control improvements.

The project site is subject to tidal inundation from levee over-topping or failure in the salt pond areas north of Alviso. The salt pond levees are not adequate to meet 100-year design standard as set forth by FEMA. Localized areas of the levees near the railroad north of Alviso are also below the 100-year tidal elevation and may be over-topped. (The Flood Insurance Rate Maps are based on an estimated 100-year high tide elevation of nine feet.) The Corps prepared a study for the South Bay shoreline area, including Alviso, concluding that there would not be sufficient benefits from reduced flooding in the Alviso area to justify the cost of major levee improvements. The Corps is in the process of re-evaluating flood protection for the Alviso levees in conjunction with the South Bay Salt Pond Restoration project.

The project site is located within the North San Jose Floodplain Management Study area. Development of the North San Jose area, including the project site, must conform to the City's floodplain management ordinance. This ordinance requires all new construction to have lowest finished floor elevations above the existing 100-year flood elevation as shown on the Flood Insurance Rate Maps prepared by FEMA. Based on the floodplain ordinance, certain types of non-residential structures can be flood-proofed to allow finished floors below the 100-year elevation. The City also has a special floodplain management plan for the North San Jose area that considers the effects from freshwater overflows from Guadalupe River. The original plan required new construction to maintain sufficient flood flows across the site (50%) or provide engineering studies to document the project's effects. The City is in the process of updating the plan to consider the revised effective floodplain conditions after the revised FEMA maps include the Guadalupe River flood protection improvements. The revised FEMA maps would be used to identify the areas subject to flooding and the effective flood elevations, unless the North San Jose Floodplain Management Policy states a higher flood elevation.

The City of San Jose maintains municipal storm drainage facilities in the project area. Storm drain line, ranging from 24 to 96 inches in diameter, are located in Holger Way, Headquarters Drive, and N. First Street. Two large storm drain inlets are currently located on the project site, on either side of Holger Way just east of N. First Street. These inlets are not currently used or maintained.

Groundwater

Groundwater depth varies in the project area. The groundwater gradient below the site is relatively flat and potentially variable, likely flowing west to southwest toward the Guadalupe River. However, based on the site's proximity to the Bay, groundwater flow direction is likely north-northwest. Groundwater flow direction is likely influenced by tidal effects and may be variable in the project area.

Impacts and Mitigation

Thresholds per CEQA checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
8. HYDROLOGY AND WATER QUALITY. Would the project:					
a) Violate any water quality standards or waste discharge requirements?				X	1, 2, 11
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 ground water table level (for example, 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	1, 2, 11
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.				X	1, 2, 11

ENVIRONMENTAL IMPACTS		Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
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		1, 2, 11
e)	Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?				X	1, 2, 11
f)	Otherwise substantially degrade water quality?			X		1, 2, 11
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	1, 2, 11
h)	Place within a 100-year flood-hazard area structures, which would impede or redirect flood flows?			X		1, 2, 11
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	1, 2, 11
j)	Inundation by seiche, tsunami, or mudflow?				X	1, 2, 11

Discussion

Flooding/Drainage

The project site is currently undeveloped, with the exception of a paved area at the northeast corner of N. First Street and Holger Way. Future development on the site could increase flooding potential. FEMA has issued revised flood maps that will be effective October 25, 2006 to reflect the recent flood control improvements along the Guadalupe River. The revised FEMA maps would identify the areas subject to flooding and the effective flood elevations.

The project site is located in an area that will most likely remain in the floodplain due to local runoff. The N. First Street area near SR 237 is generally the lowest area between the Guadalupe River and Coyote Creek, and storm drain excess would tend to flow toward that area, then north toward SR 237 and Alviso.

The North San Jose Floodplain Management Study identifies building criteria to protect against flooding and increased flooding potential. The City is in the process of updating this plan to consider the revised effective floodplain conditions established by FEMA that take into account flood protection improvements to the Guadalupe River. The revised FEMA maps would be used to identify the areas subject to flooding and the effective flood elevations, unless the North San Jose Floodplain Management Policy states a higher flood elevation. In flooding areas (including the project site) this criterion includes minimum finished floor elevations, as well as development controls to limit building footprints and allow flows through the site. It is anticipated that future development on the project site would be required to incorporate measures such as minimum floor elevations and other flood proofing measures.

New development on the project site would increase runoff from the site, and would be subject to the legal requirements for installation of appropriate drainage facilities for specific development. Future development would increase runoff from the site. These uses would be subject to the legal requirements for installation of appropriate drainage facilities for specific development, including curb and gutter, storm drain inlets, and appropriate connections to the existing storm lines.

Water Quality

Future development of the project site is expected to include construction and grading activities, which may result in a temporary increase in erosion affecting the quality of storm water runoff. This increase in erosion is expected to be minimal, due to the flatness of the site and low erosion potential of the soils. However, surface runoff from proposed development would generate urban pollutants from parking areas that could affect water quality. These pollutants include oil, grease, and trace metals from roadway pavement, as well as sediment from rooftops.

The project site is located within the watershed of the Guadalupe River, which drains to South San Francisco Bay and is within the jurisdiction of the San Francisco Regional Water Quality Control Board (RWQCB). San Jose is required to comply with the National Clean Water Act regulations regarding the reduction of non-point source pollutants, as mandated by the National Pollutant Discharge Elimination System (NPDES) and regulated by the RWQCB. The NPDES permits typically establish Waste Discharge Requirements (WDRs), which include discharge prohibitions, effluent limitations, receiving water limitations, and other provisions to protect the receiving water body. The NPDES storm water program also requires the implementation of best management practices (BMPs).

In 2001, the RWQCB reissued WDRs under the NPDES program for the discharge of stormwater runoff (NPDES Permit No. CAS0299718, Regional Board Order No. 01-024), through the implementation of the Storm Water Management Plan, which describes a framework for management of stormwater discharges. Order No. 01-124 has been amended to include Provision C.3. concerning new and redevelopment performance standards to address post-construction impacts on stormwater quality. The project is required to comply with the City's NPDES Permit.

The City of San Jose Post Construction Urban Runoff Management Policy requires all new development that creates or replaces 10,000 square feet or greater of impervious surface should incorporate the following: 1) install and maintain post-construction treatment control measures; 2) stencil onsite inlets in conformance with City requirements; and 3) clean onsite inlets a minimum of once per year, prior to the wet season. This policy also identifies vegetative swales or biofilters as the preferred treatment control measures to be used wherever feasible for projects with suitable landscape areas.

Future development allowed by the proposed General Plan amendment would be conducted in conformance with adopted City plans and policies related to hydrology and water quality, reducing impacts to a less-than-significant level.

Project-Level Measures to be Considered at the Time of Development

- Future development (in North San Jose) shall be evaluated for the adequacy of on and offsite stormwater collection systems prior to issuance of future building permits. Some areas may require new or supplemental storm lines, catch basins, or other infrastructure.

I. LAND USE

Introduction

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

- Urban Design Policy #1: Apply Architectural and Site Design Controls
- Urban Design Policy #2: Include Adequate Landscaping in Private Development
- Urban Design Policy #7: Designs should consider Security, Aesthetics and Public Safety
- Urban Design Policy #10: Limits Building Height
- Industrial Policy #1. Industrial Development to Minimize Impacts on Nearby Uses
- Industrial Policy #10: Use Site Design and Permit Process to Resolve Concerns between Existing Residential and New Industrial Areas
- Industrial Policy #16: Allow Only Non-Industrial Uses that are Incidental to and Compatible with Industrial Uses in Exclusively Industrial Areas
- Commercial Land Use Policy #1: Distribute Commercial Land to Maximize Community Accessibility

In addition to the policies of the San Jose General Plan, future development allowed by the proposed land use designation would be required to comply with the City's Commercial and Industrial Design Guidelines.

Setting

The project is proposed on 36.3 acres of land bisected by Holger Way. The site is bounded by SR 237 and entrance ramp to the north, N. First Street to the west/southwest, and Headquarters Drive to the south/southeast (refer to Figure 2). The project is located in an area containing industrial (R&D), office, and residential uses. A mobile home park and multi-family residential uses are located to the west across N. First Street. Office and industrial (R&D) uses lie south, southwest, and north of the site (north of SR 237).

The site is generally flat and consists of bare ground and weedy vegetation, as well as planted trees along the west and southwest boundaries and two palms at the center of the site. The project site is undeveloped. The only structures on the site are sidewalks, street pavement, and utility structures. Storm drains are located on the streets bordering and intersecting the site. Two metal pipes protruding about two feet out of the ground with control panels are located along Holger Way. The pipes are marked "force main – maintained by the City of San Jose," and appear to be associated with municipal water lines. Two concrete inlets are located on the site on either side of Holger Way to pull water from the site during flooding; however, these inlets are not currently used or maintained.

The project site is currently designated *Industrial Park* with a *Mixed Industrial Overlay* in the San Jose General Plan, and has a zoning district designation of Industrial Park. The surrounding area is designated in the General Plan for *Medium Low Density Residential (8 du/ac)* to the west, *High Density Residential (25-50 du/ac)* to the southwest, and *Industrial Park* to the south/southeast.

Impacts and Mitigation

Thresholds per CEQA checklist

ENVIRONMENTAL IMPACTS		Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
9.	LAND USE AND PLANNING. Would the project:					
a)	Physically divide an established community?				X	1, 2
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		1, 3
c)	Conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?				X	1

Discussion

The proposed General Plan amendment would not conflict with any adopted habitat or other conservation plan. The land use compatibility and consistency of the project with the City's land use plans and policies are discussed below.

Land Use Conflicts

Land use conflicts can arise from two basic causes: 1) a new development or land use may cause impacts to persons or the physical environment in the vicinity of the project site or elsewhere; or 2) conditions on or near the project site may have impacts on the persons or development introduced onto the site by the new project. Both of these circumstances are aspects of land use compatibility. Potential incompatibility may arise from placing a particular development or land use at an inappropriate location, or from some aspect of the project's design or scope. Depending on the nature of the impacts and its severity, land use conflicts can range from minor irritation and nuisance to potentially significant effects on human health and safety.

The nearest existing residential uses to the project site are located more than 125 feet west of the project site, and include a mobile home park and the rear portion of a condominium complex. These uses are separated from the project site by N. First Street, a major arterial. The condominium complex also contains a perimeter wall. Other surrounding uses are light industrial (industrial park) and office to the south and southwest, which are separated from the site by Headquarters Drive and N. First Street.

The proposed General Plan amendment would allow commercial, office, and/or industrial uses on 36.3 acres of land currently designated for industrial park uses with an overlay that also allows certain commercial uses. Development of industrial park uses would not alter land use planning goals for this area or result in significant new compatibility impacts. The actual construction of commercial, office, and/or industrial uses could intensify development by potentially attracting more people to the site, depending on the ultimate occupants. This increased intensity in use could elevate traffic and noise levels in the immediate project area affecting existing development; these issues are addressed within their respective sections of this document. The proposed General Plan amendment would not conflict with surrounding land uses since: 1) the change in land use would not substantially increase the amount of potential future development on the site, 2) there are large existing setbacks between existing uses and the project site, 3) any commercial uses would serve local residents and employees, and 4) all future development would be subject to the City's design and land use regulations.

Future development would be subject to the City's Industrial and Commercial Design Guidelines, as well as land use policies, that would avoid or reduce land use conflicts between future development and existing uses to a less-than-significant level. Additional discussion of the project's consistency with the City's land use plans and policies is provided below.

Consistency with Land Use Plans

San Jose 2020 General Plan

The City of San Jose 2020 General Plan is an adopted statement of goals and policies for the future character and quality of development in the San Jose Sphere of Influence. The San Jose 2020 General Plan land use/transportation diagram currently designates the site *Industrial Park* with a *Mixed Industrial Overlay*. The project proposes a to change the land use designation for the 36.3-acre site to *Combined Industrial/Commercial* (refer to Figure 2). No specific design-level project is proposed at this time.

The proposed *Combined Industrial/Commercial* designation allows the development of commercial, office, or industrial uses on the project site, or a compatible mixture of such uses. The uses of the *Industrial Park, Light Industrial, General Commercial* and *Neighborhood/Community Commercial* land use categories are consistent with this use category. Big box retail as a stand-alone use or as part of a larger retail development is also considered appropriate in this designation.

The General Plan Amendment would allow commercial, office, and industrial uses as described above, consistent with the proposed *Combined Industrial/Commercial* designation as well as the North San

Jose Area Development Policy to promote economic/industrial growth in North San Jose. A summary of the General Plan amendment's consistency with relevant City goals and policies is provided below.

Commercial Land Use Policies

Commercial Land Use Goal: Provide a pattern of commercial development which best serves community needs through maximum efficiency and accessibility.

Commercial Land Use Policy 1. Commercial land in San Jose should be distributed in a manner that maximizes community accessibility to a variety of retail commercial outlets and services and minimizes the need for automobile travel. New commercial development should be located near existing centers of employment or population or in close proximity to transit facilities and should be designed to encourage pedestrian and bicycle access through techniques such as minimizing building separation from the street, providing safe, accessible, convenient and pleasant pedestrian connections, secure bike storage, etc. Employee intensive uses should be encouraged to locate along multi-modal transit corridors.

Commercial Land Use Policy 2. New commercial uses should be located in existing or new shopping centers or in established strip commercial areas. Isolated spot commercial developments and the creation of new strip commercial areas should be discouraged.

Consistency: The proposed General Plan amendment would be consistent with the City's policies to provide commercial development that serves the community's needs, maximizes accessibility to a variety of services, and is located in proximity to employment or population centers near transit facilities.

Urban Design Policies

Urban Design Policy 1. The City should continue to apply strong architectural and site design controls on all types of development for the protection and development of neighborhood character and for the proper transition between areas with different types of land uses.

Urban Design Policy 6. Proposed structures adjacent to existing residential areas should be architecturally designed and sited to protect the privacy of the existing residences.

Urban Design Policy 22. Design guidelines adopted by the City Council should be followed in the design of development projects.

Consistency: Future development under the proposed General Plan amendment would conform to the City's Urban Design Policies to avoid or reduce land use conflicts between future development and existing residential uses.

Industrial Land Use Policies

Industrial Policy 1. Industrial development should incorporate measures to minimize negative impacts on nearby land uses.

Industrial Policy 11. Because of the importance in retaining viable industrial supplier/service lands and the inherent incompatibility between residential or non-industrial uses and industrial uses, new land uses that may restrict development of land reserved exclusively for industrial uses should not be allowed to locate adjacent to these areas of the City, and in particular, sensitive receptors, should not be located near primary industrial areas.

Industrial Policy 14. Non-industrial uses which would result in the imposition of additional operational, and/or mitigation requirements, or conditions on industrial users in a neighboring exclusively industrial area in order to achieve compatibility are discouraged.

Industrial Policy 16. Only non-industrial uses which are incidental to and totally compatible with primary industrial uses should be allowed in exclusively industrial areas.

Consistency: The project site is currently designated for industrial park uses with an overlay that allows certain commercial uses. The General Plan amendment would not alter land use planning goals for this area or result in significant new land use impacts associated with commercial, office, or industrial uses. Future development under the proposed General Plan amendment would conform to the City's industrial policies to avoid or reduce land use conflicts between future development and existing residential uses.

City of San Jose Industrial Conversion Framework

Due to the limited supply of land available for industrial land uses in the City, proposed General Plan amendments for industrial sites are evaluated under the City's latest update to the *Framework to Evaluate Proposed Conversions of Employment Lands to Other Uses*, dated November 15, 2005 ("Framework"). The Framework identifies criteria for the evaluation of proposed conversions to housing, mixed-use, retail, and other residential service industries. The project site is located within the North San Jose 2 Subarea. The Framework calls for preservation of this subarea for primarily driving industries, where opportunities for intensive development of supportive uses may be considered, as employment areas intensify.

Consistency: The proposed General Plan amendment could result in an overall decrease in the available acreage of designated industrial land within the City of San Jose, depending on the future use, which could include commercial, office, and/or industrial development. The loss of industrial potential would be inconsistent with the City's Industrial Framework policies.

North San Jose Area Development Policy

The North San Jose Area Development Policy (NSJADP) establishes a policy framework to guide the ongoing growth and development of the North San Jose area as an important employment center for the City. This policy covers the area north and west of Interstate 880 and south of SR 237, also referred to as the Rincon de los Esteros Redevelopment Area (refer to Figure 6). This policy was updated in June 2005 to intensify industrial development along light transit lines, increase residential uses, develop an industrial core area, include commercial uses, and modify transportation and related policies. New retail and commercial services within the NSJADP area (outside of the core) are limited to retail development integrated into mixed-use projects intended to support the industrial and residential development within the policy area boundaries. These commercial uses are generally limited to retail and services activities that support the industrial and residential uses in the Policy Area and are consistent with the "General Retail, Food Service, and General Service uses," as defined in the City's Zoning Ordinance. Future development would be required to conform to the North San Jose Development Policy Design Criteria for new retail and commercial services.

N

NSJADP Map

Figure 6

Consistency: The proposed General Plan amendment is intended to facilitate a mix of commercial and light industrial uses, including retail, office, R&D, and service uses, that would help meet the goals and objectives of the NSJADP. The NSJADP provides for up to 1.7 million square feet of new commercial uses, to potentially reduce vehicle trips. The Policy does not limit the FAR of such uses. Commercial and industrial park uses on the project site would help fulfill a portion of the commercial and industrial square footage envisioned in the first phase of the North San Jose Area Development Policy. Retail development is also identified as a significant driver for the first phase of residential and industrial allocation in the policy, with a minimum requirement of 100,000 square feet in the first phase. The development of commercial uses would meet the needs of existing and planned residences and industrial park/office users in the NSJADP area. The location of the project also conforms with the NSJADP policies to create a land use pattern that maximizes transit use and pedestrian access to employment centers and commercial services.

Large format commercial uses, which would potentially draw significant numbers of people from outside of the NSJADP area, are not supported by this policy and would require additional environmental review. In addition, this policy does not directly address the development of new hotels within the policy area; the construction of new hotels or expansion of existing hotels would also need to conform to the General Plan and undergo separate environmental review. The proposed General Plan amendment would generally be consistent with the NSJADP.

J. MINERAL RESOURCES

Setting

The project is located on a vacant, disturbed site and does not contain any known or designated mineral resources.

Impacts and Mitigation

Thresholds per CEQA checklist

ENVIRONMENTAL IMPACTS		Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
10.	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	1, 2
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	1, 2

Discussion

The project would not impact mineral resources of local or regional importance, since none are located on or near the project site.

K. NOISE

Introduction

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

- Noise Policy #1: Establishes Short- and Long-Term Noise Objectives within City
- Noise Policy #8: Use of Outdoor Appliances
- Noise Policy #9: Attenuation of Construction Noise
- Noise Policy #11: Non-Residential Uses Mitigate Noise on Sensitive Receptors
- Noise Policy #12: Noise Studies for Land Use Proposals
- Urban Design Policy #18: Implement Sound Attenuation into New Development

Setting

Noise is defined as unwanted or objectionable sound. Sound is comprised of three variables: magnitude, frequency, and duration. Noise intensity is typically measured on the "decibel" scale, which indicates the relative amplitude of a sound. On this scale, noise at one decibel is barely audible, while noise at 120-140 decibels is painful and may cause hearing damage. Noise is typically characterized using the A-weighted sound level or dBA. This scale gives greater weight to the frequencies to which the human ear is most sensitive.

Noise Policies and Regulations

The City's General Plan Noise Element sets forth specific goals and policies for land use planning. These goals seek to minimize noise impacts on people through reduction and suppression techniques and appropriate land use policies. The City's noise standards are expressed in "day/night noise level" or DNL. The DNL represents the average noise level during a 24-hour period, with a penalty of 10 decibels added to sound occurring between the hours of 10 PM and 7 AM. The specific City policies that pertain to this project include the following:

- Commercial uses (including offices) are considered acceptable in noise environments of up to 60 DNL. Industrial uses are acceptable in noise environments up to 70 DNL. When noise levels are between 60 and 76 DNL for commercial uses and 70 to 76 DNL for industrial uses, an acoustical analysis should be made indicating the amount of attenuation necessary to maintain an indoor level of 45 dBA or less. Noise levels exceeding 76 DNL require that new development only be permitted if uses are entirely indoors and building design limits interior levels to 45 DNL or less.

- When located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses, non-residential land use should mitigate noise to meet the 55 DNL guideline at the property line.

- Construction operations are required to use available noise suppression devices and techniques where possible.

Existing Conditions

Noise-sensitive receptors within the immediate vicinity of the project site are residential uses along the west side N. First Street, including a mobile home park and condominium complex. The noise environment at the project site is generated primarily by traffic from SR 237. Noise measurements were taken for the project area as part of the *North San Jose Development Policies Update Draft EIR* (March 2005). A field measurement was taken approximately 117 feet from the centerline of SR 237, east of N. First Street on the project site.[2] The noise environment at this location was dominated by traffic along SR 237, and the DNL was measured at 80 dBA.

Impacts and Mitigation

Thresholds per CEQA checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
11. 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		1, 3, 11
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?				X	1
c) Substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X		1, 3
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X		1, 3
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	1, 2
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	1, 2

Discussion

Long-term Impacts

The project is a General Plan amendment and no specific project design is proposed at this time. Future commercial and industrial uses on the site could introduce operational noise sources, such as loading docks or outdoor mechanical equipment. Future uses would also introduce noise from traffic

[2] Measurement taken by Illingworth & Rodkin, Inc. in July and August, 2004.

to/from the site. The noise levels from such sources would probably be comparable to those generated by the existing General Plan designation of industrial park. Acoustical studies would be required at the design-level to determine the noise effects from future mobile (traffic) and operational sources to determine the noise impacts of the project on nearby sensitive receptors.

Noise levels on the project site near SR 237 and N. First Street exceed the 60 DNL threshold for commercial development and the 70 DNL threshold for industrial uses in San Jose. Most commercial and industrial development would not generally be impacted by noise on the project site, since it is not considered a noise-sensitive use. Sound-rated construction materials and/or building setbacks may be required for future development. Other uses such as outdoor dining areas should be shielded from road noise by buildings or other attenuating structures.

Construction Impacts

Construction of future commercial, office, and/or industrial uses on the project site would temporarily increase noise levels at nearby receptors. Noise levels during construction would occur in phases during grading, construction of foundations, erection of new buildings, paving, and finishing. Typical hourly average construction noise levels range from 75 dBA to 85 dBA measured at a distance of about 100 feet from the source (during busy construction periods). Noise levels at nearby residences would intermittently exceed 60 dBA during the construction period. At times, noise levels produced by heavy-equipment may interfere with normal residential activities indoors during busy construction periods.

Future development allowed by the proposed General Plan amendment would be subject to applicable General Plan policies and existing codes, guidelines and ordinances regulating noise, which would reduce impacts to a less-than-significant level.

Project-Level Measures to be Considered at the Time of Development

- An acoustical analysis shall be prepared for future design-level development to quantify noise impacts and identify appropriate attenuation measures, if needed (e.g., sound-rated windows and walls, noise barriers, etc.).

- Implement the following standard noise control measures during construction of future development:

  - Limit construction hours to Monday through Friday, between 7 AM and 7 PM for any activities within 500 feet of residential uses unless otherwise expressly allowed in a Development Permit or other planning approval in accordance with zoning ordinance section 20.100.450.
  - Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment type.
  - Strictly prohibit idling of internal combustion engines.
  - Utilize “quiet” air compressors and other stationary noise sources where the technology exists.

- Designate a "noise disturbance coordinator" that will be responsible for responding to any complaints regarding noise. The disturbance coordinator will determine the cause of the noise complaint and require that reasonable measures are implemented to correct the problem. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site and included in the notice to neighbors regarding the construction schedule. The City shall be responsible for designating the noise coordinator and the contractor will be responsible for posting the phone number and providing construction schedule notices.

L. POPULATION AND HOUSING

Setting

The population of the City of San Jose is 944,857 (California Department of Finance, 2005). According to the Association of Bay Area Governments (ABAG), the City's population is anticipated to increase by 60,600 between the years 2005 and 2010 (ABAG, *Projections 2005*). ABAG projects 294,450 housing units in San Jose for 2005.

Impacts and Mitigation

Thresholds per CEQA checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
12. 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	1
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	1
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	1

Discussion

The project proposes to change the land use designation to allow commercial, office, and/or industrial development. No residential uses are proposed, nor are any located on the existing project site. The proposed General Plan amendment would not induce population growth, nor would it displace existing housing or persons.

M. PUBLIC SERVICES

Introduction

Public services are provided to the community as a whole, usually from a central location or from a defined set of locations. The resource base for delivery of these services, including the physical delivery mechanisms, is financed on a community-wide basis, usually from a unified or integrated financial system. The service delivery agency can be a city, county, service or other special district. Usually, new development will create an incremental increase in the demand for these services; the amount of demand will vary depending on the type of development, the services offered, and the specific characteristics of the development.

The impact of a particular project on a public facility service is generally a fiscal impact. By increasing the demand for a type of service, a project can cause an increase in the cost of providing the service (e.g., hiring more personnel, additional equipment, etc.). This is considered a fiscal, not an environmental, impact. CEQA does not require an analysis of fiscal impacts. CEQA only requires the evaluation of the physical effects on the environment from new or altered facilities needed as a result of increased public service demands (e.g., a new school or fire station).

Setting

Police and fire protection services are provided to the project site by the City of San Jose Police and Fire Departments.

Fire Protection: The project site is in the service area of the San Jose Fire Department. The closest fire stations are as follows:

Fire Stations in Project Area		
Station #	**Location**	**Distance to Site**
29	199 Innovation Drive	1.8 miles
25	1590 Gold Street	1.5 miles

Police Protection: The project is within Beat Building Block 216 of the San Jose Police Department's service area. The most frequent calls for service in BBB 216 from January 1, 2005 through December 31, 2005 were theft, disturbance, and alarm.

Parks: There are two neighborhood/community parks within the North San Jose area. These consist of Moitozo Park, a five-acre facility located on N. First Street, and the one-acre Rosemary Garden Park located on Sonora Street. No City owned or operated community centers are located in the North San Jose area.

Libraries: The San Jose Public Library System consists of one main library and 18 branch libraries. The libraries nearest to the project site area the Alviso Branch on North First Street and the Joyce Ellington Library on East Empire Street.

Impacts and Mitigation

Thresholds per CEQA checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
13. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or 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:					
a) Fire protection?			X		1, 2, 11
b) Police protection?			X		1, 2, 11
c) Schools?				X	1
d) Parks?				X	1
e) Other public facilities?				X	1

Discussion

Future commercial, office, and/or industrial uses would result in an incremental increase in calls for fire and police protection services. This increase in demand may require additional staffing or other resources, but is not expected to require construction of new police and fire facilities. The additional demand for school, park, library, and other related public services is typically associated with residential uses. Since the project proposes only commercial and industrial uses and no residential component, it would not affect these services. See discussion under **N. Recreation** regarding park services.

Future commercial, office, and/or industrial development allowed by the proposed General Plan amendment would be conducted in conformance with adopted City plans and policies, and would not result in significant impacts associated with public services.

N. RECREATION

Introduction

Residential development is subject to the City of San Jose Parkland Dedication Ordinance (PDO) (Municipal Code Chapter 19.38) and Park Impact Ordinance (PIO). These ordinances require residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by housing developments. Since the proposed General Plan amendment does not include any residential uses, future development would not be subject to these ordinances.

Setting

There are two neighborhood/community parks within the North San Jose area. These consist of Moitozo Park, a five-acre facility located on N. First Street, and the one-acre Rosemary Garden Park located on Sonora Street. No City owned or operated community centers are located in the North San Jose area.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
14. RECREATION. Would the project:					
a) 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	1
b) Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?				X	1

Discussion

The City has adopted the Parkland Dedication and Park Impact Ordinances that require residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. The project consists of a General Plan amendment to allow commercial and industrial park uses, with no residential development; therefore it would not impact recreational services or be subject to the PDO or PIO.

O. TRANSPORTATION/TRAFFIC

Introduction

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

- Level of Service Policy #5: Maintain Specified Levels of Service (D or better)
- Transportation Policy #3: Provide Right-of-Way Dedication and Improvements
- Transportation Policy #8: Factor Safety for All Modes into Streets and Roadway Design
- Transportation Policy #9: Discourage Through Traffic on Neighborhood Streets
- Transportation Policy #17: Encourage Pedestrian Travel
- Transportation Policy #19: Encourage Walking, Bicycling, and Public Transportation

- Transportation Policy #28: Promote Implementation of Transportation Demand Management Measures
- Commercial Land Use Policy #1: Distribute Commercial Land Uses to Minimize Auto Travel
- Industrial Policy #12: Encourage Employee Intensive Uses Near Transit Facilities

Setting

A traffic analysis was prepared for the proposed General Plan amendment by Hexagon Transportation Consultants, in coordination with the City of San Jose Public Works Department of Transportation (July 20, 2006). The purpose of the traffic study was to evaluate the long range traffic impacts of the proposed change in General Plan land use designation compared with conditions under the existing designation. The traffic study is contained in Appendix C. Roadways in the project area are described below.

Roadway System

Interstate 880 (I-880) is a north/south freeway providing regional access from East Bay cities to San Jose, where it becomes SR 17. Within the City of Milpitas, I-880 is primarily a six-lane freeway. North of Great Mall Parkway, I-880 widens to eight lanes. South of Montague Expressway, this facility is six lanes.

State Route 237/Calaveras Boulevard is an east/west arterial between I-880 and I-680 and generally provides six travel lanes (four lanes on the Union Pacific Railroad overcrossing). West of I-880, this facility becomes a freeway with four mixed-flow lanes and two HOV lanes. West of Mathilda Avenue, SR 237 has four mixed-flow lanes. East of I-880, SR 237 becomes Calaveras Boulevard and provides six mixed-flow lanes.

Tasman Drive is an east-west arterial that extends from Morse Avenue in Sunnyvale eastward to I-880, where it transitions into Great Mall Parkway in Milpitas. West of Fair Oaks Avenue, Tasman Drive is a two-lane commercial collector street. East of Fair Oaks Avenue, Tasman Drive is a four- to six-lane arterial. The LRT line runs down the middle of Tasman Drive between North First Street and Fair Oaks Avenue.

First Street is a two- to four-lane arterial with a raised center median. First Street begins at Reed Avenue as a transition from Monterey Road, and extends northward into north San Jose where it terminates at Gold Street north of SR 237. The Guadalupe Corridor LRT line operates in the median of First Street between downtown San Jose and Tasman Drive. Access to the project site is provided by North First Street via Holger Way.

Zanker Road is a north-south arterial that runs through north San Jose. It extends from north San Jose to its termination at Old Bayshore Highway. Access to the GPA site is provided by Zanker Road via Holger Way. Between SR 237 and River Oaks Parkway, Zanker Road is generally a six-lane roadway. South of River Oaks Parkway, Zanker Road is a two- to four-lane facility.

Vista Montana/Headquarters Drive is generally a north-south street that connects Tasman Drive and Holger Way. This street is designated Headquarters Drive north of North of North First Street, and Vista Montana south of North First Street.

Rose Orchard Way is a local street that provides access to the surrounding light industrial uses. It extends northward from North First Street and curves to the west, terminating at Headquarters Drive.

Holger Way bisects the project site and extends between North First Street and Zanker Road. Holger Way is currently closed.

Existing and Background Intersection Conditions

The traffic analysis identified current operating conditions of transportation facilities in the vicinity of the proposed General Plan amendment. This near-term traffic information is presented to identify existing conditions in the area, which may constitute constraints to future development. Existing intersection levels of service were determined based on counts contained in a TRAFFIX database obtained from the City of San Jose (updated April 2006). The existing level of service results for all of the signalized intersections are presented in Appendix C. The results of the analysis show that, measured against the City of San Jose level of service standards, one signalized intersection in the study area currently operates at an unacceptable LOS F: Baypointe Parkway and Tasman Drive. The remaining intersections currently operate at an acceptable LOS D or better during both the AM and PM peak hours. In addition, the results of the analysis show that, measured against the CMP level of service standards, all of the CMP intersections in the study area currently operate at an acceptable LOS E or better during both the AM and PM peak hours of traffic.

The traffic analysis also considered background traffic conditions. Background conditions represent traffic conditions after approved projects are constructed and generate traffic on the street system (without the project). The results of the level of service analysis under background conditions are shown in Appendix C, and show that the intersections of SR 237/First Street (North), SR 237/First Street (South), and Baypointe Parkway/Tasman Drive would operate at an unacceptable LOS F. the Results of the analysis also show that two CMP intersections in the study area, SR 237/First Street (North) and SR 237/First Street (South) would operate at an unacceptable LOS F during both the AM and PM peak hours of traffic.

Freeway Conditions

Freeway volumes in the project vicinity were obtained from the Santa Clara County Congestion Management Program *Monitoring and Conformance Report* (2005). Five freeway segments in the vicinity of the project currently operate at LOS F in at least one peak direction during at least one peak hour, as follows:

- SR 237 between I-880 and McCarthy Boulevard – WB during the AM
- SR 237 between McCarthy Boulevard and Zanker Road – WB during the AM
- SR 237 between Zanker Road and North First Street – EB during the PM

- SR 237 between North First Street and Great America Parkway – EB during the PM
- I-880 between Dixon Landing Road and SR 237 – NB during the PM

Impacts and Mitigation

Thresholds per CEQA checklist

ENVIRONMENTAL IMPACTS		Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
15.	TRANSPORTATION/TRAFFIC. Would the project:					
a)	Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (for example, result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X		12
b)	Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X		12
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	1
d)	Substantially increase hazards due to a design feature (for example, sharp curves or dangerous intersections) or incompatible uses (for example, farm equipment)?				X	1
e)	Result in inadequate emergency access?				X	1
f)	Result in inadequate parking capacity?				X	1
g)	Conflict with adopted policies, plans, or programs supporting alternative transportation (for example, bus turnouts, bicycle racks?				X	1

Discussion

Long Range Transportation Analysis

Methodology. The City of San Jose's traffic forecasting model was developed to help the City determine peak hour traffic impacts attributable to proposed land use changes to the General Plan. The model utilizes the CUBE transportation planning software system and is consistent with the Metropolitan Transportation Commission and Santa Clara Valley Transportation Authority models. The San Jose model includes the four elements traditionally associated with models of this type: 1) trip generation, 2) trip distribution, 3) mode choice, and 4) traffic assignment.

The transportation model includes a computer representation of the street system that defines street segments (links) identified by end points (nodes). Each roadway link is further represented by key characteristics, or link data, that describe the length, travel speeds, and vehicular capacity of the roadway segment. Small geographic areas referred to as traffic analysis zones (TAZ's) are used to represent the planned land use activity throughout the City's planning area. Transit systems are represented in the model by transit networks that are also identifiable by links and nodes.

The model provides projected peak period volumes and ratios that compare projected traffic volume to available roadway capacity (v/c ratios) on roadway segments. In addition, the model provides information on vehicle miles and vehicle hours of travel by facility type. This information is used to compare projected traffic conditions under the current General Plan with conditions under the proposed General Plan amendment. Please refer to Appendix C for a full description of the traffic analysis methodology.

The City has identified three geographic subareas where localized near-term congestion has resulted in the adoption of Area Development Policies. Area Development Policies determine how traffic and transportation infrastructure are managed within a specific area, and are identified in the General Plan as a method to establish "special traffic level of service standards for a specific geographic area." The three special policy subareas are North San Jose, Evergreen, and South San Jose. For a proposed land use amendment that is not exempt and located within one of the three special policy subareas, the determination of significance is based on a cordon line analysis and a proximity analysis, described below.

Cordon Analysis. A cordon analysis is the method used by forecasting models to evaluate the capacity of transportation facilities within and outside of special subareas. Similar to a screenline analysis, the cordon analysis evaluates area-wide traffic impacts. The cordon analysis is specifically suited for geographically distinct subareas, since it encloses the subarea and captures virtually all peak direction traffic movements into and out of the subarea. The incremental increase in peak direction traffic across the cordon line (i.e., the subarea boundary) from a proposed land use amendment is calculated and compared to the existing General Plan base condition. Both the cordon lines and the thresholds of significance reflect the sensitivity of the transportation system to impacts from land use changes within the special subareas. Land use amendments that would contribute substantially to peak direction traffic are expected to result in adverse traffic impacts on the local and regional roadway systems within the subareas.

Proximity Analysis. The proximity area is the geographic area near the project site within which approximately 20,000 vehicle miles of travel (VMT) occur under the adopted General Plan base condition. Vehicle miles traveled are calculated by the model for the entire area modeled, or as a subset for individually defined geographic areas such as within the City of San Jose or within a proximity area. VMT calculated with and without a specific land use amendment would reflect the extent to which a particular land use amendment could be expected to increase or decrease the distance traveled on the regional or sub-regional roadway system by all vehicles.

Generally the radius of the proximity area varies from 0.5 to 1.5 miles, depending on the density of the roadway network and travel activity near the GPA site, and is the same for both the AM and PM peak hour analyses. The proximity analysis provides specific information on the anticipated amount of travel and traffic operations within the area surrounding a proposed General Plan amendment site, but is not a substitute for near-term operational analyses done for development-level entitlements. Specific quantitative differences are identified, including overall VMT and congested VMT that would occur under the project condition compared to the existing General Plan base case. A proposed land use amendment that would intensify land use would generally be expected to result in higher overall VMT and congested VMT within the proximity area for the proposed amendment.

Thresholds

As per City of San Jose requirements, a General Plan amendment would result in a significant adverse traffic impact if the CUBE model analysis concludes that the amendment causes one of the following to occur in either the AM or PM peak hour:

- the peak direction volumes across any one of the special subarea cordon lines increases by the following: 1) 0.15% in North San Jose, 2) 0.05% in Evergreen, or 3) 0.15% in South San Jose; or
- the overall VMT within the proximity area of the proposed amendment increases by at least 1% and 200 vehicle-miles; or
- the congested VMT within the proximity area of the proposed amendment increases by at least one-half (1/2) the amount of the measured increases in overall proximity VMT and 100 vehicle-miles.

Analysis Results

Results of the cordon analysis indicate that the peak direction traffic volumes across the Evergreen, North San Jose, and South San Jose special subarea cordon lines either decrease or remain unchanged as a result of the proposed General Plan land use amendment. Therefore, based on the impact criteria for the cordon line analysis, the proposed amendment would not result in a significant adverse traffic impact.

The proximity analysis consists of the determination of differences in peak hour trip generation, VMT, and traffic added to congested links between project conditions with the proposed land use change and the existing General Plan base case. A proximity radius of 0.5 miles was determined for the project site, since this radius corresponds to a magnitude of approximately 20,000 vehicle miles traveled, as calculated under the General Plan base condition. The results of the proximity analysis show that the proposed General Plan amendment would decrease the overall VMT and congested link VMT in the proximity area during the AM peak hour. The overall VMT and congested link VMT would not significantly increase during the PM peak hour. Therefore, based on the impact criteria for the proximity analysis, the proposed amendment would not result in a significant adverse traffic impact.

The results of the long-range traffic analysis indicate that the proposed General Plan amendment would not add a significant amount of traffic to streets already identified as operating at unacceptable levels. According to the General Plan policy and impact criteria, the proposed General Plan amendment would not result in any significant negative traffic impacts during either the AM or PM peak hours.

The long range analysis for the General Plan amendment is intended as a planning tool to project probable future traffic conditions under alternative future development scenarios. A detailed near-term traffic impact analysis (TIA) would be required at the time that a zoning or planning permit application is made for future development of the site. The TIA would analyze the near-term traffic

impacts for the AM, PM, and Saturday peak hours of traffic, and identify required mitigation if warranted.

Future development allowed by the proposed General Plan amendment would be conducted in conformance with adopted City plans and policies, and would not result in significant transportation impacts.

P. UTILITIES AND SERVICE SYSTEMS

Introduction

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

- Level of Service Policy #2: Capital and Facility Needs Financed by New Development
- Level of Service Policy #6: Level of Service Standard of "D" for Sanitary Sewer Lines
- Level of Service Policy #7: Monitor and Regulate Growth to Accommodate Sewage at the San Jose/Santa Clara Water Pollution Control Plant
- Level of Service Policy #9: Encourage Use of Water Conservation Programs
- Urban Design Policy #7: Underground Utilities Serving New Development

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

Setting

Utilities and services are furnished to the project site by the following providers:

- Wastewater Treatment: treatment and disposal provided by the San Jose/Santa Clara Water Pollution Control Plant (WPCP), and lines maintained by the City of San Jose
- Water Service: City of San Jose Municipal Water System
- Storm Drainage: City of San Jose
- Solid Waste: Various haulers
- Natural Gas & Electricity: PG&E

Wastewater

The City of San Jose maintains the wastewater collection system in the North San Jose area. Sewer mains vary in size from 10 to 30 inches. These sewer mains primarily flow by gravity to a major sewer interceptor system in Zanker Road. Sewer lift stations and force mains are used to transport flows that cannot be conveyed by gravity. The Lamplighter Sewage Pump Station, located at the

southeast corner of N. First Street and Lamplighter Way (across the street from the project site) carries wastewater from the station to the WPCP.

The WPCP provides primary, secondary, and tertiary treatment of sewage. The existing capacity of the plant is 167 million gallons per day (mgd). The plant currently treats an average of 116.8 mgd. The WPCP is currently operating under a 120 mgd (dry weather) restriction imposed by the Regional Water Quality Control Board, due to the effects of freshwater discharges from the plant. Development in the North San Jose area will need to install 8 to 10-inch recycled water lines to serve this area under the current restriction.

Water

The City of San Jose Municipal Water System provides water to the project area via water lines in Holger Way, Headquarters Drive, and N. First Street. A recycled water pipeline conveys water from the WPCP to the North San Jose area for landscape irrigation. The line generally extends along SR 237 to Old Oakland Road.

Storm Drainage

The City of San Jose maintains municipal storm drainage facilities in the project area. Storm drain lines (ranging from 24 to 96 inches) are located in Holger Way, Headquarters Drive, and N. First Street. Two large storm drain inlets are located on the project site, on either side of Holger Way just east of N. First Street.

Solid Waste

Commercial solid waste collection in San Jose is provided by several non-exclusive providers. The waste may be disposed of at any of the four privately-owned landfills in San Jose.

Natural Gas & Electricity

Natural gas & electricity is provided to the project area by the Pacific Gas & Electric Company (PG&E). There is also a PG&E-owned 24-inch, high-pressure gas line that extends through the project site along Holger Way.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
16. UTILITIES AND SERVICE SYSTEMS. Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X	1, 2, 11

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
b) Require or result in the construction of new water or wastewater treatment facilities of expansion of existing facilities, the construction or which could cause significant environmental effects?			X		1, 2, 11
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		1, 2, 11
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X	1, 2, 11
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		1, 2, 11
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X		1, 2, 11
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X	1, 2, 11

Discussion

Wastewater

Future development would increase the demand for wastewater treatment and disposal in the project area. In order to reduce flows, the City encourages use of recycled water and conservation of potable water onsite. The incremental increase in wastewater flows from the proposed General Plan amendment is not expected to result in significant impacts with implementation of the above measures.

Water

Future development would increase the demand for water in the project area. The amount of water use would depend and on the type of commercial and industrial uses that are established. Determination of future water demand any needed system improvements would be conducted during review of future development proposals. The incremental increase in water demand from the proposed General Plan amendment is not expected to result in significant impacts.

Storm Drainage

Please refer to **H. Hydrology/Water Quality** of this Initial Study for discussion of storm drainage facilities and capacity.

Solid Waste

Future development would result in an incremental increase in solid waste generation. Waste would be disposed of by a commercial hauler at one of several landfills serving the area. There is sufficient capacity in the existing solid waste disposal facilities serving San Jose to accommodate the project.

Natural Gas & Electricity

Expansion of distribution and transmission lines may be necessary to serve any development on the project site. Future development is not expected to result in any significant impacts related to the provision of electricity and natural gas.

The proposed General Plan amendment would result in less-than-significant impacts on services and utilities.

Future development allowed by the proposed General Plan amendment would be conducted in conformance with adopted City plans and policies, resulting in less-than-significant impacts associated with utilities and service systems.

Q. MANDATORY FINDINGS OF SIGNIFICANCE

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
17. MANDATORY FINDINGS OF SIGNIFICANCE. Does the project:					
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X	1, 2, 3
b) 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 the past projects, the effects of other current projects, and the effects of probable future projects.				X	1, 2, 3, 12
c) Have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?				X	1, 2, 3

The project would not result in significant impacts associated with the CEQA mandatory findings of significance. Based on the analysis provided in this Initial Study, the proposed General Plan amendment would not substantially degrade or reduce wildlife species or habitat, result in significant cumulative impacts, or cause adverse effects on humans.

Chapter 4. References

LEAD AGENCY
City of San Jose

Joseph Horwedel, Acting Director, Department of Planning, Building and Code Enforcement
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Jodie Clark, AICP, Senior Planner, Department of Planning, Building and Code Enforcement
Meera Nagaraj, AICP, Project Manager, Department of Planning, Building and Code Enforcement

DOCUMENT PREPARATION
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Matt Johnson, Graphics
Elizabeth Guzman, Assistant Planner
Dianne Rossi, Administration

PERSONS CONTACTED

Linda Callon, Berliner Cohen
Deke Hunter, Hunter Properties
Curtis Leigh, Hunter Properties
Sherri Prieb, Hunter Properties
James Reyff, Illingworth & Rodkin

CHECKLIST SOURCES

1. CEQA Guidelines and professional expertise of consultant
2. Project review
3. San Jose 2020 General Plan
4. Santa Clara County Important Farmlands Map
5. BAAQMD CEQA Guidelines, 2001
6. Burrowing Owl Survey by HTH, 2006
7. Archaeological Report(s) by Holman & Associates, 1996, 1997
8. Historical Background Report by Archives & Architecture, 1997
9. Geotechnical Investigation by Treadwell & Rollo, 2000
10. Phase 1 Environmental Site Assessment by ENVIRON, 2001
11. North San Jose Area Development Policies Update EIR, 2005
12. Traffic Analysis Report by Hexagon, 2006

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Hexagon Transportation Consultants, *3COM/Palm Site General Plan Amendment (GP06-04-03), Draft Traffic Analysis Report*, July 20, 2006. (12)

Holman & Associates, *Archaeological Reconnaissance of the 3COM North San Jose Project Area On Highway 237 Between Zanker Road and North First Street, in the City of San Jose, California*, August 1996. (7)

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H.T. Harvey & Associates, *Burrowing Owl Survey, Palm Site, San Jose, CA*, June 16, 2006. (6)

Schaaf & Wheeler, *Palm, Inc. Corporate Campus Flooding Study*, October 2000.

Treadwell & Rollo, *Geotechnical Investigation Palm Corporate Headquarters, San Jose, California*, December 2000. (9)

Weidlinger & Associates, Analysis of Pipeline Fire Hazard to Windows Planned for the Palm Campus, October 20, 2000.

APPENDIX A
TREE SURVEY

ASCA Member
ISA Certified Arborist #WE-0132A
www.members.aol.com/RMArborist
eMail: rmarborist@aol.com

Ray Morneau
• ARBORIST •

550 S. Shoreline Blvd.
Mountain View, CA 94041-1929
Tel: 650-964-7664
Fax: 650-938-1577

Certified Arborist's "Table1" Inventory
(Pre-Construction)

August 26, 2006

Prepared for:
Mr. Curtis Leigh
Hunter Properties
20725 Valley Green Drive, Suite 100
Cupertino, CA 95014

Project Location:
Palm, Inc. Corporate Campus
North First & Headquarters Drive
San Jose, California

Prepared by: Ray Morneau
ISA Certified Arborist #WE-0132A
ASCA Member

Contents:

1.0 Assignment

Curtis Leigh has retained me to provide an arborist's pre-construction "Table 1" inventory for the Palm, Inc. Corporate Campus site at the corner of North First Street and Headquarters Drive in San Jose.

2.0 Executive Summary

The City of San Jose Planning Department requires that an ISA Certified Arborist complete the form "Table 1". By definition in San Jose, a "tree" shall mean any live or dead woody perennial plant characterized by having a main stem or trunk which measures fifty-six inches or more in circumference at a height of twenty-four inches above natural grade. (Per Chapter 13.32 of the San Jose Municipal Code).

Forty-two (42) plants were inventoried, but only four are trees by cited ordinance size definition, palms #1, #2, and #42, in fair to good condition, plus cedar #39, in poor condition, (all others measured smaller than 56-inch circumference).

3.0 "Table 1" Data

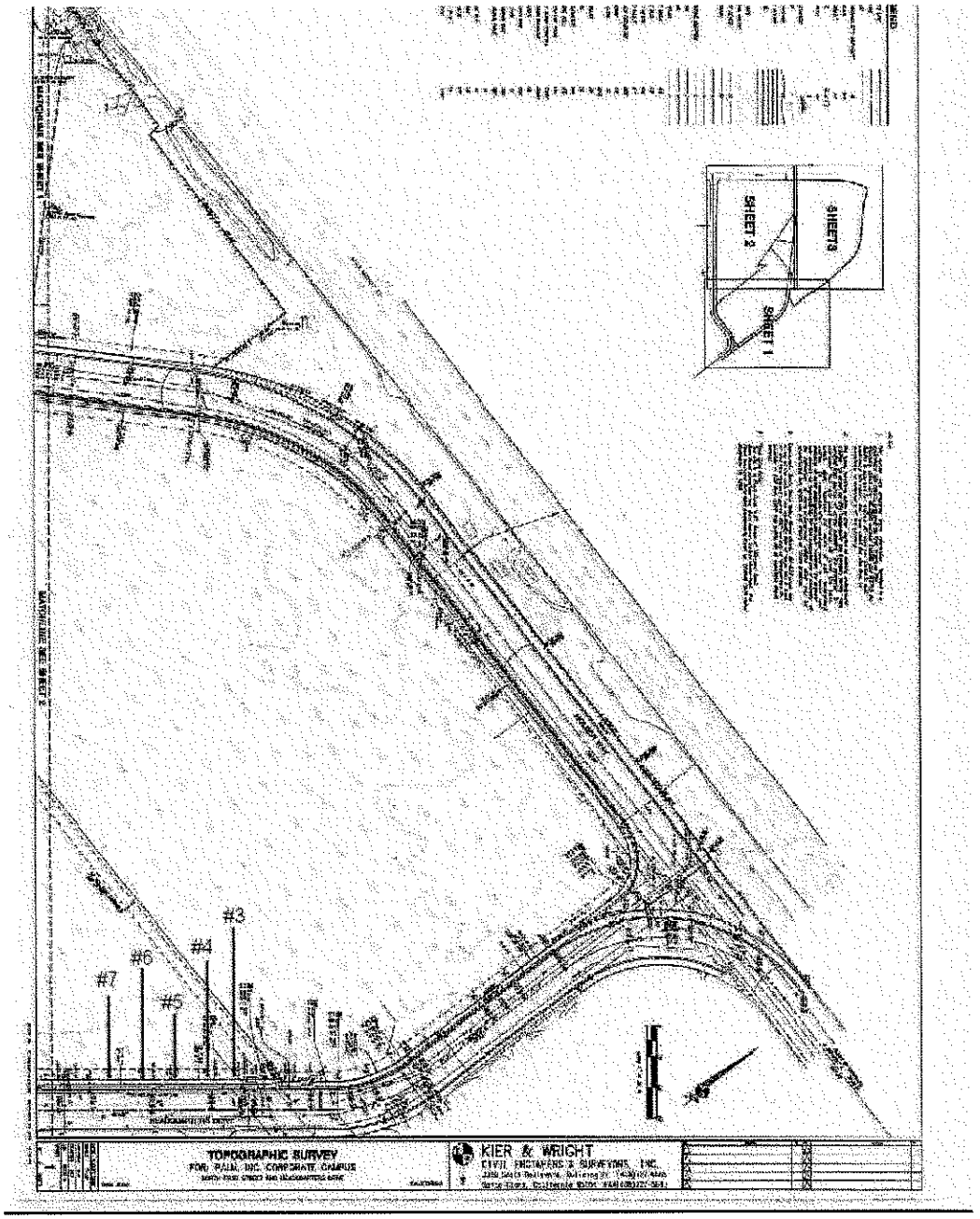
Table 1 (City of San Jose standard)
Tree Summary

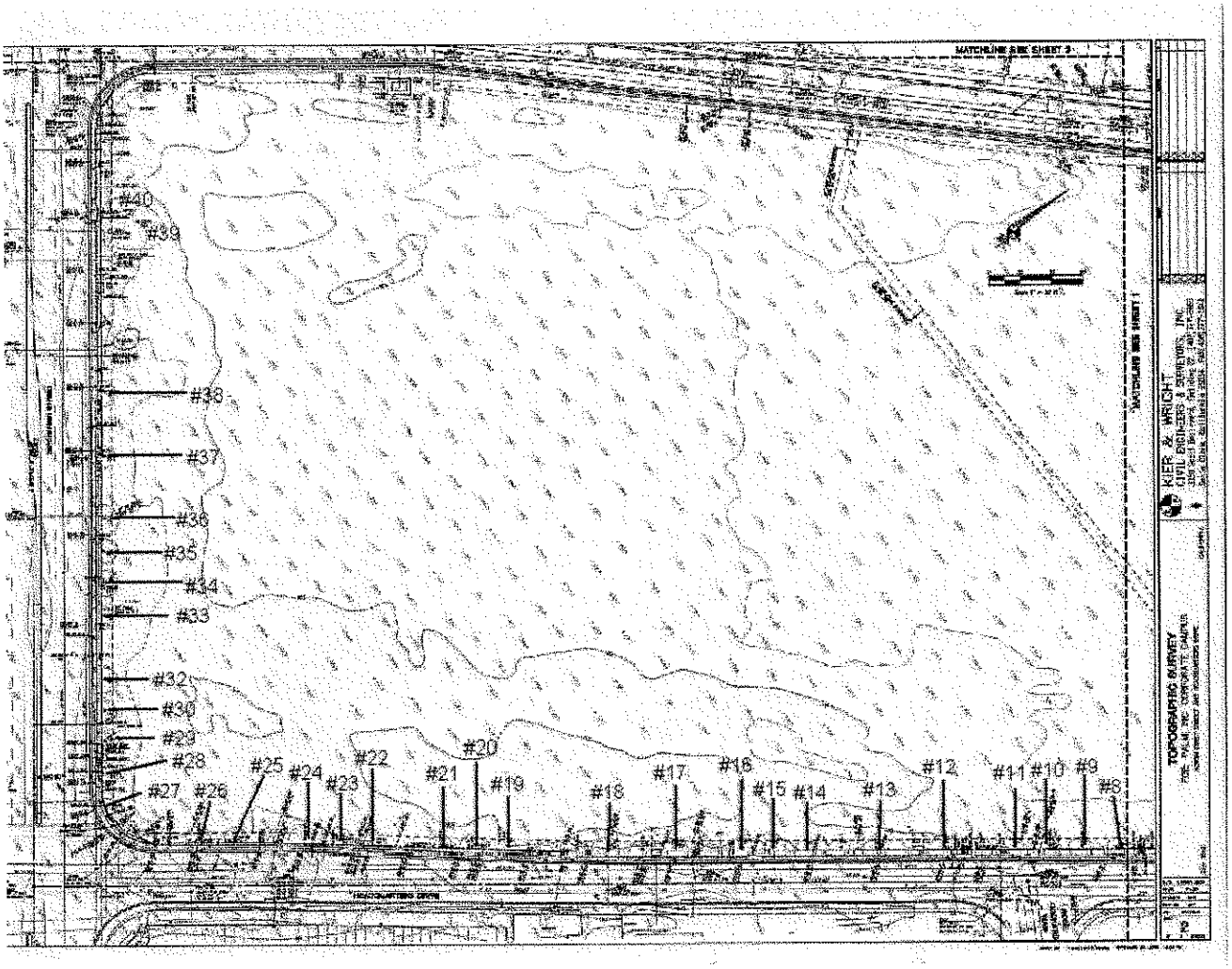
Tag #	Scientific Name	Name, Common	Size (Diameter)	Size (Circumference)	Condition
1	***Washingtonia filifera***	**Palm, California Fan**	**17.9"**	**56.2"**	**4**
2	***Phoenix canariensis***	**Palm, Canary Island Date**	**29.9"**	**93.9"**	**4**
3	*Pyrus calleryana 'Bradford'*	Pear, Bradford	13.8"	43.4"	3
4	*Pyrus calleryana 'Bradford'*	Pear, Bradford	9.2"	28.9"	2
5	*Pyrus calleryana 'Bradford'*	Pear, Bradford	12.3"	38.6"	3
6	*Pyrus calleryana 'Bradford'*	Pear, Bradford	8.5"	26.7"	3
7	*Pyrus calleryana 'Bradford'*	Pear, Bradford	7.3"	22.9"	2
8	*Pyrus calleryana 'Bradford'*	Pear, Bradford	5.4"	17.0"	0
9	*Pyrus calleryana 'Bradford'*	Pear, Bradford	7.9"	24.8"	2
10	*Pyrus calleryana 'Bradford'*	Pear, Bradford	11.6"	36.4"	3
11	*Pyrus calleryana 'Bradford'*	Pear, Bradford	14.1"	44.3"	3
12	*Pyrus calleryana 'Bradford'*	Pear, Bradford	13.4"	42.1"	3
13	*Pyrus calleryana 'Bradford'*	Pear, Bradford	9.1"	28.6"	2
14	*Pyrus calleryana 'Bradford'*	Pear, Bradford	9.5"	29.8"	2
15	*Pyrus calleryana 'Bradford'*	Pear, Bradford	14.2"	44.6"	3
16	*Pyrus calleryana 'Bradford'*	Pear, Bradford	10.8"	33.9"	3
17	*Pyrus calleryana 'Bradford'*	Pear, Bradford	12.7"	39.9"	2
18	*Pyrus calleryana 'Bradford'*	Pear, Bradford	12.7"	39.9"	2
19	*Pyrus calleryana 'Bradford'*	Pear, Bradford	10.4"	32.7"	3
20	*Pyrus calleryana 'Bradford'*	Pear, Bradford	6.0"	18.8"	1

Tag #	Scientific Name	Name, Common	Size (Diameter)	Size (Circumference)	Condition
21	*Pyrus calleryana 'Bradford'*	Pear, Bradford	10.4"	32.7"	3
22	*Pyrus calleryana 'Bradford'*	Pear, Bradford	9.8"	30.8"	4
23	*Pyrus calleryana 'Bradford'*	Pear, Bradford	13.9"	43.6"	4
24	*Pyrus calleryana 'Bradford'*	Pear, Bradford	13.2"	41.5"	4
25	*Pyrus calleryana 'Bradford'*	Pear, Bradford	7.2"	22.6"	1
26	*Pyrus calleryana 'Bradford'*	Pear, Bradford	13.0"	40.8"	3
27	*Pyrus calleryana 'Bradford'*	Pear, Bradford	8.2"	25.8"	1
28	*Pyrus calleryana 'Bradford'*	Pear, Bradford	13.2"	41.5"	4
29	*Pyrus calleryana 'Bradford'*	Pear, Bradford	8.9"	28.0"	3
30	*Pyrus calleryana 'Bradford'*	Pear, Bradford	12.2"	38.3"	3
31	*Pyrus calleryana 'Bradford'*	Pear, Bradford	13.7"	43.0"	2
32	*Pyrus calleryana 'Bradford'*	Pear, Bradford	12.0"	37.7"	3
33	*Pyrus calleryana 'Bradford'*	Pear, Bradford	12.3"	38.6"	3
34	*Pyrus calleryana 'Bradford'*	Pear, Bradford	11.3"	35.5"	2
35	*Pyrus calleryana 'Bradford'*	Pear, Bradford	10.0"	31.4"	3
36	*Pyrus calleryana 'Bradford'*	Pear, Bradford	13.2"	41.5"	2
37	*Pyrus calleryana 'Bradford'*	Pear, Bradford	10.4"	32.7"	4
38	*Pyrus calleryana 'Bradford'*	Pear, Bradford	9.6"	30.2"	1
39	***Cedrus deodara***	**Cedar, Deodar**	**24.9"**	**78.2"**	**2**
40	*Pinus sylvestrus*	Pine, Scotch	15.8"	49.6"	1
41	*Olea europa*	Olive	3.4", 2.5", 2.5", 2.1", 1.8"	10.7", 7.9", 7.9", 6.6", 5.7"	3
42	***Washingtonia filifera***	**Palm, California Fan**	**23.5"**	**73.8"**	**5**

Notes: Circumference/diameter at two feet above existing grade.
Numbers correspond to tree locations provided in Figure X.
Ordinance sized trees (56 inches or greater in circumference) are shown in **bold**.
Condition is judged on a scale of 1 to 5 with 1 representing very poor and 5 representing excellent.

4.0 Site Drawings with Tree Numbers Added

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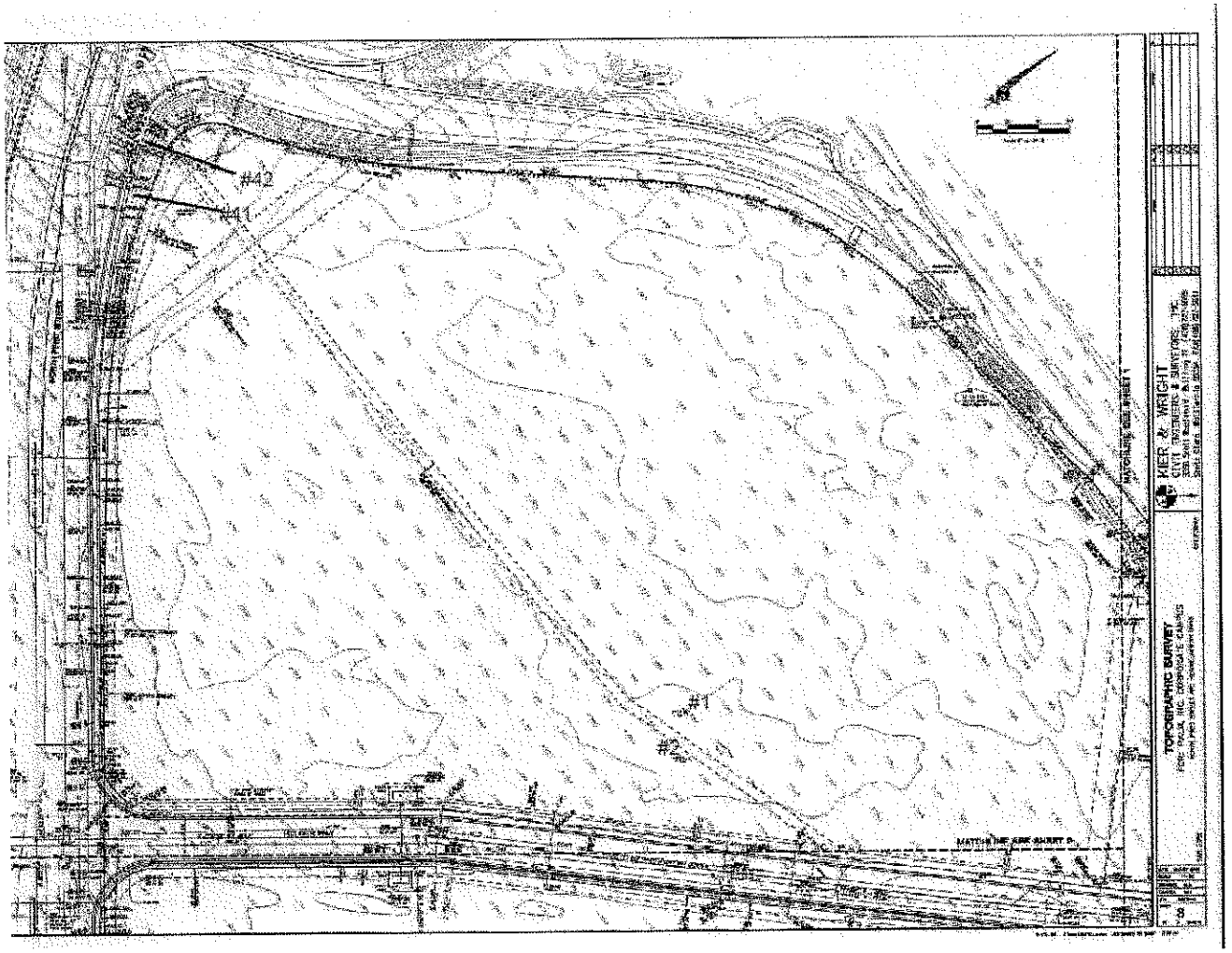
TOPOGRAPHIC SURVEY



5.0 Certification

I certify that all the statements of fact in this report are true, complete, and correct to the best of my knowledge, ability, and belief, and are made in good faith.

Respectfully submitted,

Raymond J. Morneau

Raymond J. Morneau
ISA Certified Arborist #WE-0132A
ASCA Member

APPENDIX B
BURROWING OWL SURVEY

H.T. HARVEY & ASSOCIATES
ECOLOGICAL CONSULTANTS

June 16, 2006

Sherri P. Prieb
Chief Operating Officer
Hunter Properties, Inc.
6972 Wapiti Ct.
Boulder, CO 80301

RE: Burrowing Owl Survey, Palm Site, San Jose, California (HTH Project #2688-01)

Dear Ms. Prieb:

Per your request, H.T. Harvey & Associates conducted a survey for Burrowing Owls (*Athene cunicularia*) on the Palm site located at the intersection of North First Street and State Route 237, in San Jose, California. The purpose of this survey was to determine the existing use of the site by Burrowing Owls, updating previous surveys conducted on the site by H.T. Harvey & Associates. Burrowing Owls are small owls that nest and roost in burrows in the ground. In the San Jose area, where the project site is located, most Burrowing Owls occur in California ground squirrel (*Spermophilus beecheyi*) burrows. The Burrowing Owl is listed as a Species of Special Concern in California by the California Department of Fish and Game (CDFG).

I conducted an initial site visit on the morning of June 12, 2006. The site consists of two parcels. One is bounded by State Route 237 to the north, North First Street to the south west, and Holger Way to the southeast. The other is bounded by Holger Way to the northwest, North First Street to the southwest, and Headquarters Drive to the southeast. Curtis Leigh, of Hunter Properties, joined me on the site, and informed me that the weedy vegetation on the site had recently been mowed. As a result, most of the site consisted of bare ground or sparse ruderal vegetation. In addition, there were several ornamental trees along the southeastern edge of the property, and two palm trees near the center of the property. During the initial survey, the site was found to contain a few ground squirrel burrows, scattered at low densities throughout the site. Because these burrows could provide roosting or nesting sites for Burrowing Owls, three additional surveys were warranted to satisfy the CDFG protocol. However, thorough examination of the burrows on the site during my June 12 site visit revealed no evidence of Burrowing Owl presence (e.g., feathers, castings, prey remains, or droppings at burrows), and no Burrowing Owls were seen on the site during the initial survey.

I conducted follow-up surveys on June 13, 14, and 15, 2006. No Burrowing Owls were detected on June 13, although a single casting (undigestible material regurgitated by a Burrowing Owl) was found near the west end of Holger Way (the road that bisects the site). On June 14, an adult Burrowing Owl was seen near the southwest entrance to the property, about 100 feet northeast of the Holger Way entrance. This owl was standing next to the northeast end of a thick metal plate leaning against the curb on the north side

of Holger Way. The owl had apparently been roosting under this plate. Although there was some evidence that this site was used by a Burrowing Owl (a small amount of scat), the small amount of sign, and the lack of castings or feathers indicated that this location had been used very briefly, likely for less than 24 hours. On June 15, no Burrowing Owls were seen, and there was no additional sign found anywhere on the site. We suspect that the single Burrowing Owl detected on the site was a visitor from the population in the open habitat north of State Route 237, and was briefly foraging on the project site.

Although the project site may provide foraging habitat for Burrowing Owls occasionally dispersing from breeding sites north of State Route 237, especially when mown during the summer, high vegetation during winter and spring under the current management regime limits the quality of the habitat for foraging owls. Given the lack of evidence that the site is used intensively by Burrowing Owls, and the large amount of foraging habitat available north of 237, it is our opinsion that the loss of this habitat (e.g., if the property is developed) would not be considered a significant impact under the California Environmental Quality Act (CEQA). However, if CEQA approval is required for future development of this site, such CEQA determination would be made by the lead agency (i.e., the City of San Jose). If the City determines that the loss of habitat is significant, it could potentially requiret mitigation for the loss of foraging habitat for Burrowing Owls if the property is developed.

Based on this protocol-level survey, Burrowing Owls are not currently using the site for nesting, and nesting habitat on the site is less than ideal. The project site appears to have been graded in the last several years (perhaps immediately after Burrowing Owls were evicted from the site in the late 1990s), and there are very few ground squirrel burrows on the site. According to Curtis Leigh, the ruderal vegetation was quite high until recently, decreasing the quality of the habitat for Burrowing Owls. Burrowing Owls prefer low vegetation or bare ground, allowing them to detect potential predators at a distance. Although it appears that Burrowing Owls did not breed on the site in 2006, and do not currently occupy any burrows on the site, pre-construction surveys would be warranted before any ground-disturbing work on the site (including movement of the metal plates against the curb on Holger Way), in case an owl is using a burrow on the site when grading occurs. If an owl is found to be using a burrow on the site prior to construction, the owl may be evicted during the non-breeding season (September 1 to January 31), if permission is obtained from the CDFG, using a one-way door on the burrow. If eviction is necessary, the CDFG may request compensatory mitigation for loss of Burrowing Owl habitat.

Concurrent with the Burrowing Owl survey, I assessed the site for other potential biotic constraints to development. Given the disturbed and degraded nature of the site, there are few other biotic constraints. The two palm trees on the site could potentially provide habitat for nesting raptors (birds of prey). H.T. Harvey & Associates biologists have observed Red-tailed Hawks (*Buteo jamaicensis*) nesting in the shorter palm in the past, and Barn Owls (*Tyto alba*) regularly use fan palms (like the taller palm) for nesting. No nesting by any raptor species was noted in 2006. We would not consider loss of this potential habitat, or even loss of active nests of these common raptor species, to be a significant impact under CEQA. However, nesting raptors are protected under the State Fish and Game Code as well as under the federal Migratory Bird Treaty Act. In addition,

the City of San Jose could consider impacts to active raptor nests to be significant under CEQA. The CDFG typically requests that a 250-foot disturbance-free buffer be established around any active raptor nest. Local raptors typically nest between January and August. Thus, if these trees are to be removed, they should be removed between September and December, or after a survey by a qualified biologist has determined that no active nest is present. If the trees will not be removed, pre-construction surveys should be conducted if work that could disturb nesting raptors will occur between January and August. If an active nest were found, a 250-foot disturbance-free buffer should be established until the young have left the nest. Other common bird species, such as Killdeer (*Charadrius vociferus*), Mourning Doves (*Zenaida macroura*), Red-winged Blackbirds (*Agelaius phoeniceus*), and others, may nest on the site during spring and summer. While impacts to these species would not be significant under CEQA, the State Fish and Game Code and the Migratory Bird Treaty Act prohibit the destruction of these species, including eggs and young. We would therefore recommend that construction activities commence during the non-breeding season, or that pre-construction surveys be conducted to determine whether any birds an actively nesting on the site. If active nests are found, disturbance-free buffers should be established until young have left the nest.

Please feel free to contact me at lhenkel@harveyecology.com or at (408) 448-9450 ext. 216 if you have any questions. Thank you for contacting H.T. Harvey & Associates for this project.

Sincerely,

Laird Henkel, M.S.
Wildlife Ecologist

APPENDIX C
TRAFFIC ANALYSIS REPORT

3COM/Palm Site

General Plan Amendment
(GP06-04-03)

Draft Traffic Analysis Report

Prepared for:

Denise Duffy and Associates, Inc.

Prepared by:

Gary Black, Project Manager

July 20, 2006

06SH07
GKB, BJ
3COM_Palm_DraftGPA.doc

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1. Introduction

The purpose of this General Plan Amendment (GPA) traffic study is to evaluate the long-term traffic impacts of the proposed change in General Plan land use designation for the 28.2-acre 3COM/Palm property located on the southeast corner of SR 237 and North First Street in north San Jose. The City of San Jose file number for this GPA site is GP06-04-03. The GPA site location is presented on Figure 1.

General Plan Amendment Description

The current adopted General Plan land use designation for the project GPA site is Industrial Park. The proposed project involves changing the City's General Plan land use designation to General Commercial. The GPA would result in a net change of 964 fewer jobs and no change in the number of households relative to the current adopted General Plan land use designation. According to the model run results, the employment categories that would experience the most substantial job losses are manufacturing, warehouse and services. In contrast, the proposed GPA would result in an increase in retail jobs.

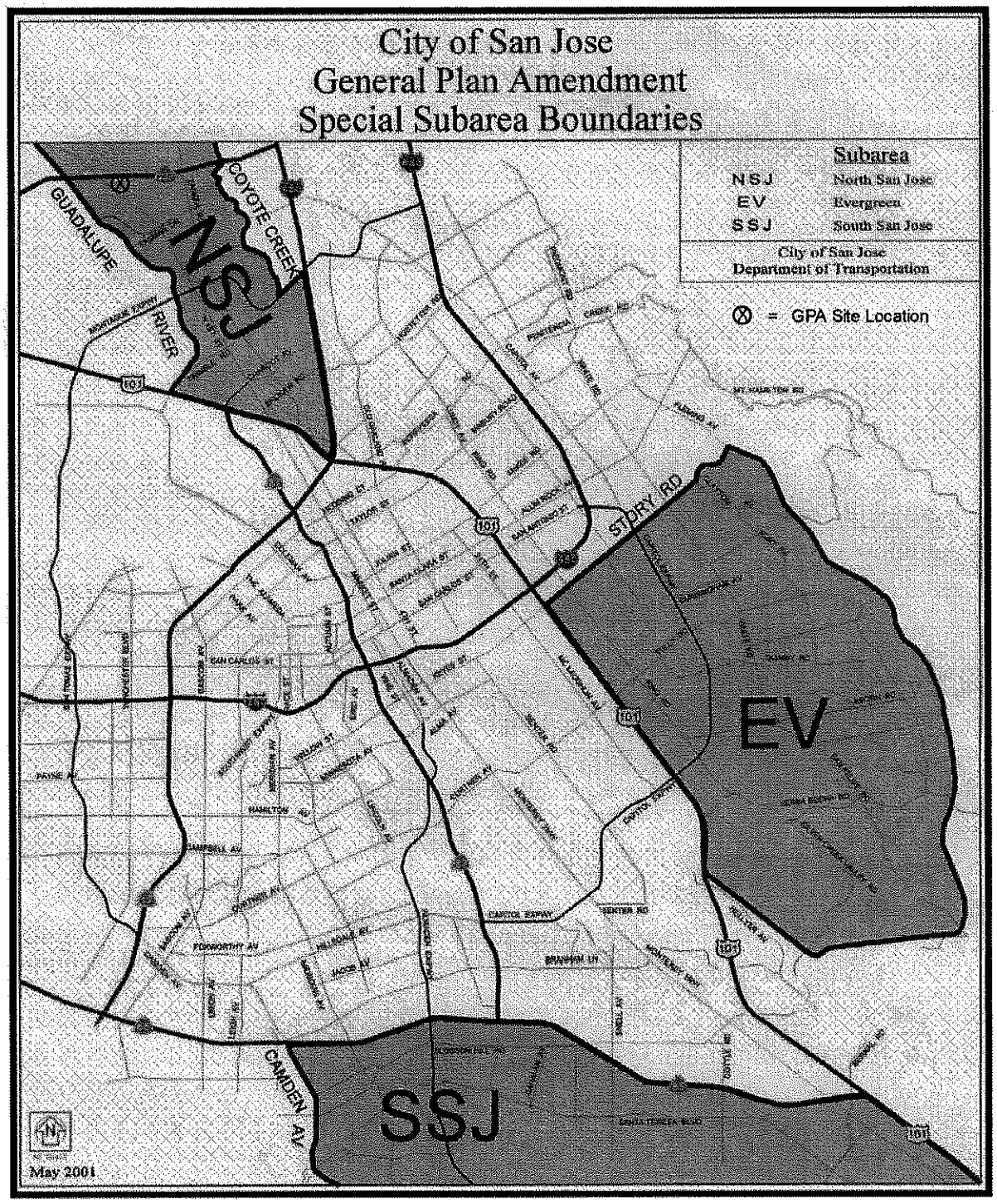
City of San Jose Traffic Forecasting Model Description

The City of San Jose's traffic forecasting model was developed to help the City project peak hour traffic impacts attributable to changes proposed to the City's General Plan. The model is implemented using the CUBE transportation planning software system and is consistent with the structures of the Metropolitan Transportation Commission's (MTC) BAYCAST regional model and VTA's VTP2030 model. The San Jose model includes the four elements traditionally associated with models of this kind. These include:

- Trip Generation,
- Trip Distribution,
- Mode Choice, and
- Traffic Assignment.

The fundamental structure of the model includes a computer readable representation of the street system (highway network) that defines street segments (links) identified by end points (nodes). Each roadway link is further represented by key characteristics (link attributes) that describe the length, travel speeds,

Figure 1


City of San Jose
General Plan Amendment
Special Subarea Boundaries
Subarea
NSJ North San Jose
EV Evergreen
SSJ South San Jose
City of San Jose
Department of Transportation
⊗ = GPA Site Location
NSJ
EV
SSJ
GUADALUPE RIVER
COYOTE CREEK
STORY RD
CAMDEN AV
May 2001

and vehicular capacity of the roadway segment. Small geographic areas (traffic analysis zones also called TAZ's) are used to quantify the planned land use activity throughout the City's planning area. The boundaries of these small geographic areas are typically defined by the modeled street system, as well as natural and man made barriers that have an effect on traffic access to the modeled network. Transit systems are represented in the model by transit networks that are also identifiable by links and nodes. Unlike the roadway network, the key link attributes of a transit link are operating speed and headways – elapsed time between successive transit services. Transit stops and "dwelling times" (the time allowed for passengers embarking and disembarking transit vehicles) are described as transit node attributes. Transit networks are further grouped by type of transit (rail versus bus) and operator (VTA bus versus AC Transit bus). Transit accessibility for each TAZ is evaluated by proximity to transit stops or stations, and the connectivity of transit lines to destinations.

The socioeconomic data for each TAZ in the model includes information about the number of households (stratified by household income and structure type), population, average income, population age distribution, and employment (stratified by groupings of Standard Industrial Codes). The worker per household ratios and auto ownership within a TAZ are calculated based on these factors and the types and densities of residences. The model projects trip generation rates and the traffic attributable to residents and resident workers, categorized by trip purposes, using set trip generation formulas. The trip generation formulas were originally estimated by the Metropolitan Transportation Commission in 1997 based on 1990 U.S. Census data and the 1994 San Francisco Bay Region Travel Survey. The formulas were calibrated to 2000 U.S. Census data to more accurately reflect travel frequency for Bay Area residents.

Travel times within and between TAZs (intra-zonal, inter-zonal and terminal times) are developed from the network being modeled. Travel times within zones (intra-zonal travel times) are derived for each zone based on half its average travel time to the nearest three adjacent zones. Time to walk to and from the trip maker's car (terminal times) are also added. The projected daily trips are distributed using a standard gravity model and friction factors calibrated for the modeling region, which presently consists of 13 counties. The City of San Jose CUBE Model is capable of estimating up to 7 modes of transportation – auto drive alone, auto shared ride 2+ occupants, auto shared ride 3+ passengers, rail transit, bus transit, bicycle, and walk. Time-of-day factors and directionality factors are then applied to automobile trips occurring during the AM peak hour, AM 3-hour peak period, PM peak hour, and PM 3-hour peak period before the traffic is assigned to the roadway networks. The assignment of the trip tables to the roadway network uses a route selection procedure based on minimum travel time paths (as opposed to minimum travel distance paths) between TAZs and is done using a capacity-constrained user equilibrium-seeking process. This capacity constrained traffic assignment process enables the model to reflect diversion of traffic around congested areas of the overall street system. High Occupancy Vehicle (HOV) lanes on freeways, expressways, and on-ramps are specifically dealt with in the model network, with access restricted to auto-shared-ride mode trips only, similar to real world operations of roadway facilities with HOV lanes.

Transit use is modeled for peak and non-peak periods based on computed transit levels of services (speeds and wait times). Based on the conditions that influence transit speeds and wait times (such as traffic congestion), transit use numbers are modified to reflect the likelihood of transit use, based on the constraints to the system. This feedback loop is a modern enhancement in the model to address the dynamics of transit ridership related to the expansion or contraction of roadway capacities. The Model is also calibrated to project freight truck and delivery truck traffic in 2-axle, 3-axle, and 4+ axle categories. Truck volumes are assigned to those segments of the roadway network where truck traffic is permitted.

In addition to providing projected peak hour and peak period volumes and ratios comparing projected traffic volume to available roadway capacity (V/C ratios) on each roadway segment, the model provides

information on vehicle-miles and vehicle-hours of travel by facility type (freeway, expressways, arterial streets, etc.). These informational reports can be used to compare projected conditions under the current General Plan with the impacts of proposed land use amendments. The San Jose traffic forecasting model is intended for use as a "macro analysis tool," that projects probable future conditions and is best used when comparing alternative future scenarios. It is not designed to answer "micro analysis level" operational questions. A more detailed traffic impact analysis (TIA) will be required at the time a zoning or planning permit application is made for developing the site, whether or not the currently proposed GPA is approved. That analysis will address the near-term traffic impacts in detail and will identify required mitigation, if warranted.

General Plan Amendment Analysis Methodology

The General Plan methodology evaluates average workday AM and PM peak hours of traffic. The City has identified three geographic subareas within which localized near-term peak hour traffic congestion resulted in the adoption of an Area Development Policy. Area Development Policies determine how traffic and transportation infrastructure are managed within a specific area, and are identified in the City of San Jose 2020 General Plan as a method to establish "special traffic level of service standards for a specific geographic area." The three special policy subareas that have been identified are the North San Jose, Evergreen and South San Jose subareas. These subareas are shown previously on Figure 1.

For a proposed land use amendment that is not exempt and is located within one of the three special policy subareas, the determination of significance is based on a cordon line analysis and a proximity analysis. These are described in greater detail below.

Cordon Analysis

Cordon analysis is the method used by forecasting models to evaluate the capacity of transportation facilities within and outside of special subareas. Similar to a screenline analysis, cordon analysis measures area-wide traffic tendencies and impacts. Cordon analysis is specifically suitable for geographically distinct special subareas, because it encloses the subarea and captures virtually all peak direction traffic movements into and out of the subarea. The incremental increase in peak direction traffic across the cordon line (which is also the subarea boundary) that would result from the proposed land use amendment, will be calculated and compared to the base case (existing General Plan). Both the cordon lines and the thresholds of significance reflect the sensitivity of the transportation system to impacts from land use changes within the special subareas. Land use amendments that would contribute substantially to peak direction traffic are expected to result in measurable adverse traffic impacts on the local and regional roadway systems within the subareas.

Proximity Analysis

All proposed amendments (land use and network amendments) that are not exempted from preparing a CUBE analysis, whether they are located within or outside of a special policy subarea, require preparation of a proximity analysis. The proximity area is the geographic area near the project site within which approximately 20,000 vehicle miles of travel (VMT) occur under the adopted General Plan base condition. Vehicle-Miles-Traveled (VMT) are calculated by the model for the entire area modeled, or as a subset for individually defined geographic areas such as within the City of San Jose or within a proximity area. VMT calculated with and without a specific land use amendment would therefore reflect the extent to which a particular land use amendment could be expected to increase or decrease the distance traveled on the regional or sub-regional roadway system by all vehicles.

Generally the radius of the proximity area will vary from 0.5 to 1.5 miles, depending on the density of the roadway network and travel activity near the GPA site, and is the same for both the AM and PM peak hour analyses. The proximity analysis provides specific information on the anticipated amount of travel and traffic operations within the area surrounding a proposed General Plan amendment site, but is not a substitute for near-term operational analyses done for development-level entitlements. Specific quantitative differences are identified, including overall VMT and congested VMT that would occur under the project condition compared to the existing General Plan base case. A proposed land use amendment that would intensify land use would generally be expected to result in higher overall VMT, and congested VMT within the proximity area for the proposed amendment.

The significant impact criteria applicable to the proposed 3COM/Palm General Plan Amendment (City of San Jose file number GP06-04-03) are described below.

Thresholds of Significance

The traffic impact from a land use amendment proposed within a special policy subarea will be significant if the CUBE model analysis concludes that the amendment causes one of the following to occur in either the AM or PM peak hour:

- The peak direction volumes across any one of the special subarea cordon lines shown on Figure 1 increases by at least the percentage shown in Table 1 below; or

Table 1
Impact Thresholds for Cordon Line Analysis

Special Policy Subarea	Percentage Change
North San Jose	0.15%
Evergreen	0.05%
South San Jose	0.15%

Source:
Methodology for Preparing Long Term Traffic Impact Assessments,
City of San Jose Department of Transportation, 2005/2006.

- The overall VMT within the proximity area of the proposed amendment increases by at least 1% and 200 vehicle-miles (as shown in Table 2); or
- The congested VMT within the proximity area of the proposed amendment increases by at least one-half (1/2) the amount of the measured increases in overall proximity VMT and 100 vehicle-miles (as shown in Table 2).

A more detailed description of significant impact criteria, as well as definitions for the terms discussed under the significant impact criteria section above, are contained in the document titled *Methodology for Preparing Long Term Traffic Impact Assessments*, City of San Jose Department of Transportation, 2005/2006. This document is provided in Appendix A.

Table 2
Proximity Vehicle-Miles-Traveled Impact Thresholds

VMT Measurement	Impact Thresholds
Overall VMT	1% and 200 vehicle-miles
Congested VMT	1/2 of proximity VMT increase and 100 vehicle-miles

Source:
Methodology for Preparing Long Term Traffic Impact Assessments,
City of San Jose Department of Transportation, 2005/2006.

2. Existing Conditions

The existing regional highway system and local streets serving the GPA study area are described in this chapter. Also included are the existing levels of service at key intersection locations and on freeway segments in the study area.

Existing Roadway Network

Regional access to the GPA site is provided by I-880 and SR 237. These facilities are described below.

I-880 is also a north/south freeway providing regional access from East Bay cities to San Jose, where it becomes SR 17. Within the City of Milpitas, I-880 is primarily a six-lane freeway. North of Great Mall Parkway, I-880 widens to eight lanes. South of Montague Expressway, this facility is six lanes.

State Route 237/Calaveras Boulevard is an east/west arterial between I-880 and I-680 and generally provides six travel lanes (four lanes on the Union Pacific Railroad overcrossing). West of I-880, this facility becomes a freeway with four mixed-flow lanes and two High Occupancy Vehicle (HOV) lanes. West of Mathilda Avenue, SR 237 has four mixed-flow lanes. East of I-880, SR 237 becomes Calaveras Boulevard and provides six mixed-flow lanes. Calaveras Boulevard accommodates a significant amount of regional through traffic during the peak commute hours. Milpitas staff estimates that approximately 50 percent of the peak hour traffic between I-680 and I-880 is generated by areas outside of Milpitas. The predominate direction of travel is westbound in the morning and eastbound during the afternoon hours.

Local access to the GPA site is provided via Tasman Drive, First Street, Zanker Road, Vista Montana/Headquarters Drive, Rose Orchard Way, and Holger Way. These roadways are described below.

Tasman Drive is an east-west arterial that extends from Morse Avenue in Sunnyvale eastward to I-880, where it transitions into Great Mall Parkway in Milpitas. West of Fair Oaks Avenue, Tasman Drive is a two-lane commercial collector street. East of Fair Oaks Avenue, Tasman Drive is a four- to six-lane arterial. The LRT line runs down the middle of Tasman Drive between North First Street and Fair Oaks Avenue.

First Street is a two- to four-lane arterial with a raised center median. First Street begins at Reed Avenue as a transition from Monterey Road, and extends northward into north San Jose where it terminates at

Gold Street north of SR 237. The Guadalupe Corridor LRT line operates in the median of First Street between downtown San Jose and Tasman Drive. Access to the GPA site is provided by North First Street via Holger Way.

Zanker Road is a north-south arterial that runs through north San Jose. It extends from north San Jose to its termination at Old Bayshore Highway. Access to the GPA site is provided by Zanker Road via Holger Way. Between SR 237 and River Oaks Parkway, Zanker Road is generally a six-lane roadway. South of River Oaks Parkway, Zanker Road is a two- to four-lane facility.

Vista Montana/Headquarters Drive is generally a north-south street that connects Tasman Drive and Holger Way. This street is designated Headquarters Drive north of North of North First Street, and Vista Montana south of North First Street.

Rose Orchard Way is a local street that provides access to the surrounding light industrial uses. It extends northward from North First Street and curves to the west, terminating at Headquarters Drive.

Holger Way bisects the GPA site and extends between North First Street and Zanker Road.

Existing Intersection Levels of Service

Existing intersection levels of service were calculated based on counts contained in a TRAFFIX database obtained from the City of San Jose, last updated in April of 2006. The existing level of service results for all of the signalized intersections in the study are summarized in Table 3.

City of San Jose Intersections

The results of the analysis show that, measured against the City of San Jose level of service standards, one signalized intersection in the study area currently operates at an unacceptable LOS F: Baypointe Parkway and Tasman Drive. The remaining intersections currently operate at an acceptable LOS D or better during both the AM and PM peak hours of traffic.

CMP Intersections

The results of the analysis show that, measured against the CMP level of service standards, all of the CMP intersections in the study area currently operate at an acceptable LOS E or better during both the AM and PM peak hours of traffic.

Background Intersection Levels of Service

Background conditions represent traffic conditions that would occur after all approved projects in the area are completed and producing traffic on the street system. Background traffic volumes were estimated by adding to existing peak hour volumes the projected volumes from approved but not yet completed developments in the vicinity of the GPA site. The added traffic from approved developments was obtained directly from the City of San Jose TRAFFIX database in the form of the Approved Trips Inventory (ATI). The results of the level of service analysis under background conditions are summarized in Table 3.

Table 3
Existing and Background Intersection Levels of Service

Intersection	Peak Hour	Existing Ave. Delay	Existing LOS	Background Ave. Delay	Background LOS
SR 237/First Street (North) *	AM	15.3	B	42.9	D
	PM	17.6	B	154.6	F
SR 237/First Street (South) *	AM	22.8	C	135.2	F
	PM	21.0	C	70.5	E
SR 237/Zanker Road (North) *	AM	10.1	B	13.0	B
	PM	11.2	B	15.5	B
SR 237/Zanker Road (South) *	AM	17.0	B	20.5	C
	PM	11.1	B	16.9	B
First Street and Headquarters Drive	AM	29.0	C	36.0	D
	PM	33.0	C	37.0	D
Holger Way and Zanker Road	AM	11.9	B	19.1	B
	PM	17.8	B	22.3	C
Tasman Drive and Vista Montana	AM	16.5	B	22.3	C
	PM	18.6	B	29.4	C
Baypointe Parkway and Tasman Drive	AM	118.5	F	185.0	F
	PM	220.5	F	368.5	F
First Street and Nicholson Lane	AM	15.9	B	15.9	B
	PM	15.5	B	15.5	B
Baypointe Parkway and Zanker Road	AM	4.5	A	5.2	A
	PM	8.2	A	13.6	B

* Denotes a CMP intersection.

City of San Jose Intersections

The results of the level of service analysis show that, measured against the City of San Jose standards, the signalized intersections of SR 237/First Street (North), SR 237/First Street (South), and Baypointe Parkway/Tasman Drive would operate at an unacceptable LOS F under background conditions. All other intersections in the study area would operate at an acceptable LOS D or better during both the AM and PM peak hours of traffic.

CMP Intersections

The results of the level of service analysis show that, measured against CMP standards, the CMP intersections of SR 237/First Street (North) and SR 237/First Street (South) would operate at an unacceptable LOS F under background conditions. The remaining CMP intersections would operate at an acceptable LOS E or better during both the AM and PM peak hours of traffic.

Existing Freeway Levels of Service

Traffic volumes on freeway segments in the vicinity of the GPA site were obtained from the Santa Clara County Congestion Management Program *Monitoring & Conformance Report*, 2005. The results of the analysis, which are summarized in Table 4, show that five freeway segments in the vicinity of the GPA

site currently operate at an unacceptable LOS F in at least one of the peak directions during at least one of the peak hours as indicated below.

- SR 237 between I-880 and McCarthy Boulevard – WB during the AM
- SR 237 between McCarthy Boulevard and Zanker Road – WB during the AM
- SR 237 between Zanker Road and North First Street – EB during the PM
- SR 237 between North First Street and Great America Parkway – EB during the PM
- I-880 between Dixon Landing Road and SR 237 – NB during the PM

Table 4
Existing Freeway Levels of Service

				Existing Level of Service /a/			
		Segment		Mixed-Flow Lanes		HOV Lanes	
Facility	Direction	From	To	AM	PM	AM	PM
SR 237	EB	I-880	McCarthy Bl	C	E	--	--
	EB	McCarthy Bl	Zanker Rd	D	D	D	D
	EB	Zanker Rd	N. First St	D	F	B	D
	EB	N. First St	Great America Pkwy	D	F	D	B
	WB	Great America Pkwy	N. First St	D	D	D	B
	WB	N. First St	Zanker Rd	E	E	D	A
	WB	Zanker Rd	McCarthy Bl	F	D	F	B
	WB	McCarthy Bl	I-880	F	D	--	--
I-880	NB	SR 237	Great Mall Pkwy	C	D	--	--
	NB	Dixon Landing Rd	SR 237	C	F	--	--
	SB	SR 237	Dixon Landing Rd	D	C	--	--
	SB	Great Mall Pkwy	SR 237	D	C	--	--

/a/ Level of Service based on density.
Source: Santa Clara Valley Transportation Authority *2005 Monitoring and Conformance Report*.

3. Long-Range Analysis of Traffic Impacts

The current adopted General Plan land use designation for the project GPA site is Industrial Park. The proposed project involves changing the City's General Plan land use designation to General Commercial. The GPA would result in a net change of 964 fewer jobs and no change in the number of households relative to the current adopted General Plan land use designation. According to the model run results, the employment categories that would experience the most substantial job losses are manufacturing, warehouse and services. In contrast, the proposed GPA would result in an increase in retail jobs. The detailed land use data are contained in Appendix B.

Long Range Transportation Impacts

The determination of significance is based on the extent to which the proposed land use change contributes to existing peak hour traffic congestion in the vicinity of the proposed GPA site. The evaluation of the effects of the proposed land use change is based on a quantification of increased peak direction traffic across cordon lines (special subarea boundaries), as well as increases in VMT or congested VMT within the proximity area of the land use amendment. These analyses provide specific information on the anticipated traffic operations within the area surrounding the proposed GPA site.

Consistent with City policies and practice, the CUBE model used to evaluate traffic impacts for this proposed amendment includes all major transportation infrastructure identified in the General Plan *Land Use/Transportation Diagram*, including infrastructure that is not yet built and/or funded.

Cordon Line Analysis

The peak direction traffic volumes across the Evergreen, North San Jose and South San Jose special subarea cordon lines (shown previously on Figure 1 in Chapter 1) either decrease or remain unchanged as a result of the proposed land use amendment. Therefore, based on the impact criteria for the Cordon Line analysis, the proposed land use amendment would not result in a significant adverse traffic impact. The results of the proximity analysis for the AM and PM peak hours are shown in Tables 5 and 6, respectively.

Table 5
AM Peak Hour Cordon Line Analysis

Base

		To								
	District	1	2	3	4	5	6	7	Totals	Total Outbound
From	1	4,024	350	320	4,065	6,419	2,823	152	18,153	
	2	1,517	7,153	967	7,346	4,818	1,931	227	23,960	16,807
	3	1,506	755	6,403	7,978	5,388	1,317	435	23,782	17,379
	4	10,852	6,116	7,268	72,811	44,382	11,646	1,556	154,632	
	5	9,999	2,059	3,327	29,128	113,285	25,032	4,211	187,041	
	6	7,909	1,114	1,181	11,772	37,351	929,035	3,362	991,725	
	7	529	233	649	2,261	4,900	2,744	66,775	78,091	
	Totals:	36,336	17,779	20,115	135,362	216,543	974,529	76,718	1,477,383	
	Total Inbound:	32,313								

Project

		To								
	District	1	2	3	4	5	6	7	Totals	Total Outbound
From	1	4,042	350	320	4,069	6,422	2,825	152	18,179	
	2	1,515	7,152	968	7,350	4,821	1,926	227	23,959	16,807
	3	1,497	753	6,394	7,963	5,372	1,310	433	23,721	17,327
	4	10,810	6,110	7,265	72,752	44,320	11,595	1,548	154,400	
	5	9,965	2,055	3,322	29,077	113,021	24,953	4,196	186,588	
	6	7,908	1,117	1,188	11,841	37,481	928,743	3,375	991,652	
	7	528	233	651	2,270	4,910	2,746	66,747	78,086	
	Totals:	36,265	17,769	20,108	135,323	216,347	974,097	76,676	1,476,584	
	Total Inbound:	32,223								

Total Change in Trips for Districts 1 Through 5 (Project - Base): -552
Corresponding Percent Change: -0.15%

Evergreen Subarea
Change to Outbound Volume: 0
Percent Change: 0.00% (Significant impact for Evergreen = 0.05%)

South San Jose Subarea
Change to Outbound Volume: -52
Percent Change: -0.30% (Significant impact for South San Jose = 0.15%)

North San Jose Subarea
Change to Inbound Volume: -90
Percent Change: -0.28% (Significant impact for North San Jose = 0.15%)

Notes:
District 1 is North San Jose
District 2 is Evergreen
District 3 is South San Jose
District 4 is Remainder of City
District 5 is Remainder of County
District 6 is North Counties
District 7 is South Counties

Source: Source: City of San Jose GP06-04-03 Total AM Peak Hour Cordon Analysis, June 21, 2006.

Table 6
PM Peak Hour Cordon Line Analysis

Base

		To								
	District	1	2	3	4	5	6	7	Totals	Total Outbound
From	1	6,264	1,525	1,475	11,996	12,455	8,571	597	42,883	36,619
	2	532	8,963	839	7,106	2,612	1,425	308	21,785	
	3	465	1,143	8,540	9,023	4,214	1,478	790	25,653	
	4	5,848	8,697	9,475	91,025	36,712	13,374	2,774	167,905	
	5	8,436	4,892	5,604	48,386	143,412	41,567	6,276	258,573	
	6	3,540	1,994	1,412	12,523	29,944	1,092,614	3,645	1,145,672	
	7	84	162	301	1,065	2,927	2,426	59,751	66,717	
	Totals:	25,169	27,376	27,645	181,124	232,277	1,161,454	74,141	1,729,186	
	Total Inbound:		18,413	19,105						

Project

		To								
	District	1	2	3	4	5	6	7	Totals	Total Outbound
From	1	6,297	1,523	1,466	11,957	12,424	8,569	597	42,831	36,535
	2	534	8,962	838	7,100	2,609	1,427	308	21,778	
	3	466	1,144	8,531	9,018	4,208	1,485	791	25,643	
	4	5,858	8,701	9,461	90,961	36,673	13,431	2,781	167,867	
	5	8,453	4,893	5,590	48,324	143,173	41,673	6,283	258,389	
	6	3,550	1,990	1,405	12,486	29,890	1,092,338	3,648	1,145,307	
	7	83	162	299	1,058	2,915	2,435	59,726	66,679	
	Totals:	25,241	27,374	27,589	180,905	231,893	1,161,358	74,135	1,728,494	
	Total Inbound:		18,412	19,059						

Total Change in Trips for Districts 1 Through 5 (Project - Base): -476
Corresponding Percent Change: -0.11%

Evergreen Subarea
Change to Inbound Volume: -1
Percent Change: -0.01% (Significant impact for Evergreen = 0.05%)

South San Jose Subarea
Change to Inbound Volume: -46
Percent Change: -0.24% (Significant impact for South San Jose = 0.15%)

North San Jose Subarea
Change to Outbound Volume: -84
Percent Change: -0.23% (Significant impact for North San Jose = 0.15%)

Notes:
District 1 is North San Jose
District 2 is Evergreen
District 3 is South San Jose
District 4 is Remainder of City
District 5 is Remainder of County
District 6 is North Counties
District 7 is South Counties

Source: Source: City of San Jose GP06-04-03 Total PM Peak Hour Cordon Analysis, June 21, 2006.

Proximity Analysis

The proximity analysis consists of the determination of differences in peak hour trip generation, VMT, and traffic added to congested links between project conditions with the proposed land use change and the existing General Plan base case. A proximity radius of 0.5 miles was determined for this GPA site, since this radius corresponds to a magnitude of approximately 20,000 vehicle miles traveled, as calculated under the General Plan base condition. The proximity area is shown graphically on Figure 2.

The results of the proximity analysis show that due to the proposed GPA, the overall VMT and congested link VMT in the proximity area would decrease during the AM peak hour. The overall VMT and congested link VMT would increase but not significantly during the PM peak hour. Therefore, based on the impact criteria for the proximity analysis, the proposed land use amendment would not result in a significant adverse traffic impact. The results of the proximity analysis are shown in Table 7.

Table 7
Proximity Analysis

	GP Base Case		Project GPA		Growth		Growth %		Impact?	
	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM
VMT - All Links	16282.97	20778.49	16262.97	20816.21	-20.00	37.72	-0.12%	0.18%	NO	NO
VMT - Congested Links	5054.4	15682.46	5049.82	15724.23	-4.58	41.77	-0.09%	0.27%	NO	NO

Notes:
Proximity Radius = 0.5 miles (A proximity radius of 0.5 miles corresponds to a magnitude of approximately 20,000 VMT.)
Significance Criteria for all links: 1 percent increase in the number of VMT and 200 vehicle-miles within the proximity area.
Significance Criteria for congested (LOS E/F) links: 1/2 the increase in VMT of all links (100 for both AM and PM) and 100 vehicle-miles.

Source: City of San Jose GP06-04-03 Proximity Analysis, June 21, 2006.

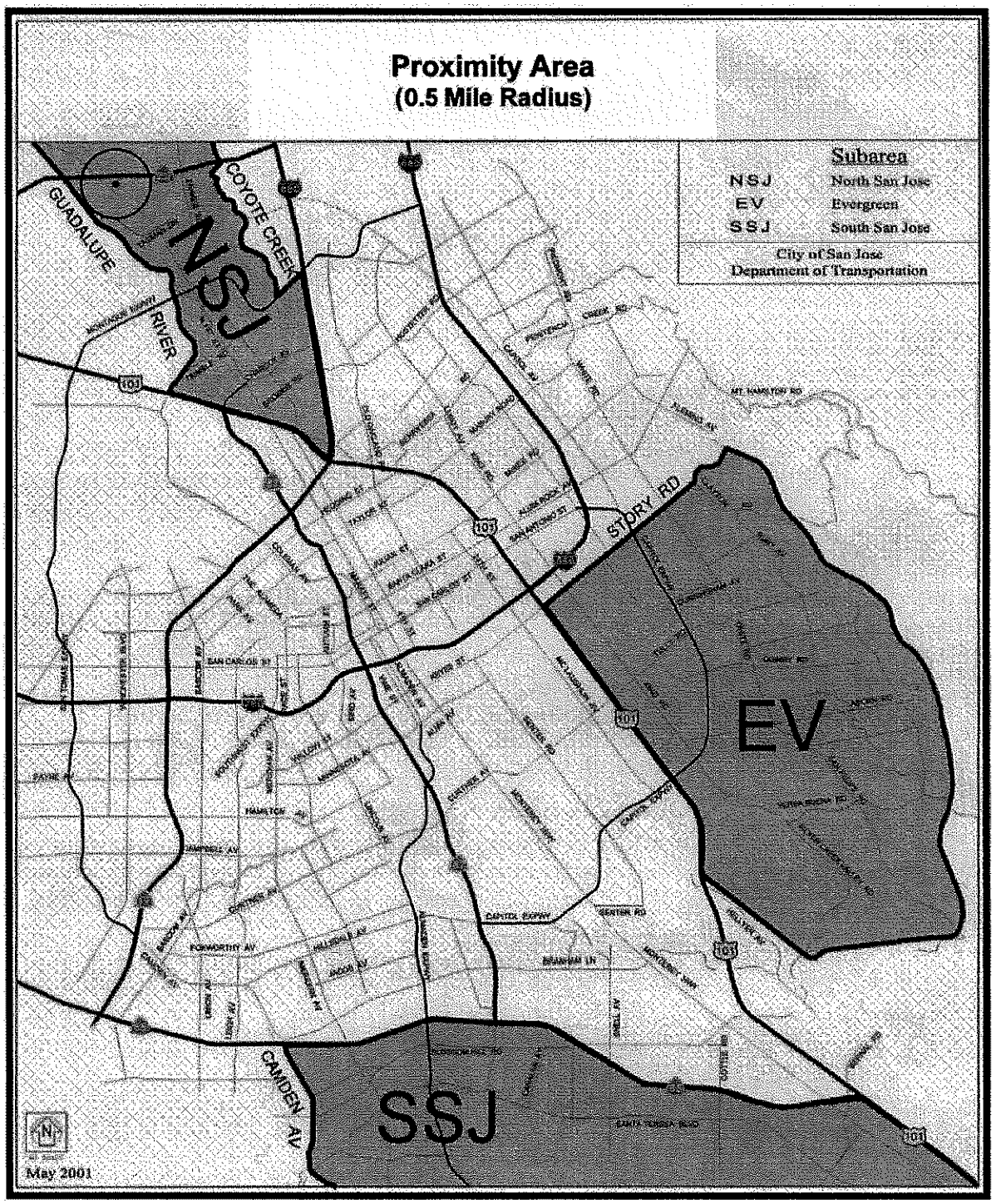
Appendix B contains the detailed results of the CUBE model long-range analysis conducted for the proposed 3COM/Palm General Plan Amendment (file number GP06-04-03).

Conclusions

The results of the long-range traffic analysis indicate that the proposed land use amendment would not add a significant amount of traffic to streets already identified as operating at unacceptable levels. According to the General Plan policy and impact criteria, the proposed GPA would not result in any significant negative traffic impacts during either the AM or PM peak hours.

It should be noted that at the time a specific development application for the site is submitted, a detailed near-term traffic impact analysis (TIA) would be prepared. The TIA would analyze the AM, PM and Saturday peak hours of traffic. A Saturday peak hour analysis would be included since Saturdays are the busiest days for retail uses. The TIA would identify any current condition deficiencies that would need to be mitigated to meet level of service policies. In accordance with the City's level of service policy, any impacts would then have to be mitigated before the project could be approved.

Figure 2


Proximity Area
(0.5 Mile Radius)
Subarea
NSJ North San Jose
EV Evergreen
SSJ South San Jose
City of San Jose
Department of Transportation
NSJ
EV
SSJ
GUADALUPE RIVER
COYOTE CREEK
STORY RD
CAMDEN AV
May 2001