

Running Head: INITIAL STUDY, CEQA

Initial Study, CEQA: Ohlone Mixed Use Project

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San Jose State University

ENVS 185

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## APPENDIX G

### Environmental Checklist Form

1. *Project title:* Ohlone Mixed Use
  2. *Lead agency name and address:*  
City of San Jose  
200 East Santa Clara Street, Tower, 3<sup>rd</sup> Floor  
San Jose, CA 95113-1905
  3. *Contact name and phone number:*  
Eleni O'Neill  
(408) 535-3555
  4. *Project location:*  
860 West San Carlos Street  
San Jose, CA 95126
  5. *Project sponsor's name and address:*  
Green Republic LLLP, a partnership of Green Valley Corporation and Republic Urban Properties.  
Green Valley Corporation, 777 N. First Street, Fifth Floor, San Jose, CA 95112.  
Republic Urban Properties, 95 S. Market Street, 3<sup>rd</sup> Floor, San Jose, CA 95113
  6. *General plan designation:* Transit-Oriented Mixed Use
  7. *Zoning:* Heavy Industrial
- 
8. *Description of project:*  
The Ohlone Mixed Use project is a mixed use project, combining retail and living space with open space. The site covers 8.25 acres of land in San Jose's Midtown and Ohlone districts, and will feature buildings of up to 160 feet in height. The project also includes a 3.99 acre park. The entire project will encompass up to 30,000 square feet, with up to 800 total units (717 of which will be residential). There will be 13 buildings with several private courtyards, and parking will be underground, with 1260 stalls. The project will be built to San Jose's Build It Green standards. The developer, in conjunction with this project, will also build a 4 acre park which will be connected to the nearby Los Gatos Creek Trail..
  9. *Surrounding land uses and setting:*  
The majority of the land is currently not being used. It has been classified as a brownfield, due to prior industrial uses, and it is covered in broken pavement and weeds. There is an unused railroad section through the land. The project lot, to the west, is bordered by a number of businesses, mostly industrial, including several auto service shops, upholstery, masonry, and an auto detailing shop. To the east, it is across the street from an empty lot owned by a lumber company and, beyond that, by a new townhome

development. Also on the east is a hot dog stand and a former Hertz rental store which is currently unused. Beyond the townhomes and businesses is the Los Gatos Creek Trail. The southeast of the property is bisected by the Vasona light rail line, and the south of the property is bordered by more industrial businesses. The north side of the property is located on a very main thoroughfare, West San Carlos Street, and borders a billiard bar and a carpet store. Across the street is an appliance store, other retail and offices, and a pizzeria. Behind these frontage stores is a residential neighborhood with mostly single-story individual homes.

10. *Other public agencies whose approval is required:*  
 Bay Area Air Quality Management District (BAAQMD), Valley Transportation Authority (VTA), San Jose's Public Works Department, San Jose Water Company, State Water Resources Control Board (SWRCB), and California Integrated Waste Management Board (CIWMB).

#### ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Aesthetics                               | <input type="checkbox"/> Agriculture Resources                         | <input checked="" type="checkbox"/> Air Quality            |
| <input type="checkbox"/> Biological Resources                     | <input checked="" type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology /Soils                    |
| <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality                     | <input type="checkbox"/> Land Use / Planning               |
| <input type="checkbox"/> Mineral Resources                        | <input checked="" type="checkbox"/> Noise                              | <input type="checkbox"/> Population / Housing              |
| <input type="checkbox"/> Public Services                          | <input type="checkbox"/> Recreation                                    | <input checked="" type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities / Service Systems              | <input checked="" type="checkbox"/> Mandatory Findings of Significance |  |

#### DETERMINATION:

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
  
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

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Signature

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Date

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Signature

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Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

Issues:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental setting:

The property is currently very run-down and not maintained. Much of it is paved in broken, cracking slabs of neglected concrete, and the concrete is paired with thick and invasive weeds. The site is fenced off with chainlink, and the few buildings currently on the site look similarly neglected, run-down, and of no historic value. There are several stunted trees on the property, but they seem to have been unintentional plantings.

Thresholds of significance:

**AES-1:** If the project would have a substantial adverse effect on a scenic vista, then its impact would be considered significant.

**AES-2:** If the project would substantially degrade the existing visual character or quality of the site and its surroundings, then its impact would be considered significant.

**AES-3:** If the project would create a new source of substantial light or glare which would adversely affect day or nighttime views in the area, then its impact would be considered significant.

Significance levels:

**AES-1:** Less than significant impact.

**AES-2:** Less than significant impact.

**AES-3:** Less than significant impact.

Impact explanation:

**AES-1:** This large, many-storied development will obstruct the view of the surrounding city, but there are few, if any, residences nearby which will be affected by this.

**AES-2:** This project, as large and expansive as it is, will certainly alter the existing visual character of the site and its surroundings. However, due to the current neglected status of the site, the project could not significantly degrade the existing visual character of the site. In addition, the project would be required to undergo architectural and site design review by planning staff to ensure a level of compatibility with the General Plan.

**AES-3:** This is a large development project with many residences and shared, open spaces. The lighting in the open spaces, along with exterior building lighting and lighting from residential units will create an increase in the amount of nighttime lighting from the current use, and the windows will create a daytime glare. However, because the project will be required to conform to San Jose's Residential Design Guidelines and to the standards of San Jose's Outdoor Lighting on Private Developments Policy (2000), and also because the project will be near another large, existing townhome development, the impact would be less than significant.

<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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II. 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 Dept. 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- 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?

Environmental setting:

This land is currently zoned as heavy industrial and was being used as such for many years. Much of the land is abandoned and has been classified as a brownfield. Most of the site is paved over and there is no agricultural use whatsoever. It is not part of a Williamson contract according to San Jose City's Planning Office (2009). This site is not identified as prime farmland and is not zoned for agricultural use. Therefore, the project will not result in any kind of impact on the area's available agricultural resources.

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<p>III. 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:</p>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- e) Create objectionable odors affecting a substantial number of people?

Environmental setting:

The land is currently either unoccupied or not used very often. As such, there are few vehicles driving in or around the property and few emissions of any kind. The property had been used for heavy industrial in the past, however, and some industrial uses persist on the west side of the property which may result in toxic air contaminants. There is a creek trail nearby with associated riparian habitat, and there is also a planned, future 4 acre park to the south. The area does receive a significant amount of wind. Since the site is a brownfield with little information available as to its prior uses, there may be soil contamination which currently contributes to the air pollution at the site. Traffic on West San Carlos Street is heavy and constant during the day, and there is no designated bicycle path. Traffic on Sunol and Auzerais is comparatively light, but may increase as more of the housing units in the Del Monte project are sold and occupied. There is a light rail line that runs past the property; a light rail stop is planned for this area but has not been built yet.

Thresholds of significance:

**AIR-1:** If the project would conflict with or obstruct implementation of the applicable air quality plan, then its impact would be considered significant.

**AIR-2:** If the project would violate any air quality standard or contribute substantially to an existing or projected air quality violation, then its impact would be considered significant.

**AIR-3:** If the project would 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), then its impact would be considered significant.

**AIR-4:** If the project would expose sensitive receptors to substantial pollutant concentrations, then its impact would be considered significant.

Significance levels:

**AIR-1:** Potentially significant impact.

**AIR-2:** Potentially significant impact.

**AIR-3:** Potentially significant impact.

**AIR-4:** Less than significant with mitigation incorporation.

Impact explanation:

**AIR-1:** The size of this project merits further investigation into the impacts it will have on the current air quality plan. With a significant increase in housing units comes a significant increase in population; 717 housing units on an 8.25 acre site, assuming 3 people per dwelling, would result in population increase of 2,151 people for San Jose, and most, if not all, of those people will have vehicles. The associated increase in electricity use will also have implications for the air quality in the region due to an increase in production necessary.

**AIR-2:** According to BAAQMD's CEQA guidelines (1999), a project with over 510 apartment-style housing units is likely to generate 80 pounds per day of NOx or more, and thus this

project will require an air quality study.

**AIR-3:** One of the pollutants for which the Bay Area is often at non-attainment standards (BAAQMD, 2008) is ground level ozone, and NO<sub>x</sub> (see above) is a primary contributor to the formation of ground level ozone. Because this project is expected to increase the NO<sub>x</sub> in the area, this will result in a considerable net increase of a criteria pollutant.

**AIR-4:** During the construction process, nuisance dust may be generated which could affect surrounding open space, riparian habitat, and other residences. These impacts would be lessened to an acceptable level by following a strict mitigation program. In addition to concerns about construction, if this project continues as planned and the existing businesses on Lincoln Avenue remain in business, future residents at this project site could potentially be submitted to high levels of toxic air pollutants from the auto detailing business. This would require mitigation.

Mitigations:

**AIR-1, 2, 3:** Potentially significant effect must be examined more closely. Effects on local air quality plan and local standards must be examined. Mitigations are not an option at this time, but future mitigations may include public transportation subsidies and car sharing programs.

**AIR-4:** Mitigations must be directed by the planner and developer and must be carried out by the construction company. Mitigations will include basic control measures, as listed by BAAQMD (1999), including watering all active construction areas at least twice daily, covering all trucks hauling soil, sand, and other loose materials, paving, applying water three times daily, or applying non-toxic soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites, sweeping daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites, and sweeping streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets. Additional mitigation measures based on the size of the project include hydroseeding or applying non-toxic soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more), enclosing, covering, watering twice daily or applying non-toxic soil binders to exposed stockpiles (dirt, sand, etc.), limiting traffic speeds on unpaved roads to 15 mph, installing sandbags or other erosion control measures to prevent silt runoff to public roadways, and replanting vegetation in disturbed areas as quickly as possible. Further mitigation measures should include subsidizing construction workers to use public transportation to reach the job site. Mitigation to reduce residents' exposure to chemicals from the auto detailing shop should include locating retail businesses in the area of the project closest to the auto detailer (as opposed to residences) and, if odors and toxic levels are high enough, paying for the detailer to relocate to a different location.

Monitoring Plan:

The site must be inspected and monitored on a weekly basis by the developer and the construction company headquarters to assure compliance with these mitigations measures. Reports on inspections must be maintained at local construction offices and available for review. Physical inspections will be completed once a month by San Jose Planning office staff to assure these mitigations measures are being adequately implemented.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>IV. BIOLOGICAL RESOURCES --</b>				
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

habitat conservation plan?

Environmental setting:

There are few biotics on the project site. As a previously industrial area, declared a brownfield and neglected for many years, the most prevalent biotic here are varieties of native and non-native weeds. There are no bird nests or burrows. There will, of course, be a variety of insects, including ants and beetles, on the property. There is one large palm tree, three unidentified trees in planter boxes, and one other large tree on the West San Carlos side of the property. Despite the lack of biotics on the main project site, the project also includes a 3.99 acre park that will be adjacent to the Los Gatos Creek Trail and its associated riparian habitat. This habitat includes a wide variety of birds, including ducks and egrets, creek life, including frogs and fish, and small mammals. The project site does not meet the thresholds that require an interim HCP project referral for the Santa Clara County Habitat Conservation Plan (City of San Jose, 2009).

Thresholds of significance:

**BIO-1:** If the project would 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, then its impact would be considered significant.

**BIO-2:** If the project would 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 US Fish and Wildlife Service, then its impact would be considered significant.

**BIO-3:** If the project would 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, then its impact would be considered significant.

**BIO-4:** If the project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, then its impact would be considered significant.

Significance levels:

**BIO-1:** Less than significant with mitigation incorporation.

**BIO-2:** Less than significant with mitigation incorporation.

**BIO-3:** Less than significant with mitigation incorporation.

**BIO-4:** Less than significant impact.

Impact explanation:

**BIO-1, 2, 3:** Riparian corridors are considered sensitive resource areas and must be protected (Riparian Corridor Policy Study, San Jose, 1999). The project is located near a riparian corridor along the Los Gatos Creek Trail. Provided the mitigations listed in the Air Quality and Water Quality sections are instituted, the effects of construction of this project on the riparian habitat should be less than significant.

**BIO-4:** Construction of the proposed project on this site will result in the removal of the five trees currently on the property now. A permit will be required for this, as the San Jose Planning Department (2009) requires a permit for tree removal for multi-residence projects. As per the Planning Department's guidelines, the palm tree will be replaced at a 4:1 ratio, while the other four trees will be replaced at a 2:1 ratio. Removal of these trees would not be considered a significant impact, but the project will conform to the City's tree preservation ordinance. As required, replacement trees will be in addition to any trees already planned in the landscaping for the project.

Mitigations:

**BIO-1, 2, 3:** See mitigations listed under Air Quality, Water Quality, and Recreation for necessary mitigations during and after construction. In addition, barriers must be put into place during park construction that prevent dust, water runoff, and other contamination from entering the Los Gatos Creek habitat. Actual park design must include native plant landscaping, plans to avoid water runoff into the Los Gatos Creek, and fences to keep people from interfering with the delicate riparian corridor. However, the developers are encouraged to incorporate wildlife areas and access in the park's design, also. A modified floodplain design for the park is encouraged as described the San Jose Riparian Corridor Policy Study (1999). Children's sections of the park will be located on the far side, away from the creek.

Monitoring Plans:

**BIO-1, 2, 3:** Refer to Monitoring Plans under Air Quality, Water Quality, and Recreation for necessary Monitoring Plans. In addition, the park design must be reviewed by the City Planning Department and the California Department of Fish and Game for approval in adequately protecting the riparian habitat.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

d) Disturb any human remains, including those interred outside of formal cemeteries?

Environmental setting:

This land was used for industrial purposes in the past. The buildings on it are not over forty-five years old and have NO historical significance. There are no known archaeological sites near the project site, but the site, according to the Permit Report website from the City of San Jose (2009), is in an archaeologically sensitive area. This requires an archaeological report before further determination can be made.

Thresholds of significance:

**CUL-1:** If the project would cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA 15064.5, then the impacts would be considered significant.

**CUL-2:** If the project would disturb any human remains, including those interred outside of formal cemeteries, then the impacts would be considered significant.

Significance levels:

**CUL-1:** Potentially significant impact.

**CUL-2:** Less than significant impact.

Impact explanation:

**CUL-1, 2:** San Jose City's archaeological records indicate that this project may have a high probability of an archaeological discoveries, and is in an archaeologically sensitive zone. This means there is a possibility of human remains on the site for the project or the site for the park, along the creek. An archaeological report must be completed before significance can be determined. During construction, if any archaeological discoveries, including human remains, are found, work must stop and appropriate mitigations will be put in place at that time.

Mitigations:

**CUL-1:** Potentially significant effect must be examined more closely. Mitigations are not an option at this time.

Monitoring Plan:

None required at this time.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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VI. 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 known 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. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| ii) Strong seismic ground shaking?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iii) Seismic-related ground failure, including liquefaction?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iv) Landslides?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 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?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 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?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

Environmental setting:

This land is not directly located on a faultline, although the general area is known to have fairly frequent earthquakes. San Jose is near both the Hayward and the San Andreas faultlines and has experiences shaking due to earthquakes on a regular basis. The City of San Jose's

website of project information for this site (2009) reports that the site is not in a geohazard zone, but is considered to have a seismic hazard of liquefaction.

Thresholds of significance:

**GS-1:** If the project would expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death, due to rupture of a known 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, then the impacts would be considered significant.

**GS-2:** If the project would expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death, involving strong seismic ground shaking, then the impacts would be considered significant.

**GS-3:** If the project would expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death, involving seismic-related ground failure, including liquefaction, then the impacts would be considered significant.

**GS-4:** If the project would 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, then its impact would be considered significant.

**GS-5:** If the project would 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, then its impact would be considered significant.

Significance levels:

**GS-1:** Less than significant impact.

**GS-2:** Less than significant impact.

**GS-3:** Less than significant impact.

**GS-4:** Less than significant impact.

**GS-5:** Less than significant impact.

Impact explanation:

**GS-1, 2, 3, 4, 5:** The project site, as noted on the San Jose City Planning page, is in a seismic liquefaction zone. It is not in a geohazard zone or on a known earthquake fault, but it is near faults. Because of the liquefaction zone designation, a soil investigation report is due prior to grading or building permit issuance. The site itself is subject to moderate to major earthquakes because the region is seismically active, which could include strong ground shaking. The project has been designed and will be constructed in accordance with the Uniform Building Code Guidelines for Seismic Zone 4 in order to minimize potential damage and injury. The site is flat and, thus, landslides are not a concern. Because of mandatory building requirements for new construction, this seismic risk is considered by the city (2008) to be a less than significant impact.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>VII. HAZARDS AND HAZARDOUS MATERIALS B</b> Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

emergency response plan or emergency evacuation plan?

- 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?

Environmental setting:

This land is currently zoned as heavy industrial and was being used as such for many years. Much of the land is abandoned and has been classified as a brownfield. Most of the site is paved over. The developer has stated that they do not know what qualifies the land as a brownfield. There is a barrel sitting in the middle of the empty lot with unknown contents. Because the land has a history of hazardous material use, a Phase I soils report will be required. The SWRCB website lists possible contamination at this site to be gasoline (possible contamination of groundwater and soil) and lead. The site is not within ¼ mile of a school or planned school. Although one side of the site is located within two miles of the San Jose International Airport, this will not create additional hazardous exposures (San Jose Airport Land Use Plan, 1992).

Thresholds of significance:

**HAZ-1:** If the project would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, then the impact would be considered to be significant.

**HAZ-2:** If the project were to 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, it would create a significant hazard to the public or the environment, then the impacts are considered to be significant.

Significance levels:

**HAZ-1:** Less than significant with mitigation incorporation.

**HAZ-2:** Potentially significant impact.

Impact explanation:

**HAZ-1:** The buildings on the lot (three warehouses) may have been built before 1980 and thus may contain hazardous materials such as asbestos and/or lead-based paint. These buildings will be demolished during the project construction; the demolition must be done on accordance with applicable federal, state, and local laws to avoid exposing the public and the construction workers to these hazards.

**HAZ-2:** The SWRCB website of contaminated sites (2008) lists possible contamination at this site to be gasoline (contamination of both groundwater and soil) and lead. These contaminations, currently under investigation, must be determined through a soils report by the Environmental Services Department. Actual impacts and/or mitigation cannot be

accurately determined without more information on the contamination on this site. Subsurface testing must be done.

Mitigations:

**HAZ-1:** Sampling must take place before the current buildings are demolished to check for asbestos and lead. Demolition activities must follow all guidelines set forth in National Emissions Standards for Hazardous Air Pollutants, Cal/OSHA standards, and BAAQMD guidelines. Demolition debris must be disposed of properly in a landfill that can handle such hazardous waste.

**HAZ-2:** Potentially significant effect must be examined more closely. Mitigations are not an option at this time. Mitigations will be determined after appropriate soil testing.

Monitoring Plan:

**HAZ-1:** San Jose City Planning Office staff must inspect the demolition site at the beginning of demolition for each building to assure that appropriate mitigation techniques are in place. In addition, records will be kept of both the results of the sampling tests done and of all mitigation measures put in place and reports of each will be filed at the San Jose City Planning office.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
VIII. HYDROLOGY AND WATER QUALITY -- Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

or siltation on- or off-site?

- |   |                          |                          |                                     |                                     |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| 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 which would result in flooding on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| f) Otherwise substantially degrade water quality?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 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?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 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?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

Environmental setting:

The project site is 8.25 acres. The project site is currently already paved over with impervious materials at about 90% of the acreage. The proposed project will not increase the size of the impervious surface. Stormwater currently drains into street gutters. The City of San Jose states that the project site is not within the 100 year flood zone. The project is located near a creek (the Los Gatos Creek Trail area) but is not adjacent to it (0.2 miles away). The planned park, however, borders the trail.

Thresholds of significance:

**WTR-1:** If the project would violate any water quality standards or waste discharge

requirements, then the impact would be considered significant.

**WTR-2:** If the project would substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted), then the impact would be considered significant.

**WTR-3:** If the project would 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, then the impact would be considered significant.

**WTR-4:** If the project would substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site, then the impact would be considered significant.

**WTR-5:** If the project would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, then the impact would be considered significant.

Significance levels:

**WTR-1:** Less than significant with mitigation incorporation.

**WTR-2:** Less than significant with mitigation incorporation.

**WTR-3:** Less than significant with mitigation incorporation.

**WTR-4:** Less than significant with mitigation incorporation.

**WTR-5:** Less than significant.

Impact explanation:

**WTR-1:** Erosion, dirt, dust, and mud may all provide a significant impact during construction if not properly mitigated. Mitigation measures will be implemented during the construction process to avoid a significant impact. The impact of the finished project with these mitigations will be less than significant.

**WTR-2:** While an additional 717 residential units will surely create an increase in water use, the developer's planned water catchment and reuse system will allow greywater and stormwater to be used for landscaping, reducing the water burden of this project to less than significant. Water use reduction is encouraged for all new buildings in San Jose in order to meet green development goals.

**WTR-3:** During the construction of the park, drainage could be altered such that erosion or siltation could occur along the Los Gatos Creek corridor. Appropriate mitigation techniques during construction and appropriate design techniques for the park will keep such impacts to a less than significant level.

**WTR-4:** Surface runoff from the project should not increase above current levels—the project land is already almost entirely covered with impervious surface, and the new project will utilize water catchment designs. Surface runoff from the park area, provided mitigation techniques listed below are utilized, will not result in flooding on- or off-site.

**WTR-5:** The developer has planned for water catchment and reuse on this project site as well as green rooftops and thus, since the area is already paved, there will be little if any increase in runoff. In addition, new construction, as required by the WQCB, the City's Post-Construction Urban Runoff Policy and the City's NPDES permit, is required to include stormwater treatment measures which maintain an optimal flow of runoff and ensure that such measures are installed, monitored, and maintained. These mandatory measures will keep this project with a less than significant impact.

Mitigations:

**WTR-1:** City of San Jose's Grading and Zoning Ordinances shall be followed by the construction company in order to reduce erosion, control dust, and keep the surrounding areas and streets from being dirty or muddy. The project will also follow the NDPEs General Construction Activities Permit, to include writing, putting in place, and maintaining a Storm Water Pollution Prevention Plan and following the best management practices as laid out in *Blueprint For a Clean Bay* publication. The construction company will also restrict grading to the dry season and use on-site sediment control, stabilized construction entrances and wash racks, damp street sweeping, and both temporary and permanent cover of disturbed surfaces. Post construction mitigation activities include labeling storm drains with "No Dumping-Flows to Bay," landscaping to reduce impervious surfaces, bioswales, disconnected downspouts, and other stormwater drainage mitigation techniques.

**WTR-2:** The developer and construction company will install low flow showerheads, faucet aerators, and low flush toilets in every residential and business unit. The developer's planned water catchment and reuse system should proceed according to plans.

**WTR-3, 4:** As designated under the Biological section, barriers must be put into place during park construction that prevent dust, water runoff, and other contamination from entering the Los Gatos Creek habitat. Actual park design must include native plant landscaping, which will help to retain water. A modified floodplain design for the park is encouraged as described the San Jose Riparian Corridor Policy Study (1999).

Monitoring Plan:

**WTR-1, 2, 3, 4:** Plans detailing all of the above-listed mitigation techniques, at a minimum, will be submitted to the Director of Planning for the City of San Jose. Afterward, annual reports will be filed at the same office describing current mitigation practices and their maintenance.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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IX. LAND USE AND PLANNING -  
Would the project:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

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?

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

Environmental setting:

This land is currently zoned as heavy industrial and was used as such for many years. Much of the land is abandoned and has been classified as a brownfield. The surrounding buildings are mostly industrial, with some retail and one residence.

Thresholds of significance:

**USE-1:** If the project would 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, then the impacts would be considered significant.

Significance levels:

**USE-1:** Less than significant impact.

Impact explanation:

**USE-1:** The project, being a mixed use residential and retail property, would require a zoning variance from the current heavy industrial zoning designation, as well as an amendment to the Midtown Specific Plan to allow for increased height and mass; setbacks, streetwalls, and stepbacks changes; and other zoning changes. Public acceptance of these variances has not been high. This proposed project, however, would provide infill housing in an area that has been abandoned for many years. Keeping in mind that any such project will be reviewed for both its architecture and its site design by the City of San Jose to assure that it does not negatively affect other neighborhood residents, these changes will result in a less than significant impact.

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
X. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental setting:

This land is currently zoned as heavy industrial and was paved over almost completely. Much of the pavement is cracked and broken, but it is still covered in concrete; there are also three warehouses located on the site. The State Geologist and the State Mining and Geology Board has determined that Communications Hill area of San Jose has the only regionally significant mineral deposits. This project site is not located near Communications Hill and thus, there will be no impact to the loss of availability of a known mineral resource.

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
XI. 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

vicinity above levels existing without the project?

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

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?

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?

Environmental setting:

The project site is located on a busy thoroughfare with heavy traffic at times, West San Carlos Street. It is also near two freeways, Highway 280 and Highway 87. The edge of the property is within 2 miles of the landing strips at San Jose International Airport. San Jose states that the current noise level for this area is 60-64DNL from road noise and may be as high as 65-69DNL. City guidelines state that a noise report will be necessary for a residential project where current noise levels are 60DNL or greater.

Thresholds of significance:

**NOI-1:** If the project would result in 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, then the impact would be considered significant.

**NOI-2:** If the project would result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels, then the impact would be considered significant.

**NOI-3:** If the project would result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project, then the impact of the project would be considered significant.

**NOI-4:** If the project would result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project, then the impact would be considered significant.

**NOI-5:** For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, if the project would expose people residing or working in the project area to excessive noise levels, then the impact would be considered significant.

Significance levels:

**NOI-1:** Potentially significant impact.

**NOI-2:** Less than significant with mitigation incorporation.

**NOI-3:** Less than significant with mitigation incorporation.

**NOI-4:** Less than significant with mitigation incorporation.

**NOI-5:** Less than significant.

Impact explanation:

**NOI-1:** This project site currently has noise levels of 60-64DNL from road noise and may be as high as 65-69DNL. City guidelines state that a noise report will be necessary for a residential project where current noise levels are 60DNL or greater. The General Plan explains that acceptable noise levels for exteriors is 55DNL long term and 60DNL short term. These noise levels may not be achieved along major roadways, but this project is still higher than acceptable levels. In addition, the proposed project would create many new daily trips with 717 residential units and additional retail units. Traffic would more than double in this area as a result of this project and thus would substantially further increase the exterior noise level, resulting in a potentially significant impact.

**NOI-2:** The exterior noise level for the nearby home and townhomes would increase as a result of construction of this project. Mitigation measures are listed below to keep this impact at less than significant.

**NOI-3:** The General Plan recognizes that a maximum exterior noise level of 60DNL may not be achieved along major roadways, and this project will remain higher than that level. Mitigations will help to reduce the exterior noise levels associated with this project.

**NOI-5:** According to San Jose's Airport Land Use Plan (1992, updated 2008), this project site is not within the 65 dB CNEL contour. Thus, the impact of the site's proximity to the airport will result in a less than significant impact.

Mitigations:

**NOI-1:** Potentially significant effect must be examined more closely. Mitigations are not an option at this time. An analysis of noise mitigations incorporated into the before impact level can be determined. This report must demonstrate that noise levels will be at an acceptable level in both the interior and exterior of the building.

**NOI-2, 4:** Construction of this site will exceed acceptable noise levels for surrounding and nearby buildings. The construction company must follow City of San Jose guidelines for the crushing of concrete if that will be performed. In addition, construction will only take place between the hours of 7AM and 7PM, and stationary equipment that generates excess noise will be located at the farthest point of the property from the nearby residential units. State-of-the-art noise shielding techniques must be used along with muffling devices, and all internal engines used on the site must have adequate mufflers and be in a good, functioning state. Construction work may take place on Saturdays between 9AM and 5PM in the interior of the buildings only, provided that such activities are not audible outside the buildings. In addition, regular communication with surrounding businesses and residences will take place as to

ongoing activities, noise levels, and working hours. One employee of the construction firm will be designated as a public contact for noise complaints, who will investigate and remedy any noise problems.

**NOI-3:** The future exterior noise level at this site could exceed 69DNL. The project must use mitigation to reduce the noise inside all interior open space areas to 65DNL. Mitigations will include the use of thicker than standard walls, solid balconies instead of railings, and dual-pane windows for all residential units. This will allow the interior noise level to remain around 45DNL, despite significantly louder noise outside. An acoustical consultant must review the plans and assure that they keep the interior noise at this level. Mechanical ventilation must be incorporated into the residential and business units so that windows need not be opened to ventilate the units, as open windows will increase the noise level both inside and outside. Windows and glass doors must be installed in such a way as to form an airtight seal when closed, and the frames must be caulked in such a way as to reduce noise. In addition, trees must be planted along the outside of all buildings along the street in order to provide extra noise-absorbing capacity.

Monitoring Plan:

**NOI-2, 4:** The construction company will provide the City with a noise reduction plan which will be reviewed for acceptability. After approval, a bi-weekly inspection will be done by the Planning Department during construction to assure the company is meeting the standards. The employee designated as a noise contact will submit biweekly reports on complaints and resolutions during the construction phase.

**NOI-3:** An acoustical consultant will review the developers' plans for acceptability and compliance with these mitigations both before the project is built and after, and the consultant's report will be submitted to the City's Planning Office. The noise levels inside the units will be tested on each completed level, in each building, for acceptability.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XII. POPULATION AND HOUSING --</b>				
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)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

construction of replacement housing elsewhere?

- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

Environmental setting:

The project site is 8.25 acres, and the project will feature 717 residential units. That makes a density of about 87 DU/AC, which is higher than the General Plan has designated for this area.

Thresholds of significance:

**POP-1:** If the project would 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), then the impacts of the project would be considered significant.

Significance levels:

**POP-1:** Less than significant with mitigation incorporation.

Impact explanation:

**POP-1:** This project will greatly increase the population of this neighborhood and will result in a density much greater than that laid out in San Jose's General Plan. In order to offset this dramatic increase in population, mitigation measures have been listed below.

Mitigations:

**POP-1:** The developer will include a portion of the open space in both of the private courtyards (a minimum of 1/4 of the available space) to be used as a community garden by residents. This will be open dirt with a low fence to keep out dogs. Also, a portion of one of the rooftops (a minimum of 1/2 of the available space) will be set up as a rooftop garden area. This will be either a plot of dirt with a low fence or containers filled with dirt, and will be complemented by picnic tables with umbrellas and chairs so that residents may enjoy this area. This will allow the densely-packed residents of this project to grow some of their own food and retain a connection with the land they live on. This mitigation measure will be kept up and managed by an appointee of the developer, the management company, or the homeowners' association. Furthermore, a portion of this project (a minimum of 20%) will be designated officially as low-income housing. Finally, if it is not already included in the project design, a recreation room for the residents will be designed and included at one per two buildings, within a minimum of 1000 square feet each. Lastly, pets (including, at a minimum, cats, birds, and dogs under 25 pounds) will be permitted in all units, and the entire project will be pet-friendly.

Monitoring Plan:

**POP-1:** A plan detailing the above mitigation measures will be submitted to the City Planning Department, and an inspection will take place after the buildings are complete. Annual reports on the status of these mitigation measures will be submitted to the City of San Jose either by the developer, the management company, or by the homeowners' association.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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XIII. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental setting:

The project site is located about 4 blocks away from a fire station, San Jose Fire Department's Station 30, at 454 Auzerais, San Jose. The site is relatively close to two parks, the Children's Discovery Museum park on Woz Way (1.2 miles away) and Biebrach Park, 0.9 miles away. The site is also relatively close to the police department in downtown San Jose. It is located near the Rose Garden Library (1.5 miles) and the Willow Glen Library (1.8 miles).

Thresholds of significance:

**PS-1:** If the project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 fire protection, the impact of the project would be considered significant.

**PS-2:** If the project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 police protection, the impact of the project would be considered significant.

**PS-3:** If the project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 schools, the impact of the project would be considered significant.

**PS-4:** If the project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 parks, the impact of the project would be considered significant.

**PS-5:** If the project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 other public services, the impact of the project would be considered significant.

Significance levels:

**PS-1:** Less than significant impact.

**PS-2:** Less than significant impact.

**PS-3:** Less than significant impact.

**PS-4:** Less than significant impact.

**PS-5:** Less than significant impact.

Impact explanation:

**PS-1:** While the additional residences will increase the burden placed on the local fire department, it will create a less than significant impact on service ratios and response time.

**PS-2:** While the additional residences will increase the burden placed on the local police department, it will create a less than significant impact on service ratios and response time.

**PS-3:** The project, as required by California Government Code section 53080 (Governor's Office of Planning and Research, 1997), will pay a school impact fee for residential developments which will offset the increased demand on local school facilities that this project will cause. Because of this, the project will have a less than significant impact on the local school system.

**PS-4:** The project is located within walking distance of a future park planned by the developer, the four acre Del Monte Park. There are also two other parks nearby, one 0.9 miles away and one 1.2 miles away. In addition, the Los Gatos Creek Trail is within walking distance. As such, this project will have a less than significant impact on parks, provided the planned park is constructed at the same time as the project, and provided mitigations laid out in this report in other sections are put into place to reduce the burden on natural spaces.

**PS-5:** While the additional residences will increase the burden placed on other local public services, like libraries, it will create a less than significant impact.

Mitigations:

None required.

Monitoring Plan:

None required.

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
XIV. RECREATION --				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental setting:

There is one planned park, Del Monte Park, within walking distance of this site, and two other parks within 1.5 miles of the site (Biebrach Park and the park at the Children's Discovery Museum). Biebrach Park has BBQ's, basketballs courts, playgrounds, and a swimming pool. It is located at Delmas and West Virginia. The park outside the Children's Discovery Museum is part of the Guadalupe Gardens River Trail, and features large lawns, Monopoly in the Park, and a dog park.

Thresholds of significance:

**REC-1:** If the project would 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, then the impact of the project would be considered significant.

**REC-2:** If the project would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment, then the impact of the project would be considered significant.

Significance levels:

**REC-1:** Less than significant with mitigation incorporation.

**REC-2:** Less than significant with mitigation incorporation.

Impact explanation:

**REC-1:** Pursuant to the City of San Jose's Parkland Dedication Ordinance (PDO), Chapter 19.38, and the Park Impact Ordinance (2008), with the building of this project, the developer will dedicate several acres of parkland, and will assure that the project has connections to the Los Gatos Creek Trail nearby. This will offset the demand the project will create for neighborhood parkland. The project *will* increase the population of the neighborhood and, thus, the number of people using nearby recreational facilities. However, because of the new, planned park (Del Monte Park) just across the street from the site and the access to nearby trails, this project is not expected to increase the use of existing facilities such that substantial deterioration would occur or be accelerated. However, the riparian habitat along Los Gatos Creek may be strained by the additional use of the trail.

**REC-2:** The construction of the Del Monte Park alongside the Los Gatos Creek riparian corridor could have an adverse effect on that delicate environment. However, provided the mitigations listed in other sections are put into place during the design, planning, and construction of the park, the effects of this project on the riparian habitat will be less than significant.

Mitigations:

**REC-1, 2:** Signs shall be posted at 100 foot intervals along the segment of the Los Gatos Creek Trail that passes this property and the associated park, plus one extra block in either direction from the property location. These signs will indicate that the Los Gatos Creek Trail is delicate riparian habitat and should be treated with respect. These signs will also ask people to stay on the path. Also refer to mitigations listed in other sections of this report pertaining to the Del Monte Park.

Monitoring Plan:

**REC-1, 2:** City of San Jose Parks and Recreation employees will inspect the signs once the park and signage is complete.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XV. TRANSPORTATION/TRAFFIC --</b>				
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 (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental setting:

The project site is located on three streets: West San Carlos Street, a main thoroughfare with 2 lanes in each direction, and two smaller streets with only one lane in each direction: Auzeais Street and Sunol Street. Sunol Street is crossed by the light rail train. All of the intersections have stoplights; only West San Carlos has a sidewalk. There is no street parking on either

Sunol or Auzeais. None of the streets have a designated bike path. Only West San Carlos has a public transit bus route. There is a light rail train that runs through the property, but although a nearby stop has been planned, it is not yet built. It is also near two freeways, Highway 280 and Highway 87. The project, as a transit-oriented development, will offer adequate parking for bicycles and motorcycles, and will provide easy access to both the public bus system on West San Carlos Street and a planned light rail stop. Thus, it will not negatively impact current alternative transportation policies as laid out in section 20.90, part 4, of the zoning ordinance (City of San Jose, 2009).

Thresholds of significance:

**TT-1:** If the project would cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections), then the impact of the project would be considered significant.

**TT-2:** If the project would exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways, then the impact of the project would be considered significant.

**TT-3:** If the project would result in inadequate emergency access, then the impacts of the project are considered significant.

**TT-4:** If the project would result in inadequate parking capacity, then the impacts of the project are considered significant.

Significance levels:

**TT-1:** Potentially significant impact.

**TT-2:** Potentially significant impact.

**TT-3:** Less than significant impact.

**TT-4:** Less than significant impact.

Impact explanation:

**TT-1, 2:** San Jose's Public Works must determine if this project will have significant impacts on the traffic in the area with a traffic report. The existing traffic load of both Auzeais Street and Sunol Street is fairly small. There is minimal traffic at most times on both streets.

Because of this, both streets have fairly minimal traffic capacity, with only one lane on either side, no designated turn lanes, and a stop for the light rail train on Sunol. West San Carlos Street, which has two lanes on either side and is designed for more traffic capacity, is already near capacity during peak hours. Traffic there is common during commute time, and the many stoplights along the street only slow the traffic flow further. Adding 717 residences to this area, even assuming that some of the residents use public transit as their primary means of transportation, assures that traffic will increase dramatically on these three streets and on nearby streets, as well. The impact of this many new residents, as well as the traffic to and from the retail businesses, will have a significant impact.

**TT-3:** The layout of the roads, with almost no setback on any side of the project, on a private road through the project site, and a number of tall buildings surrounding a central area with only pedestrian access (and possibly gated), does limit emergency access. However, access is

only somewhat restricted and should not present serious impediments to emergency personnel.

**TT-4:** There will be 1,260 parking stalls for this project. This is in line with the San Jose City Zoning Code guidelines (2009, p. 90) of 1 space per residential unit, as there will be 717 units. Many units will have more than one vehicle, however. There are also additional parking units for the retail space that will be provided. Since there is no street parking in the nearby area, there may be some negative impact on available parking during special events or when businesses are particularly busy, but this impact will be less than significant.

Mitigations:

**TT-1, 2:** Potentially significant effect must be examined more closely. San Jose's Public Works must determine if this project will have significant impacts on the traffic in the area with a traffic report. Mitigations are not an option at this time. Future mitigations may include public transportation subsidies, providing shuttle buses during peak commute hours, electric vehicle recharge stations, rent/HOA credits for using a hybrid vehicle and/or carpooling, and/or a car sharing program.

Monitoring Plan:

None required at this time.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XVI. UTILITIES AND SERVICE SYSTEMS</b> Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

- |   |                          |                                     |                                     |                                     |
|---|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| g) Comply with federal, state, and local statutes and regulations related to solid waste?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

Environmental setting:

The project site is located in an already-urban area. The neighborhood already has existing water service, wastewater treatment service, garbage and recycling service, and storm drain service.

Thresholds of significance:

**USS-1:** If the project would require new or expanded water entitlements, then the impacts of the project would be considered significant.

**USS-2:** If the project would not result in a determination by the wastewater treatment provider which serves the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments, then the impacts of the project would be considered significant.

**USS-3:** If the project would be served by a landfill without sufficient permitted capacity to accommodate the project's solid waste disposal needs, then the impacts of the project would be considered significant.

Significance levels:

**USS-1:** Less than significant impact.

**USS-2:** Less than significant impact.

**USS-3:** Less than significant with mitigations.

Impact explanation:

**USS-1:** The Governor has declared all of California to be in a drought. There is simply not enough water to go around. California's current water resources are considered to be extremely low (SWRCB, 2009). Any additional multi-dwelling, large residential complexes

will only add to the problem, and bring serious water rationing one step closer. However, because this project features the collection and reuse of water runoff as well as green rooftops, the impact should be less than significant.

**USS-2:** Most wastewater treatment plants are at or near capacity, and the San Jose/Santa Clara Water Pollution Control Plant is no exception. The extra strain on the treatment plant placed by 717 new residential units should not cause undue hardship on the plant, though, and the overall impact will be less than significant.

**USS-3:** Landfills, by nature, have a limited lifespan. Although the Kirby Canyon landfill is well-managed, any increase in the amount of trash going to the landfill will shorten its useful lifespan. This project, which will feature easy to use recycling containers for residents, can use certain mitigation techniques to help keep the project's impact on landfills as less than significant.

Mitigations:

**USS-3:** The developer will include not only easy-to-use recycling capabilities, as cited on their website, but will also provide waste containers for compostable food trash and garden waste OR a place to compost these scraps on site, something that is not usually available for residents of multi-unit complexes. The management of an on-site composting area would be done in conjunction with the management of the residents' community gardens. The food and yard waste could be composted through San Jose City programs or private contractors, but it will not join the solid waste stream into a landfill.

Monitoring Plan:

The developer will submit a recycling and composting plan to the Planning Department before construction begins. An annual report will be filed after completion of the project, along with an annual inspection by the City of San Jose.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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XVII. MANDATORY FINDINGS OF SIGNIFICANCE --

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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important examples of the major periods of California history or prehistory?

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Environmental setting:

The majority of the land is currently not being used. It has been classified as a brownfield, due to prior industrial uses, and it is covered in broken pavement and weeds. There is an unused railroad section through the land. The project lot, to the west, is bordered by a number of businesses, mostly industrial, including several auto service shops, upholstery, masonry, and an auto detailing shop. To the east, it is across the street from an empty lot owned by a lumber company and, beyond that, by a new townhome development. Also on the east is a hot dog stand and a former Hertz rental store which is currently unused. Beyond the townhomes and businesses is the Los Gatos Creek Trail and its riparian habitat. The southeast of the property is bisected by the Vasona light rail line, and the south of the property is bordered by more industrial businesses. The north side of the property is located on a very main thoroughfare, West San Carlos Street, and borders a billard bar and a carpet store. Across the street is an appliance store, other retail and offices, and a pizzeria. Behind these frontage stores is a residential neighborhood with mostly single-story individual homes.

Thresholds of significance:

**MF-1:** If the project would 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, then the impact would be considered significant.

**MF-2:** If the project would have impacts that are individually limited, but cumulatively considerable, then the impact would be considered significant.

**MF-3:** If the project would have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly, then the impact would be considered significant.

Significance levels:

**MF-1:** Less than significant with mitigation incorporation.

**MF-2:** Less than significant with mitigation incorporation.

**MF-3:** Potentially significant impact.

Impact explanation:

**MF-1:** This project does have the capability to impact the nearby riparian creek habitat during construction, especially during construction of the Del Monte Park. However, as long as the necessary mitigations as laid out above are implemented, the overall impact should be less than significant.

**MF-2:** This project, in conjunction with the other nearby townhome project, will dramatically increase the population, population density, and traffic in a one mile radius. The increase, although large, should be less than significant if all mitigations listed above are put into place, maintained, and monitored, and the developer builds the public park included in this proposal.

**MF-3:** As listed above in the sections on Air Quality, Cultural Resources, Hazardous Materials, Noise, and Traffic/Transportation, this project has the potential to have a significant impact on human beings in the nearby area. Further studies are required in order to measure and understand these impacts and decide what kind of mitigations, if any, will reduce these impacts to acceptable levels.

Mitigations:

**MF-1:** Refer to above-listed mitigations.

**MF-2:** Refer to above-listed mitigations.

**MF-3:** Potentially significant effects must be examined more closely. Mitigations are not an option at this time.

Monitoring Plan:

**MF-1:** Refer to above-listed monitoring plans.

**MF-2:** Refer to above-listed monitoring plans.