City of San Jose - PBCE – Planning Division - Imaging Index Cover Sheet

Address/Location: **southwest corner of Monterey Road and Goble Lane. (2745 MONTEREY RD)**

Permit/Project No.: **PDC02-066** Issuance Date: _____

Prepped By: **LMONIZ** Closed By: **GROBLES** RSN: **950476**

Category	Document Type	Sub Document Type
☐ (EF) Environmental Files (203)	☐ (PP) Public Project Files (203-03)	☐ (EN) EIR ☐ (DA) Approved Document ☐ (EM) Maps ☐ (AE) Application ☐ (AG) Agency Correspondence ☐ (EG) General Correspondence ☐ (TR) Technical Reports ☐ (RE) Archaeological Reports ☐ (EP) Plans
☐ (GP) General Plan (204)	☐ (GA) General Plan Amendments (204-02)	☐ (AM) Amendment ☐ (AA) Application ☐ (CG) Correspondence
	☐ (GE) Environmental Review (for 204 series GP Amendments)	☐ (GD) Approved Document ☐ (GI) EIR ☐ (GS) Supporting Documents ☐ (GT) Technical Reports ☐ (GR) Archaeological
☒ (DR) Development Review (207) Draft EIR / ENVIRON. ASSESSMENT Volume I - EIR Text	☐ (PR) Projects (207-02, 207-03, etc.)	☐ (ZN) Zoning ☐ (PE) Permit ☐ (MP) Maps ☐ (AP) Application ☐ (AC) Agency Correspondence ☐ (GC) General Correspondence ☐ (PL) Plans
	☒ (ER) Environmental Review (for 207 series Project Files)	☐ (EA) Approved Document ☒ (EI) EIR ☐ (ES) Supporting Documents ☐ (ET) Technical Reports ☐ (AR) Archaeological
	☐ (AD) Adjustments (207-12)	☐ (DO) Documents ☐ (PA) Plans
APRIL 2005	☐ (PI) Public Info Letters (207-29)	☐ (LE) Letter ☐ (LS) Supporting Docs

DRAFT
ENVIRONMENTAL IMPACT REPORT/
ENVIRONMENTAL ASSESSMENT

GOBLE LANE MIXED-USE DEVELOPMENT FOR PLANNED DEVELOPMENT REZONING

PDC02-066/NR05-001

SCH No. 2005022057

Volume I - EIR Text

City of San José
April 2005

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Department of Planning, Building and Code Enforcement
STEPHEN M. HAASE, AICP, DIRECTOR

April 22, 2005

Ladies and Gentlemen:

SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE GOBLE LANE MIXED-USE DEVELOPMENT PLANNED DEVELOPMENT ZONING, FILE NO. PDC02-066, STATE CLEARINGHOUSE NO. 2005022057

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

Your comments regarding the significant environmental effects of this project and the adequacy of the DEIR are welcome. Written comments, submitted to the Department of Planning, Building and Code Enforcement by 5:00 p.m., Monday, June 6, 2005, will be included in the EIR and be considered by the Planning Commission at this public hearing. *If you make comments through a state or regional clearinghouse, please send a copy of your comments to the contact person listed below to insure prompt consideration.* If we receive no comments (nor a request for an extension of time) from you by the specified date, we will assume you have none to make.

Project Description and Location: Planned Development Rezoning of 29.5 gross acres located at the southwest corner of Monterey Road and Goble Lane from the R-MH-Residential Mobile Home Park, HI-Heavy Industrial, and LI-Light Industrial Zoning Districts to A(PD) Planned Development Zoning District to allow the demolition of the current on-site industrial and commercial uses as well as a 54-space residential mobile home park for the development of up to 18,000 square feet of commercial retail fronting Monterey Road, a two-acre public park, and up to 969 residential units consisting of attached townhouses, apartments (a portion of which are anticipated to be affordable units), and condominiums. City Council District: 7

Tentative Hearing Date: June 22, 2005

Contact Person:

Teresa Estrada, Planner II
Department of Planning, Building & Code Enforcement
801 N. First Street, Room 400
San Jose, CA 95110-1795

Sincerely,

Akoni Danielsen

Akoni Danielsen, Principal Planner

PREFACE

The document has been prepared by the City of San José as the Lead Agency, in conformance with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). This Environmental Impact Report/Environmental Assessment (EIR/EA) provides environmental review appropriate for the approval of a PD Zoning/PD Permit that would allow the development of up to 969 dwelling units, 18,000 square feet of retail, and a two-acre park.

Purpose of the EIR

In accordance with CEQA, this EIR provides objective information regarding the environmental consequences of the proposed project to the decision makers who will be considering and reviewing the proposed project. The CEQA Guidelines contain the following general information on the role of an EIR and its contents:

> **§15121(a). Informational Document**. An EIR is an informational document, which will inform public agency decision makers, and the public of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency shall consider the information in the EIR, along with other information that may be presented to the agency.
>
> **§15151. Standards for Adequacy of an EIR**. An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information that enables them to make a decision that intelligently considers environmental consequences. An evaluation of the environmental effects of the proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good-faith effort at full disclosure.
>
> **§15152. Tiering.** (a) "Tiering" refers to using the analysis of general matters contained in a broader EIR (such as one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later projects.
>
> (b) Agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including general plans, zoning changes, and development projects. This approach can eliminate repetitive discussions of the same issues and focus the later EIR or negative declaration on the actual issues ripe for decision at each level of environmental review. Tiering is appropriate when the sequences of analysis is from an EIR prepared for a general plan, policy or program to an EIR or negative declaration for another plan, policy, or program of lesser scope, or to a site-specific EIR or negative declaration. Tiering does not excuse the lead agency from adequately analyzing reasonably foreseeable significant environmental effects of the project and does not justify deferring such analysis to a later tier EIR or negative declaration. However, the

level of detail contained in a first tier EIR need not be greater than that of the program, plan, policy, or ordinance being analyzed.

All documents referenced in this EIR are available for public review in the office of the Department of Planning, Building, and Code Enforcement, 801 North First Street, Room 400, San José, California, on weekdays during normal business hours.

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A Wetland Assessment
B Soils Evaluation
C Transportation Impact Analysis
D Air Quality Analysis
E Diesel Fuel Analysis
F Noise Analysis
G Water Supply Assessment
H. Notice of Preparation

SUMMARY

The project proposes to remove the existing industrial buildings and mobile home park on the project site and construct up to 969 dwelling units, which will likely include a mix of single-family houses, townhouses, condominiums, and apartments (including some below-market rate units). The project also proposed up to 18,000 square feet of neighborhood serving retail and a two-acre public park.

The following is a brief summary of significant impacts and mitigation measures addressed within the body of this EIR. The complete project description and discusion of impacts and mitigation measures can be found in the Section II of this EIR.

SIGNIFICANT IMPACTS	MITIGATION MEASURES
Land Use Impacts	
Implementation of the proposed project would contribute to the City's jobs/housing imbalance, which will result in environmental impacts including increased regional traffic congestions, and impacts on public services and infrastructure. **(Significant Impact)**	There is no mitigation proposed that would reduce the population and housing impact to a less than significant level. Section V, *Alternatives* does analyze a reduced density alternative and a site design alternative that would provide a greater setback to the adjacent land uses and reduce the identified land use compatability impacts.
	Significant Unavoidable Impact
Vegetation and Wildlife Impacts	
Construction activities near raptor nests could result in the loss of fertile eggs, nestlings, or nest abandonment. **(Significant Impact)**	Preconstruction surveys will be conducted no more than 30 days prior to the start of site grading. If breeding owls or other raptors are located on or immediately adjacent to the site, a construction-free buffer zone (typically 250 feet) around the active burrow or nest tree will be established for the duration of breeding until young birds have fledged. If owls or other raptors are resident during the non-breeding season (September to January), a qualified ornithologist in consultation with the California Department of Fish and Game, would ensure that measures to avoid harm to the birds are taken prior to grading or tree removal.
Removal of mature trees used as nesting sites by protected raptors would be a significant impact if trees are removed during the breeding season. **(Significant Impact)**	
Should Burrowing Owls move onto the project site prior to construction, individual birds and/or their eggs could be destroyed. **(Significant Impact)**	
Implementation of the proposed project would result in the removal of up to 38 ordinance-sized trees. **(Significant Impact)**	Loss of ordinance-sized trees would be mitigated by conformance with the City of San José landscaping guidelines. Ordinance sized trees removed would be replaced at a

SIGNIFICANT IMPACTS	MITIGATION MEASURES
Vegetation and Wildlife Impacts *Continued*	
See previous page	minimum ratio of 4:1, with trees in 24-inch box size or larger containers. The specific replacement tree species will be determined by the City Arborist and the Department of Planning, Building and Code Enforcement. Loss of non-ordinance sized trees will be mitigated at a minimum ratio of 2:1. The size of the replacement trees and the specific replacement tree species will be determined by the City Arborist and the Department of Planning, Building and Code Enforcement. In the event that the project site does not have sufficient area to accommodate the required number of replacement trees, an additional site(s) will be identified for additional tree planting or a donation of funds will be made to San José Beautiful or Our City Forest for in-lieu off-site tree planting and maintenance in the community. **Less Than Significant With Mitigation.**
Hazardous Materials Impacts	
Implementation of the proposed project would expose construction workers and future residents to soil contaminated with lead, diesel, motor oil, and benzene at levels that exceed established residential thresholds. **(Significant Impact)**	Soil identified as contaminated with lead, diesel, motor oil, and/or benzene at concentrations above established residential thresholds will be excavated to a depth where clean soil is known to occur (no more than five feet below the ground surface) and the contaminated soil will be hauled off-site and disposed of at a licensed hazardous materials disposal site. Building permits will not be issued until all contaminated soil is removed from the project site. **Less Than Significant With Mitigation.**
Transportation Impacts	
Implementation of the proposed project would cause one freeway segment to operate at LOS F during the PM peak hour and would result	Mitigation for freeway impacts would require adding lanes to the freeways, which is not practical for one development to implement.

SIGNIFICANT IMPACTS	MITIGATION MEASURES
Transportation Impacts *Continued*	
in an increase of more than one percent of capacity for three the freeway segments. **(Significant Impact)**	When project mitigation measures on CMP facilities are not feasible or fail to improve the level of service to the CMP's LOS standard, then a CMP approved Deficiency Plan must be prepared. Pending the adoption of the Countywide Deficiency Plan, a local deficiency plan does not need to be prepared. Instead, Deficiency Plan Immediate Actions are required to be implemented as part of the project's approval. Under these circumstances, Section 10.6 of the May 1998 CMP Guidelines requires implementation of the "Immediate Actions" identified in Appendix D of the guidelines. Implementation of the selected items from the "Immediate Implementation Action List" is therefore recommended. A copy of the list is presented in Appendix C of this EIR. The selection of the final items from the list would be determined by the City of San José. With implementation of these items, project mitigation would be in conformance with CMP guidelines: (1) Provision of physical improvements, such as well-lit pedestrian/bicycle paths and bicycle racks and lockers, landscaping, and the installation of bus shelters, which would act as incentives for pedestrian, bicycle and transit modes of travel, and (2) provide public information programs for carpooling and transit use. **Significant Unavoidable Impact.**
Air Quality Impacts	
Placement of four-story residential buildings adjacent to the Raisch Products facility would expose residents to odors from the daily operation of the plant. **(Significant Impact)**	The mitigation necessary to reduce the odor impacts to the project (i.e., a setback of 500 feet between the batch plant and the nearest residential buildings) is not proposed by the project. As a result, implementation of the proposed project will have a significant unavoidable odor impact on sensitive receptors residing on the project site. **Significant Unavoidable Impact**

SIGNIFICANT IMPACTS	MITIGATION MEASURES
Air Quality Impacts *Continued*	
Construction of the proposed project would result in short-term air quality impacts associated with dust generation. **(Significant Temporary Impact)**	The following dust control measures will be implemented during all construction phases: (1) water all active construction areas at least twice daily, (2) watering or covering of stockpiles of debris, soil, sand or other materials that can be blown by the wind, (3) cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard, (4) pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites, (5) sweep daily (preferably with water sweepers) all paved access road, parking areas and staging areas at construction sites, (6) sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets, (7) hydroseed or apply non-toxic soil stabilizers to inactive construction areas, (8) enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.), (9) limit traffic speeds on unpaved roads to 15 mph, (10) install sandbags or other erosion control measures to prevent silt runoff to public roadways, and (11) replant vegetation in disturbed areas as quickly as possible. **Less Than Significant With Mitigation.**
Noise Impacts	
Future residents will be exposed to exterior noise levels in excess of 60 decibels, which exceeds the noise and land use compatibility standards established in the City's General Plan and by HUD. **(Significant Impact)**	Locate noise-sensitive outdoor use areas away from adjacent noise sources. Shield noise-sensitive spaces with buildings or noise barriers whenever possible. Overall noise levels would continue to exceed 60 DNL in some areas as a result of transportation noise sources and industrial sources in the project vicinity; however, the City recognizes that the exterior noise goal cannot be achieved in the environs of major roadways and the Norman Y. Mineta San José International Airport.

SIGNIFICANT IMPACTS	MITIGATION MEASURES
Noise Impacts *Continued*	
See previous page	Building sound insulation requirements would include the provision of forced-air mechanical ventilation for all new units, so that windows could be kept closed at the occupant's discretion to control noise. Special building construction techniques (e.g., sound-rated windows and building facade treatments) will be included for new residential uses adjacent to the railroad. These treatments include, but are not limited to, sound rated windows and doors, sound rated wall constructions, acoustical caulking, etc. The specific determination of what treatments are necessary will be conducted on a unit-by-unit basis. Results of the unit analysis, including the description of the necessary noise control treatments, will be submitted to the City along with the building plans for approval prior to issuance of building permits. **Less Than Significant With Mitigation.**

Cumulative Impacts

The proposed project will have the following cumulative impacts:

1. Significant cumulative traffic impacts associates with a one percent increase in traffic on three freeway segments.

2. Significant cumulative traffic impacts associated with the decrease in level of service to three signalized intersections.

3. Significant cumulatively considerable contribution to the existing jobs/housing imbalance in San José.

4. Significant cumulatively considerable contribution to the loss of industrial land in San José.

Alternatives to the Proposed Project

A. NO PROJECT ALTERNATIVE

The CEQA Guidelines [§15126(d)4] require that an EIR specifically discuss a "no project" alternative, which should address both "the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project is not approved, based on current plans and consistent with available infrastructure and community services." Since the proposed project is redevelopment of an industrial/residential land use with a residential/mixed-use development, the alternative to the City approving the currently proposed project would be to retain the current land uses on the project site.

The impacts of the No Project alternative would ultimately be less than the impacts of the proposed project because the No Project alternative would maintain the current land uses on the project site. As a result, no new traffic would be generated and there would be no increase in local or regional air pollutants. Land use compatibility impacts would also be avoided because no housing would be located adjacent to the existing Raisch asphalt plant or the Union Pacific rail line. The majority of the residents at the mobile home park on the project site have already relocated and the mobile homes removed from the site. If the No Project Alternative were implemented, the mobile home park would need to be revitalized to make it acceptable for new residents.

The proposed project site is an infill location near the downtown area of San José that is currently underutilized. Maintaining the current land use conditions on the site under the No Project alternative does not seem to be a viable long-term use of the site. In addition, the No Project alternative would not preclude future redevelopment of the project site as a residential/mixed-use development with a housing density of 25 to 50 dwelling units per acre because of the approved General Plan Amendment in 2004. Therefore, it is likely that another residential project may be proposed at the site of equivalent density, which would result in similar traffic and traffic related air quality impacts, as well as odor and land use compatibility impacts.

Conclusion: Implementation of the "No Project" alternative would avoid all of the significant impacts identified in this EIR. This alternative, however, does not meet any of the objectives of the proposed project.

B. REDUCED DENSITY ALTERNATIVE

Implementation of the proposed project would result in significant traffic impacts, and the project would be impacted by odors from the adjacent Raisch facility. The reduced density alternative would maintain a minimum density of 25 dwelling units per acre (approximately 75 percent of the project density), but would include a 400-foot setback from the southern property line. This setback could be occupied by landscaping, surface parking, and/or the internal roadway. By requiring a 400-foot setback from the southern property line, pursuant to the recommendations of the air quality analysis, the apartments and condominiums located near the Raisch facility would not be impacted by the odors generated by daily operations of the plant or diesel exhaust from the trucks entering and leaving the plant. Lastly, the reduced density alternative would reduce the overall traffic generated by the proposed project. However, the freeway impact identified in this EIR cannot be reduced to less than significant with the density included under this alternative. Based on the traffic analysis, a project alternative could develop no more than 150 dwelling units on the project site to reduce the identified freeway impact to a less than significant level. A reduced project consisting of only 150 total dwelling units (5.0 dwelling units per acre) would not meet the General Plan designated residential density of the project site.

Conclusion: Implementation of the reduced density alternative would avoid the significant odor impact identified in this EIR. However, development of the site at 25 dwelling units per acre would not reduce the significant freeway impacts. This alternative is feasible, from a construction standpoint, but it does not meet objectives 3, 5, and 6 of the project (see page 7, *Project Objectives*).

C. SITE DESIGN ALTERNATIVE

Under the site design alternative, the project would maintain the same number of dwelling units as the proposed project. The internal circulation road, however, would be relocated between the buildings and property lines on the north, south, and west sides of the project site. Placement of the road adjacent to the north property line would mimic the existing conditions on the site and maintain the current building setback for the residents of the Chateau La Salle mobile home park. Placement of the road between the proposed apartments/condominiums and the Raisch facility (along the southern and eastern perimeters of the site) would reduce the odor impact to the proposed apartment buildings by providing a greater setback from the asphalt plant (compared to the proposed project). In addition, this alternative would provide a setback between the proposed condominiums on the western boundary and the rail line, though no significant rail-related impact was identified.

The site design alternative would not reduce the overall traffic generated by the proposed project. As a result, the significant freeway impact identified in this EIR would still occur with implementation of this alternative. In addition, this alternative would reduce the odor impact by placing housing father away from the Raisch facility, but would not reduce the impact to a less than significant level.

Conclusion: Implementation of the site design alternative would lessen but not avoid the significant odor impact identified in this EIR. In addition, development of the site at 25+ dwelling units per acre would not reduce the significant freeway impacts. This alternative meets

the objectives of the project and is feasible, from a construction standpoint. This is the environmentally superior alternative.

D. LOCATION ALTERNATIVE

The CEQA Guidelines require that an EIR identify an alternative location that "would avoid or substantially lessen any of the significant effects of the amendment" [§15126.6 (f) (2) (A)]. There is no specific site known within the City of San José whose development with 969 dwelling units and 18,000 square feet of commercial space would result in substantially fewer environmental impacts. There are other commercial or underutilized properties in San José that could be redeveloped as residential/mixed use. Some of these properties are large enough to accommodate a significant number of dwelling units. Redevelopment of these properties, particularly larger sites, would likely all result in development-related impacts similar to those identified for the site evaluated in this EIR. If the site were redeveloped industrial sites, they may result in land-use compatibility impacts similar to those of the project.

The San José Flea Market is an approximately 120 acre site located along Berryessa Road and is along a planned transit corridor. The Flea Market site is designated *Transit Corridor Residential (70 DU.AC), Combined Commercial/Industrial, Medium High Density (8-16 DU/AC), and Public Park/Open Space* and would accommodate the proposed project. However, the Flea Market site would have the same traffic and traffic related air quality impacts as the proposed project. In addition, the site would also have biological impacts (the site is adjacent to two creeks) and noise and vibration impacts from an adjacent rail line.

There may also be a number of sites in the Santa Clara County Cities north and northwest of San José that could be developed or redeveloped with a total number of dwelling units similar to what is evaluated in this EIR. Placing residential development closer to the jobs in the north County would result in shorter commute distances, less regional traffic congestion, and fewer noise and air pollution impacts than placing the same number of units at a location that is farther from the north County. However, the City of San José does not have the authority to approve development in other cities.

Conclusion: Implementation of this alternative is not viable because the project proponent does not have control over the identified alternative site. In addition, the alternative site could have more significant impacts than the proposed project site.

E. DRIVEWAY DESIGN ALTERNATIVE

As stated above, it is currently unknown if the Raisch property owners will agree to the shared access proposed by the project. Therefore, the driveway design alternative was analyzed to provide an alternate signalized intersection that would meet the needs of the project and comply with Caltrans requirements.

Under the driveway design alternative, the project would remain the same as the proposed project with the exception of the proposed driveway. The north and south driveways would be replaced with a single full access driveway located at the center of the Monterey Road frontage. The City has concluded that implementation of this alternative would require closure of the Monterey Road median immediately south of the site in front of the Raisch property. As a result, the Raisch driveway, which is currently a full access, unsignalized driveway, will be restricted to

right in/right out turning movements only. Trucks traveling northbound on Monterey Road would be required to make a u-turn to enter the Raisch property. The driveway/Monterey Road intersection will be comprised of one left-turn lane and three through lanes in the northbound direction; two through lanes and one through-shared right-turn lane in the southbound direction; and two left-turn lanes and an exclusive right-turn lane in the eastbound direction (exiting project site).

The driveway at Monterey Road would include two lanes into the project site and three exiting the project site, with a landscaped median separating the entry lanes from the exit lanes. The driveway would connect to a two-lane interior loop road (one lane in each direction) with a landscape strip in the center and parallel parking on one side or both sides of the roadway.

The two mixed use buildings proposed on the Monterey Road frontage would be redesigned to accommodate the new driveway configuration, but would maintain the same number of residents and the same square footage of retail as the proposed project.

This alternative driveway configuration would not improve the operation of the project driveways, but would limit the operation of the Raisch facility driveway to right-in/right-out due to the closing of the Monterey Road median in front of the Raisch driveway. All other impacts identified under the proposed project would remain the same under this alternative.

Conclusion: Implementation of the driveway design alternative would not avoid or reduce the significant land use compatibility, odor or freeway impacts identified in this EIR. This alternative meets the objectives of the project, and is feasible, from a construction standpoint.

Areas of Known Controversy

There are no known areas of controversy for this project.

I. DESCRIPTION OF THE PROJECT

A. OVERVIEW

In October 2002, the City of San José Planning Commission certified an Environmental Impact Report (EIR) for and the City Council approved the Goble Lane General Plan Amendment (GPA) File No. GP02-07-04 in June 2004. The GPA amended the San José 2020 General Plan Land Use/Transportation Diagram and the Communications Hill Specific Plan on approximately 29.5-acres of land located on the southwest corner of Monterey Road and Goble Lane. The amendment changed the land use designation on the site from *Heavy Industrial, Combined Industrial/Commercial,* and *Single Family Detached and Attached Residential (8-16 DU/AC)* to a single land use designation of *High Density Residential (25-50 DU/AC)*. These amendments allow for the development of up to 1,475 dwelling units on the project site.

This EIR has been prepared to analyze a specific development proposal under the new General Plan land use designation on the Goble Lane project site.

B. DETAILED DESCRIPTION OF THE PROPOSED PROJECT

The project is located in the northeast portion of the Communications Hill Planned Community, in the City of San José (see Figures 1 and 2). The project site is located west of Monterey Road, east of the Union Pacific Railroad tracks, south of the Chateau La Salle Mobile Home Park, and north of the existing Raisch Products asphalt/concrete plant.

The project proposes to rezone the 29.5-acre site from *R-MH – Residential Mobile Home Park, HI – Heavy Industrial,* and *LI – Light Industrial* to *A(PD) – Planned Development District.* The proposed PD Rezoning would allow a mixed-use commercial/retail and residential development on the site. Implementation of the proposed project would result in the removal of a mobile home park[1] and the demolition of five commercial/industrial buildings currently located on the project site.

The proposed project will be a phased development of up to 18,000 square feet of commercial retail (fronting Monterey Road), a two-acre public park, and up to 969 residential units (approximately 33 units per acre on average). The residential units will be a combination of attached townhouses, condominiums, and apartments. A portion of the apartments on the project site are anticipated to be affordable[2] housing, assuming that federal funding is acquired. If federal funds are not available, then all the apartments will be market rate units. All other residential units on the project site will be market-rate units. The breakdown of residential units is listed below:

[1] The mobile home park previously had 47 mobile homes on-site. At the time the NOP was published all but two of the mobile homes had been removed and the residents relocated.
[2] Affordable housing is below market rate housing that is subsidized by local, state or federal funds. This product type will be designated primarily to families.

TABLE 1 Proposed Residential Units	
Housing Type	**Maximum No. of Units**
Townhouses – Market Rate	195
Condominiums – Market Rate	374
Apartments – Market Rate	200
Apartments - Affordable	200
Total Units	**969**

The specific aspects of the proposed project are described below. A site plan of the proposed project is shown on Figure 3.

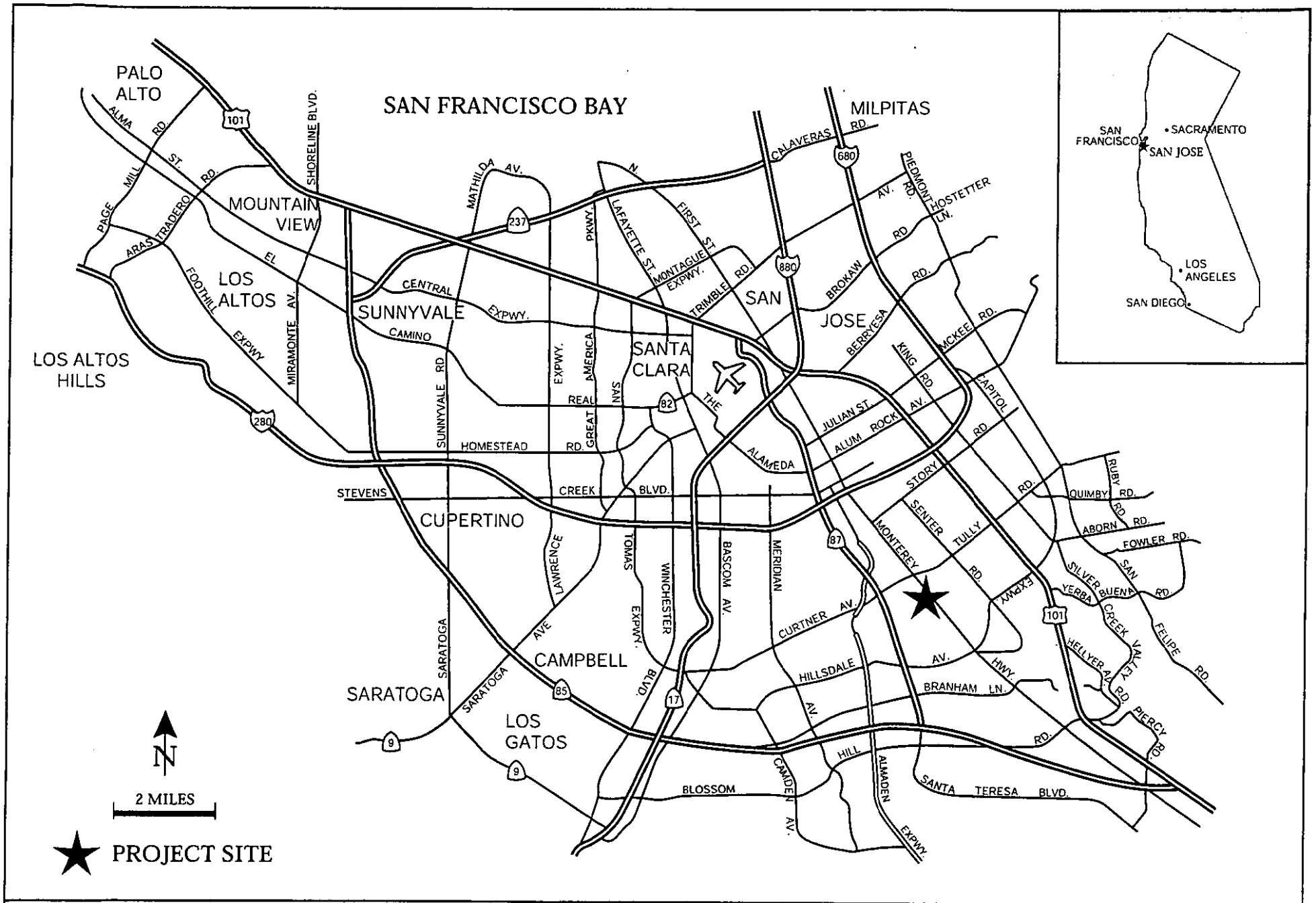
- *Monterey Road Frontage (east property boundary).* The Monterey Road frontage will be comprised of two four-story buildings (maximum 50 feet in height) with market-rate apartments (with private balconies) over ground floor, neighborhood serving retail. Retail parking will be provided on surface parking lots located directly behind the buildings. Parking for the residents of these two buildings would be provided in one level of below grade parking under the buildings. Resident parking will be in a communal garage and will be restricted by a gated entrance.

- *Northern Property Boundary.* The northern property line will be developed with two to three-story market-rate attached townhouses with attached garages and a maximum height of 35 feet. Guest parking will be available in small surface lots within close proximity of the townhouses. Each unit will have a private yard.

- *Western Property Boundary.* The western property line will be developed with four four-story market-rate condominium buildings (with private balconies and patios) with below grade parking. Resident parking will be in a communal garage and will be restricted by a gated entrance. Guest parking will be provided along the interior street immediately outside the buildings. All four buildings will be a maximum of 50 feet in height. Each individual building will have its own common open space and amenities for the residents.

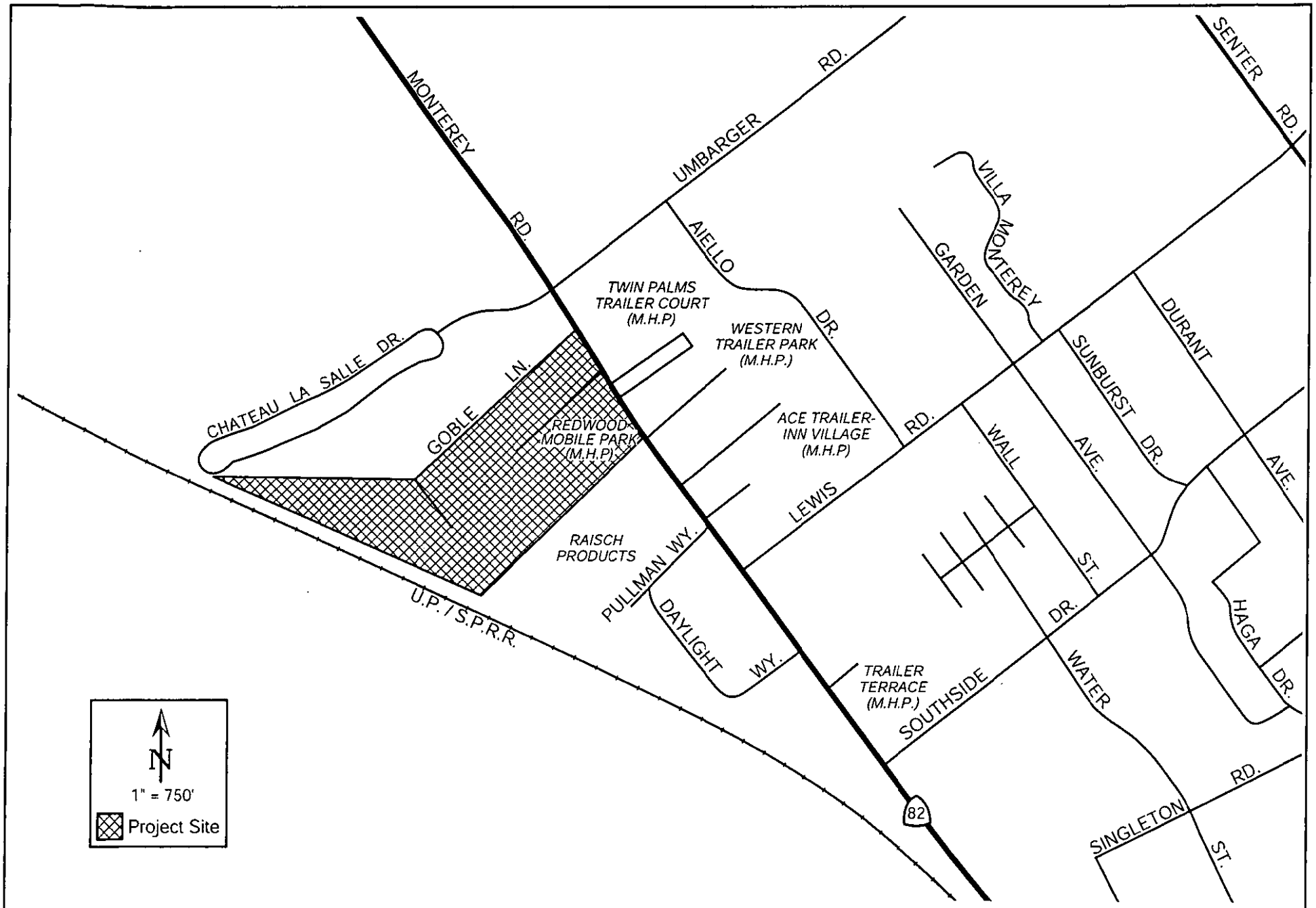
  These taller buildings are planned along the railroad alignment to minimize the sound from the rail line in the proposed neighborhood. There are no windows, balconies, or open space areas proposed on the west side of these four buildings.

- *Southern Property Boundary.* The southern property line will be developed with three four-story affordable family apartments (with private balconies and patios) with below grade parking. Resident parking for the apartments will be in a communal garage and will be restricted by a gated entrance. Guest parking is provided along the street immediately outside the development. The apartment buildings will be a maximum of 50 feet in height. Each individual building will have its own common open space and amenities for the residents.



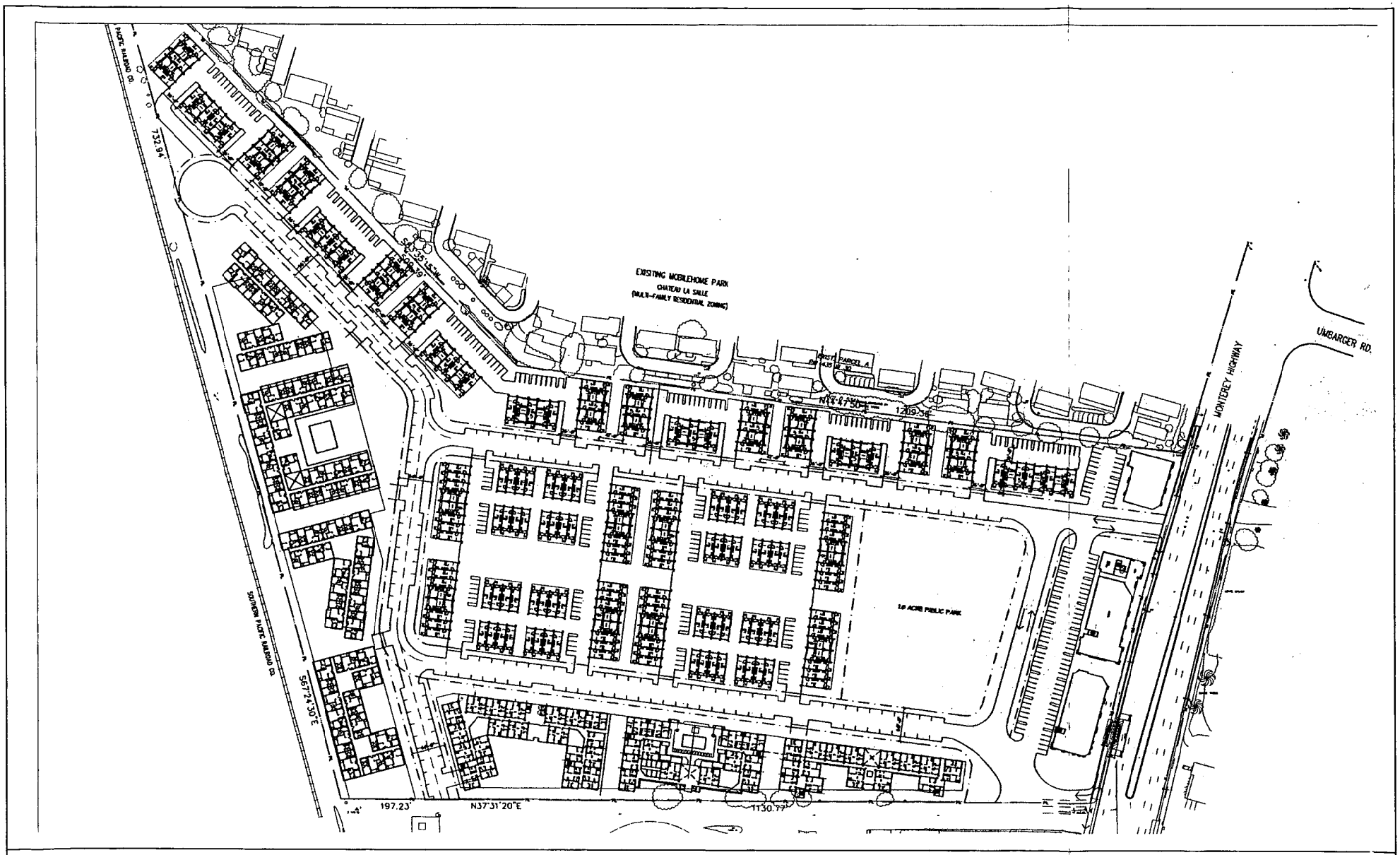
REGIONAL MAP

FIGURE 1



VICINITY MAP

FIGURE 2



SITE PLAN

FIGURE 3

As with the condominium units along the western property line, these taller buildings are planned adjacent to the industrial property (to the south) to minimize the sound from the daily operations of the plant in the neighborhood. There are no windows, balconies, or open space areas proposed on the south side of the apartment buildings.

Project Interior. The interior of the project site will be developed with two to three-story attached market-rate townhouses with attached garages and a two-acre public park. The park will be dedicated to the City of San José for use by the project residents and the neighboring community. Parking for park users will be accommodated by parallel parking spaces on the street around the perimeter of the park. Park amenities (i.e., barbeques, benches, tot lot, open lawn, etc.) will be decided upon by the Parks Department, in consultation with the neighboring community. Each townhouse will have a private yard.

The park will be placed as close to Monterey Road as possible, in order to encourage public use from outside the proposed neighborhood. It is also in close proximity to the retail shops to increase its visibility. The project also proposes pedestrian access connections to the adjacent Chateau La Salle Mobile Home neighborhood to the north of the project site.

The project site will have minimum six-foot masonry walls along the west and south property boundaries, which will help to minimize noise (at ground level) traveling onto the site from the adjacent land uses. A minimum six-foot wood fence will be built on the north property boundary.

Drainage

The project proposes an Urban Runoff Management Plan that will utilize a portion of the two-acre park as a retention area for storm flows. In addition, the northwest corner of the project site will be excavated to a minimum depth of 30-feet and will also be used as a retention basin. This retention basin will be gated for safety and maintenance purposes. These retention areas will allow storm water to be held on-site and metered out to avoid exceeding the capacity of the current storm drainage system. In addition, these retention areas will allow some of the runoff to percolate into the ground surface to reduce the overall flow into the storm drainage lines. The site will be graded with a maximum one percent slope to convey runoff to the retention areas. The Urban Runoff Management Plan is discussed in more detail on page 48 of this EIR.

Parking

The project proposes a mixture of surface parking and below grade parking to serve the site. The project proposes the following parking:

TABLE 2
Proposed Parking

Land Use	Parking Proposed	Type of Parking
Condominiums/Apartments	1,197	Below grade garages
Condominiums/Apartments	107	On-Street
Townhouses[3]	390	Attached garages

[3] The parking ratio for detached single-family houses is the same as that for attached townhouses and, as such, the parking proposed for this product type would not change if some the townhouses proposed are built as single-family houses.

TABLE 2 *Continued* Proposed Parking		
Townhouses	90	Surface parking lots
Townhouses	27	On-Street
Retail	90	Surface parking lots
Park	28	On-street parking

Access and Circulation

Two points of vehicle access for the project site are proposed on the Monterey Road frontage. The first driveway will be at the north end of the project site. The north driveway will be unsignalized and will provide right-in/right-out only access to the project site. The north driveway will have one lane in each direction. The second driveway will be located adjacent to the southern property line. The existing Raisch driveway adjacent to the project site will be reconfigured so that the project site access and the Raisch driveway merge into one shared driveway that will form the west leg of a signalized intersection with Monterey Road. The south project driveway will have one lane entering the project site, one right turn lane out of the site, and two left turn lanes out of the site. Cars exiting the site to the southerly driveway will be controlled by a stop sign at the point it merges with the Raisch driveway.[4] Both project driveways will connect to a 52-foot wide interior loop road just beyond the retail buildings that provide access to the interior of the project site. This road will narrow to 48-feet at the cul-de-sacs.

Project Phasing

It is anticipated that construction of the project would commence no later than June 30, 2006. It is the intent of the project proponent to construct the project in phases. The actual timing of some phases would be subject to market demand. The construction of the up to 200 affordable units would be directly related to availability of local, state, and federal funds. It is anticipated that the overall project build out would be June 30, 2010.

The project shall be constructed in 3 phases. The first phase would be construction of the frontage along Monterey Road. Along with this would be the retail parking lots immediately behind, and the 2-acre public park. To balance the mix of housing types, some townhouses would also be constructed in this phase, and would be located along the northern and western edges of the park. And if funding becomes available, there shall be affordable apartments built along the southern edge of the site as well. The roadway system would be completed in such a way that emergency vehicles would be able to make a complete loop around the site.

In the second phase, more townhouses would be added to the central part of the site. They would be accessed by means of the loop road that has already been constructed in Phase One. Some townhouses would be added to the northern edge of the site to complete the neighborhood transition between this project and Chateau La Salle.

In the final phase, the remaining parcels against the railroad would be constructed. These parcels are deep into the site, far from Monterey Road, and are the least visible from the public

[4] The exact design of the shared southerly driveway will be subject to the review and approval of the Public Works Department.

domain. They will be high-density condominiums with semi-sunken garages. These garages would be accessed off the loop road that had been constructed in Phase One.

The project will be phased for the following reasons: 1) The entire development, when built out, will have up to 969 units. ROEM Development does not anticipate that their construction crews will have a work force needed to construct the entire project all at one time; 2) physically, construction of each zone within the project would require a considerable amount of staging and storage area, and that prevents all zones to be constructed at once; 3) for marketing and economic considerations, it will be unlikely that the housing market would absorb more than a few hundred units released at one particular location at one time; 4) part of the project will likely be affordable apartments, and there is no definitive timeline yet as to when funding would be available.

Residential Displacement and Relocation

On June 15, 2004 the San José City Council adopted a resolution approving a change to the City of San José General Plan and amended the text of the San José General Plan and Communications Hill Specific Plan for the 29.5-acre project site. The Council resolution changed the existing land use designation from a mix of Heavy Industrial, Combined Industrial/Commercial and Single Family Residential to High Density Residential/Commercial Mix (25-50 DU/AC).

At the time of the GPA, the City Council also directed City staff to monitor the property owner and project applicant to ensure their compliance with State Laws and City Ordinances pertaining to appropriate compensation and potential relocation of the existing residents of the 47-unit Redwood Mobile Home Park (it can accommodate 54 units, but only held 47 units as of June 2004). Furthermore, the City Council accepted the project developer's commitment to offer each household in the Redwood Mobile Home Park a lump sum minimum of $45,000 and maximum of $50,000 (or higher if required by State or City Code) as compensation for the loss of their residence.

The project proponent had advised all Redwood Mobile Home Park owners and residents of the intent to convert the property since the October 2002 consideration of the General Plan Amendment by the San José Planning Commission. Beginning April 19, 2004, the project proponent secured the services of the Foundation for Housing Equity, a non-profit relocation agent, to provide relocation letters to all mobile home park owners and residents. All notices were translated into Spanish and Vietnamese languages to facilitate the understanding of non-English speaking residents. In addition, translators were made available to further explain the project details and intent to convert the property.

Beginning April 28, 2004 and until the City Council hearing of June 15, 2004, several community meetings were held at City Hall and at the adjacent mobile home community, Chateau La Salle. At the community meetings, City staff and the project proponent communicated with owners and residents of Redwood Mobile Home Park and the surrounding community the general procedures for conversion of mobile home parks. The sections of the San José Municipal Code pertaining to mobile home park conversions were translated into Spanish and Vietnamese and distributed to the owners and residents of the Redwood Mobile Home Park. Again, translators were present to ensure that all owners and residents clearly understood their rights and options. The translation of the San José Municipal Code was commissioned and overseen by the City of San José.

Since the June 15, 2004 City Council hearing, the project proponent has been implementing the City Council's accepted program of compensation for relocation. On June 23, 2004 the project proponent sent conversion letters to all owners and residents of Redwood Mobile Home Park, followed by a formal Notice of Intent to Convert on October 6, 2004.

The Mobile Home Owner and Tenant Compensation Program

On June 15, 2004, when the City of San José Council adopted the resolution to convert the use of the Goble Lane Property it directly affected 47 mobile home households. The 47-unit mobile home park (Redwood Mobile Home Park) is located directly fronting Monterey Highway. The majority of the mobile home units at the park were not in good or well-maintained condition.

The aforementioned program offered owners and tenants of the 47-unit Redwood Mobile Home Park a minimum of $45,000. Given the existing condition of the mobile homes at the park, the majority of the units were appraised at values below $18,000. Of the 47 units at the park, 41 were assessed at approximately $18,000-$20,000; hence the owner received compensation of approximately $45,000. In situations where a mobile home unit was valued at a level higher than $20,000, the compensation reflected that increase in unit value. The Appraisal Subsidy and Additional Funds (totaling $12,000) is compensation above and beyond State and City requirements.

After all the mobile home properties were appraised by an independent appraiser, and often by the owner and tenant's own appraiser if the value was challenged, the residents were asked about their personal relocation preference. The majority of the residents chose to purchase a new or newer mobile home unit; 14 chose to relocate to an apartment unit, 10 chose to purchase a single-family home out of the Bay Area, and one individual chose to be relocated to a senior living rental unit. At the time the NOP was published, only two mobile homes remained on-site.

D. STATEMENT OF PURPOSE AND NEED/PROJECT OBJECTIVES

Pursuant to CEQA Guidelines Section 15124 and NEPA Regulations Section 40 CFR 1502.13, the Lead Agency must identify the purpose of the EIR and the discretionary actions required by the Lead Agency. The purpose of this EIR is stated in the project objectives below. The discretionary actions required are listed under Section I.E., *Uses of the EIR*.

The stated objectives of the project proponent are to:

- Create a quality mixed-use (mixed residential, commercial/retail) project along the Monterey Transit Corridor (project is in proximity to transit—the site is on Monterey transit corridor served by four major bus routes and is also close to a Caltrain Station with a Park-And-Ride lot) that will further improve the housing opportunities and quality of life in District 7.

- Create a lively, pedestrian friendly mixed-use development that builds on the existing adjacent Chateau La Salle Mobile Home Park community, creating a true residential neighborhood that includes a mix of housing types, ancillary retail uses, a public park and pedestrian amenities that link the two neighborhoods into one.

- Encourage "Smart Growth" by locating a relatively dense infill development on underutilized land within the City's Urban Service Area and in proximity to existing transit opportunities.

- Offer the existing residents of Redwood Mobile Home Park the opportunity to upgrade their living condition by providing them relocation benefits that exceed City and State requirements.

- Support the City's mission of increasing the housing supply, providing a variety of housing types in District 7 including up to 200 affordable units and first-time home buyer opportunities.

- Support the San José 2020 General Plan Major Strategies, which include locating higher density development on infill sites along transit corridors to foster transit use, and the efficiency of urban services and other objectives, and to maximize housing opportunities on infill parcels already served by municipal services.

- Support the recovery of the local and state economy by increasing income on the site through permits, fees and property taxes, and by creating new jobs.

- Provide a two-acre public park for the nearby community and its future residents in an area that is park deficient and to dedicate the park to the City of San José.

- Provide neighborhood retail along Monterey Road.

- Transform the blighted Redwood Mobile Home Park into a more attractive living environment fronting Monterey Road.

- Eliminate the potential for any future incompatible industrial use next to the Chateau La Salle Mobile Home Park.

- Further implement the City's Conversion Framework by providing high density housing in close proximity to jobs. In addition to the new retail/commercial employment inside the project, the County Fairgrounds is one-quarter of a mile to the northeast, and the future commercial development at the former G.E. site to the north.

E. USES OF THE EIR

At this time, the City of San José anticipates that the following local and federal discretionary actions may need to rely upon this EIR:

1. PD Zoning
2. PD Permit/Tentative Map
3. Caltrans Encroachment Permit
4. HUD Environmental Review for Compliance with NEPA (per 24 CFR 58.36, revised Feb. 2004)

F. CONSISTENCY WITH ADOPTED PLANS AND POLICIES

In conformance with Section 15125(b) of the CEQA Guidelines, the following section discusses the consistency of the proposed project with relevant adopted plans and policies.

1. Regional Plans and Policies

Bay Area 2000 Clean Air Plan

The 1982 Bay Area Air Quality Plan and 2000 Clean Air Plan ('00 CAP) establish regional policies and guidelines to meet the requirements of the state Clean Air Act, as amended through 1990. The Bay Area is a non-attainment area for ozone and PM_{10}, since federal standards are exceeded for these pollutants.

The Bay Area 2000 Clean Air Plan outlines measures and improvements to help the Bay Area comply with the State's ozone standard, and is the current regional strategy for improving air quality. The Plan proposes the adoption of transportation, mobile source and stationary source controls on a variety of pollutant sources to offset population growth and provide improvement in air quality. The consistency of the proposed amendment with this regional plan is primarily a question of the consistency with population/employment assumptions utilized in developing the Plan. The '00 CAP was based on the City's General Plan in effect at the time the CAP was approved and the Association of Bay Area Governments (ABAG) *Projections '98*.

Consistency: The proposed project will develop up to 969 dwelling units. Residential development of the project site at this density was approved by the 2002 General Plan Amendment of this site (approved June 2004). Therefore, the population growth and the vehicular traffic associated with this growth have already been included in the City's growth projections. The project will replace the existing industrial and residential land uses with high density residential and commercial development and will generate a substantial increase in traffic compared to the current land uses. This increase in traffic would be a source of increased air pollutant emissions, which will contribute to exceedances of regional air quality standards. Construction activities associated with development would also generate minor temporary air pollution impacts. The development of high density residential uses in an infill location in close proximity to jobs and transit, however, is consistent with policies of the Clean Air Plan. For these reasons, the project is consistent with the Clean Air Plan.

San Francisco Bay Regional Water Quality Control Plan

The Regional Water Quality Control Board (RWQCB) has developed and adopted a Water Quality Control Plan (Basin Plan) for the San Francisco Bay region. The Plan is a master policy document that contains descriptions of the legal, technical, and programmatic bases of water quality regulation in the San Francisco Bay region. The Regional Board first adopted a water quality control plan in 1975 and the last major revision was adopted in 1995.

The Plan provides a program of actions designed to preserve and enhance water quality and to protect beneficial uses. It meets the requirements of the U.S. Environmental Protection Agency (EPA) and establishes conditions related to discharges that must be met at all times.

The implementation portion of the Basin Plan includes descriptions of specific actions to be taken by local public entities and industries to comply with the policies and objectives of the Plan. These include measures for urban runoff management and wetland protection.

Consistency: The proposed development would not increase storm water runoff (see Section II.D, *Hydrology)* and development on the site will conform to the requirements of the City of San José and the countywide National Pollutant Discharge Elimination System (NPDES) permit regarding erosion and sedimentation control during construction and post-construction. For these reasons, the project would be consistent with the Basin Plan.

Santa Clara Valley Urban Runoff Pollution Prevention Program

The Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) was developed in accordance with the requirements of the 1986 San Francisco Bay Basin Water Quality Control Plan, for the purpose of reducing water pollution associated with urban stormwater runoff. This program was also designed to fulfill the requirements of Section 304(1) of the Federal Clean Water Act, which mandated that the Environmental Protection Agency develop National Pollutant Discharge Elimination System Permit application requirements for stormwater runoff. The Program's Municipal NPDES stormwater permit includes provisions requiring regulation of stormwater discharges associated with new development and construction and development of an area-wide watershed management strategy. The permit also identifies recommended actions for the preservation, restoration, and enhancement of the San Francisco Bay Delta Estuary.

The State Water Resources Control Board implemented an NPDES general construction permit for the Santa Clara Valley. Under the permit, for properties of one acre or greater, a Notice of Intent (NOI) and Stormwater Pollution Prevention Plan (SWPPP) must be prepared prior to commencement of construction. Subsequent to implementation of the general construction permit, the San Francisco Bay RWQCB issued a Municipal Stormwater NPDES Permit to the municipalities in Santa Clara Valley, the County of Santa Clara, and the Santa Clara Valley Water District (SCVWD) as co-permittees. The Urban Runoff Prevention Program assists the co-permittees in implementing the provisions of this permit.

Provision C.3. requires all new and redevelopment projects that result in the addition or replacement of impervious surfaces totaling 43,560 square feet (one acre) or more, to be designed with erosion control and stormwater Best Management Practices (BMPs) during project construction and post construction that reduce stormwater pollution to the maximum extent practicable through source control measures and stormwater treatment measures. In April 2005, the size threshold may be reduced.

Consistency: Construction of the proposed project will decrease the amount of impermeable surfaces on the project site by 16 percent and follow all applicable Best Management Practices to ensure that there is no increase in runoff, erosion or sedimentation that could impact local waterways. The implementation of erosion control and storm water management practices during project construction would be in accordance with the SCVURPPP and NPDES permit requirements. The proposed project would not result in an impact upon the conservation and restoration of streams and riparian zones or areas of special or unique ecological significance. For these reasons, the proposed project would be consistent with the SCVURPPP and NPDES permit process.

Santa Clara County Congestion Management Program

The Santa Clara Valley Transportation Authority (SCVTA) oversees the Santa Clara County *Congestion Management Program* (CMP), last updated in April 2003. The relevant State legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county's share of increased gas tax revenues. The CMP legislation requires that each CMP contain five mandatory elements: 1) a system definition and traffic level of service (LOS) standard element; 2) a transit service and standards element; 3) a transportation demand management and trip reduction element; 4) a land use impact analysis element; and 5) a capital improvement element. Santa Clara County's CMP includes the five mandated elements and three additional elements, including: a county-wide transportation model and database element, an annual monitoring and conformance element, and a deficiency plan element.

Consistency: The project traffic analysis included an assessment of the project's traffic impacts on regional roadways, in conformance with the requirements of the Santa Clara County Congestions Management Program (CMP). The traffic analysis concluded that the proposed project would have a less than significant impact on CMP intersections in the project area. The project, therefore, is consistent with the CMP.

2. Local Plans and Policies

City of San José 2020 General Plan

The City of San José's General Plan is an adopted statement of goals and policies for the future character and quality of development in the community as a whole. The following is a summary of relevant sections of the General Plan that would apply to the proposed project.

Major Strategies

Economic Development Major Strategy

The Economic Development Strategy goals and policies are necessitated by an existing local government tax structure base which requires cities to maximize tax revenue from non-residential development to support the services required by residential land uses. Currently, the City of San José provides the majority of affordable housing for employment opportunities in other cities, and is deficient in terms of job growth. The City's past development pattern has resulted in an inadequate tax base for providing service levels, and has contributed to the countywide traffic congestion conditions. The City's Economic Development Strategy strives to make San José a more balanced community by: 1) encouraging more commercial and industrial growth to balance existing residential development; 2) equitably distributing job centers and residential areas; and 3) controlling the timing of development. This concept is generally known as the jobs/housing balance.

Housing Major Strategy

The goals of the City of San José's Housing Major Strategy include improving San José's existing housing resources, meeting the housing needs of all segments of the community, and providing a variety of housing types within the community for all economic levels. The General

Plan states that sound growth should be encouraged in the city by locating housing near job centers, optimizing the service capacity of existing infrastructure, and by encouraging public transit use and reuse of land more efficiently. The General Plan Housing Major Strategy encourages: 1) a variety of housing types, and 2) the development of mixed uses.

Sustainable City Major Strategy

The Sustainable City Major Strategy is a statement of San José's commitment to becoming an environmentally and economically sustainable city. Programs promoted under this strategy include recycling, waste disposal, water conservation, transportation demand management, and energy efficiency. The Sustainable City Strategy is intended to support these efforts by ensuring that development is designed and built in a manner consistent with the efficient use of resources and environmental protection.

Proposed development of the site has been designed to conform to the adopted San José 2020 General/Specific Plan policies. Compliance with those policies will ensure that the project will be designed to reduce traffic congestions and corresponding air pollution, and environmental degradation.

Growth Management Major Strategy

The purpose of the Growth Management Major Strategy is to find the delicate balance between the need to house new populations and the need to balance the City's budget, while providing acceptable levels of service. The City's strategy for growth management can best be described as the prudent location of new development to maximize the efficient use of urban facilities and services, and, to this end, the General Plan encourages infill development within urbanized areas.

Consistency: The project site is currently developed with functioning light industrial uses and a mobile home park. The proposed project would redevelop the site with high density residential uses, which would reduce the overall available industrial land within the City of San José. However, in June 2004, the City Council approved the General Plan Amendment for the project site that would allow residential development on the project site. The resulting loss of jobs and industrial land was already addressed in the General Plan Amendment EIR. The proposed project is generally consistent with the City's major strategies.

Community Development Element

The goal of the Community Development Element of the San José 2020 General Plan is to provide a high quality living environment in residential neighborhoods and to ensure that lands planned for residential use are fully and efficiently utilized to maximize the City's housing supply.

Residential Land Use

Residential Land Use goals and policies reflect the City's desire to preserve the environment and livability of existing residential neighborhoods and to promote higher density residential development that preserves existing neighborhood character and community resources. Additionally, the Residential Land Use goals and policies reflect concerns for the protection of neighborhoods from incompatible land uses, the adequacy of public facilities and services, and

protection from hazards. These goals and policies are primarily guidelines for the development of residential neighborhoods and proximate land uses.

The City's goals for residential development is to provide a high quality living environment that maintains the character of existing neighborhoods in an area that is compatible with surrounding land uses; is protected from hazards; and that will ensure that the lands designated for residential use will maximize the City's housing supply.

The goals of this element are achieved through the following specific policies:

Policy 3: Higher residential densities should be distributed throughout the community. Locations near commercial and financial centers, employment centers, the light rail transit stations and along bus transit routes are preferable for higher density housing.

Policy 11: Residential developments should be designed to include adequate open spaces in either private yards or common areas to partially provide for residents' open space and recreation needs.

Policy 22: High density residential and mixed residential/commercial development located along transit corridors should be designed to: 1) create a pleasant walking environment to encourage pedestrian activity, particularly to the nearest transit stop; 2) maximize transit usage; 3) allow residents to conduct routine errands close to their residence; 4) integrate with surrounding uses to become a part of the neighborhood rather than an isolated project; 5) use architectural elements or themes from the surrounding neighborhood; and 6) ensure that building scale does not overwhelm the neighborhood.

Urban Design

Policy 21: To promote safety and to minimize noise impacts in residential and working environments, development which is proposed adjacent to railroad lines should be designed to provide the maximum separation between the rail line and dwelling units, yards, or common open space areas, office and other job locations, facilities for the storage of toxic or explosive materials and the like. To the extent possible, areas of development closest to an adjacent railroad line should be devoted to parking lots, public streets, peripheral landscaping, the storage of non-hazardous materials and so forth.

Housing

Policy 1: The City encourages a variety and mix in housing types to provide adequate choices for housing to persons of all income levels in San José. Where appropriate, implementation of this policy in large-scale development projects should be considered.

Consistency: Implementation of the proposed project will result in the construction of up to 769 market rate and up to 200 affordable high-density residential units within an infill site near downtown San José. This project will place housing near a major job center and close to

multiple public transportation facilities. In addition, the proposed project will provide common open space areas for the residents of the project and street level retail on Monterey Road to promote pedestrian usage of the site from the adjacent neighborhood and to support the residential development. The project would be consistent with the Community Development Element policies of the San José 2020 General Plan.

Industrial Land Use

The Economic Development goals and policies encourage the development of industrial land to provide sufficient opportunities for job growth and for expansion of the City's industrial tax base. According to the General Plan, since some of the industrial land use designations allow for development that is not of an industrial nature, it is critical that the Land Use/Transportation Diagram designate certain areas exclusively for industrial uses. These areas include North San José, Edenvale, the Coyote Valley, and along the Monterey Corridor, Reserving some areas exclusively for industrial uses maintains the desirability of those locations in San José for potential industrial users, particularly high technology firms.

The project site is located along the Monterey Corridor, which has historically been known for its heavy industrial uses. As one of the older industrial area, the Monterey Corridor provides lower cost land and buildings necessary for industrial service/supplier uses and acts as an incubator for new firms and industries which will fuel future job growth. According to the 2020 General Plan, the City intends to preserve these industrial areas as part of its Economic Development Major Strategy.

Industrial Land Use goals seek to prevent incompatibility between industrial uses and residential or non-industrial uses by reserving land exclusively for industrial uses and prohibiting the location of sensitive uses near primary industrial areas.

Consistency: The proposed amendment of the General Plan Land Use Designation that changed the project site from *Heavy Industrial, Combined Industrial/Commercial,* and *Single Family Detached and Attached Residential (8-16 DU/AC)* to *High Density Residential (25-50 DU/AC)* was adopted in June 2004. This change in land use was inconsistent with the Industrial Land Use Goals and Policies of the City that seek to protect industrial-designated lands along the Monterey Corridor. This loss of industrial land will result in a loss of the City's industrial tax base. The project will also result in land use compatibility impacts (see Section II.A., *Land Use*) with adjacent industrial uses and may cause increased pressure for other industrial properties to convert to non-industrial uses.

While the proposed project would be inconsistent with the industrial land use goals and policies of the Community Development Land Use Strategy of the General Plan, its implementation is consistent with the current General Plan Land Use Designation for the site.

Balanced Community Policy No. 1

In the Balanced Community policy of the General Plan, the City states that it should foster development patterns that will achieve a whole and complete community in San José, and improve the balance between jobs and housing development. Particularly with improving the balance between housing resources and a resident work force. Currently, more San José residents travel outside the City for their jobs, which results in a housing rich city. A perfect

balance between jobs and housing may not be achievable but the City should attempt to improve this balance to the greatest extent feasible.

Currently, the project site provides approximately 117 jobs and has the potential to have as many as 336 jobs. The site also has 47 dwelling units[5].

Consistency: The City's existing General Plan would provide housing for more people than there are jobs within the City's Sphere of Influence through the year 2010. The project site has recently been designated *High Density Residential.* With the change in land use and the implementation of the proposed project, the amount of land available in San José for industrial and commercial uses is reduced by approximately 15.5 acres. It would also result in the net loss of up to 336 jobs and a net increase of approximately 922 dwelling units on the project site. While the proposed project would be consistent with the General Plan Land Use Designation, it would contribute to the jobs/housing imbalance and, therefore, be inconsistent with the Balanced Community Policy.

Land Use/Transportation Diagram

The City of San José's General Plan and the Communications Hill Specific Plan designates the project site as *High Density Residential.* This designation allows for more intensive residential development on the site then the previous land use designations, and does not allow any industrial uses. Approximately 18,000 square feet of retail is proposed as part of the project.

The project sites location is in a heavy industrial area within the City, and the sire is divided between industrial and lo density residential uses. The site is along Monterey Road, near public transit. The General Plan and Specific Plan discourages residential uses in known industrial areas (Monterey Road) because it would contribute to the City's jobs/housing imbalance and reduce the industrial tax base in the City.

Consistency: The proposed project would construct up to 969 dwelling units at an infill location, in an area that consists of residential, commercial, and industrial uses. Although the proposed project would place high density residential uses near public transit, it would be replacing jobs with housing. By contributing to the jobs/housing imbalance, the project would contribute to traffic congestion and air pollution in the area. Nevertheless, the proposed project is consistent with the Land Use/Transportation Diagram.

Communications Hill Planned Community

The project site is located in the northeastern portion of the Communications Hill Planned Community (CHPC) in the City's General Plan. This area of the CHPC, along Monterey Road, contains a variety of land uses including low density residential, heavy industrial, and combined industrial/commercial uses. A ring of open space encircles the hilltop residential development and separates the upland community from the industrial and commercial uses to the southeast. The boundaries of the CHPC were chosen to ensure a careful integration of the existing used with new residential uses, as outlined in the Communications Hill Specific Plan. The CHPC retains most of the commercial, light industrial, and heavy industrial designations along Monterey Road and the UP/SP railroad tracks at the base of the hill. With the adoption of the General Plan

[5] Based on the number of units located in the Redwood Mobile Home Park at the time the NOP was published.

Amendment for the project site in June 2004, the Communications Hill Specific Plan was revised to reflect the new land use designation.

Consistency: The proposed project replaces existing industrial and commercial land uses with high density residential land uses, which is consistent with the Communications Hill Specific Plan.

II. ENVIRONMENTAL SETTING, IMPACTS, & MITIGATION MEASURES

A. LAND USE

1. Existing Setting

The following discussion identifies the existing conditions on and adjacent to the proposed project site.

Existing Land Use and Zoning

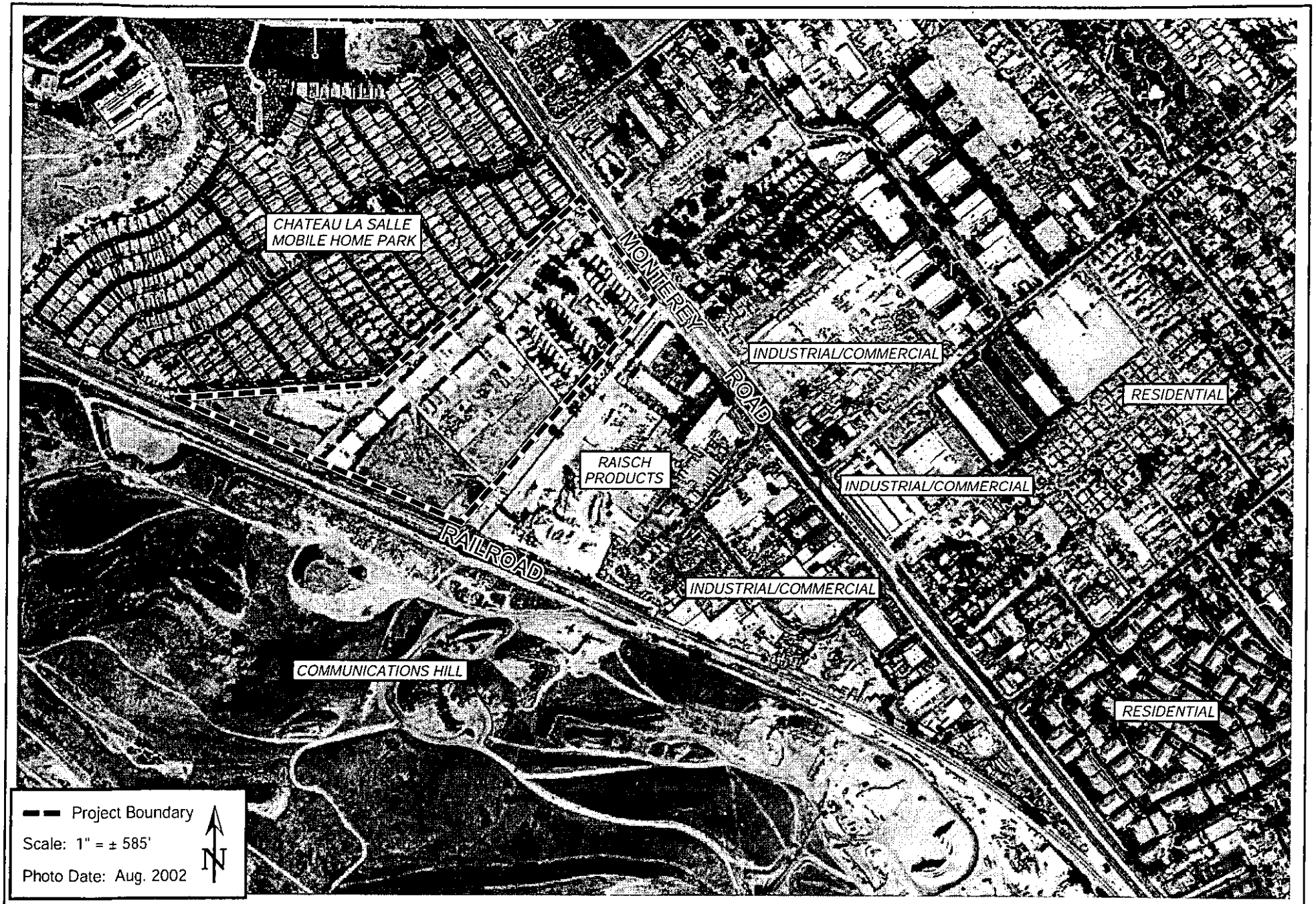
The project site is an approximately 29.5-acre property located on the west side of Monterey Road. The project site is located between Monterey Road to the east and the Union Pacific railroad line and Communications Hill to the west. The site is comprised of eight parcels that are currently developed with low-density residential and industrial uses (see Table 3). Fronting Monterey Road is the Redwood Mobile Home Park that once held up to 54 mobile homes (see relocation discussion in the project description). Fronting Goble Lane are commercial/light industrial land uses including construction and home improvement services, auto and mechanical services, and equipment storage.

TABLE 3
Existing Land Uses

Business Type	No. of Tenants	No. of Employees
Furniture Manufacturing	9	36
Construction Material Fabrication	9	44
Storage/Warehouse	7	17
Sales	5	13
Wholesale Produce	2	4
Class/Instruction Provider	2	3
Mobile Homes	47	---

The site is located in an urban area, along a major transportation corridor (Monterey Road), and is at the northeast edge of the Communications Hill Planned Community. The surrounding land uses include a mix of industrial, commercial and residential uses. Specifically, the site is adjacent to and south of the Chateau La Salle mobile home park. The mobile home park is an established residential neighborhood that extends from the project site to Oak Hill Cemetery, which is located at the southwest corner of Monterey Road and Curtner Avenue. Monterey Road runs along the eastern boundary of the site. East of Monterey Road is a variety of small commercial businesses, including a motel, a convenience store, auto body services, the City of San José's new animal shelter, a mobile home park, and the County fairgrounds. The project site shares the south property line with the Raisch Products Asphalt Plant and a few commercial/industrial businesses fronting Monterey Road. The western boundary of the site is adjacent to the Union Pacific railroad line. The rail line is a high-speed facility that serves Caltrain, and provides regional access to the South and North Bay (see Figure 4)

The project site is located at the eastern base of the Communications Hill Planned Community (CHPC). The objective of the CHPC is to develop a unified, high density,



AERIAL PHOTOGRAPH

FIGURE 4

pedestrian-oriented, urban community with a mix of uses on and around Communications Hill.

The project site is currently designated in the General Plan as *High Density Residential (25 – 50 DU/AC)* and is zoned *HI - Heavy Industrial, LI – Light Industrial,* and *R-MH - Mobile Home Residence.*

2. Land Use Impacts

Thresholds of Significance

For the purposes of this EIR, a land use impact is considered significant if the project would:

- Substantially degrade the existing visual character or quality of the site and its surroundings; or
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area; or
- Induce substantial growth or concentration of population; or
- Physically divide an established residential, recreational, educational, religious, or scientific uses of the area; or
- 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; or
- Substantially increase the amount of shadow on public or private open space, other then street and sidewalks; or
- Result in a substantial loss of open space.

Land Use Conflicts

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

Impacts From the Proposed Land Uses

Visual Intrusion

The proposed project will allow 35 to 50 foot tall residential and mixed-use buildings to be constructed on a site that is currently occupied with single story buildings. Residential and mixed-use land uses would generally be compatible with the land uses surrounding the project site, which include residential neighborhoods, commercial businesses, and the County fairgrounds.

Because of the housing densities proposed for the project site, the new residential buildings will be taller than the adjacent mobile homes. Along the northern property line (near Monterey Road), the proposed townhouses have the potential to be up to 20 feet taller than the adjacent mobile homes. The difference in height could result in residents of the townhouses having direct views into windows or private outdoor open space areas of the nearby mobile homes, which is common in urban residential neighborhoods.

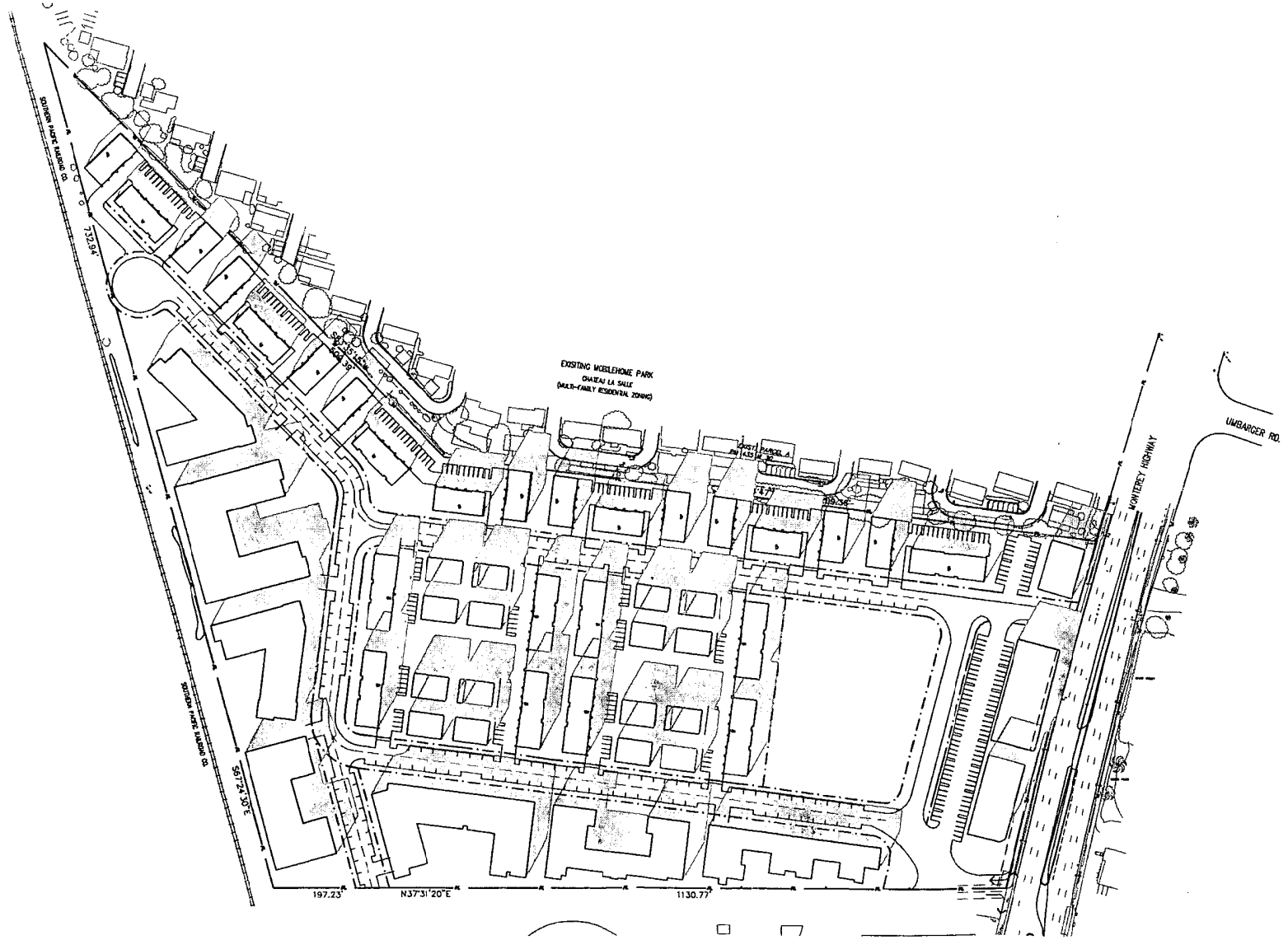
From Monterey Road to the railroad tracks, there is an approximately 10 foot increase in the elevation of the grade on the Chateau La Salle property. The 45 degree angle curve in the northern property line (see Figure 3) marks a distinct grade change where the difference between the heights of the mobile homes and townhouses will drop to approximately 10 feet. This is equivalent to a two story house being built adjacent to a single story house, which would not result in a significant visual intrusion impact.

Shade/Shadow

As stated above, future residential buildings on the project site will be 35 to 50 feet tall. Based on a shade and shadow analysis prepared by the project architect, the proposed townhouses on the northern property line will shade up to 10 mobile homes and associated open spaces areas at 10:00am, no residence or open space at noon, and three mobile homes and associated open spaces areas at 3:00pm during the winter months (analysis represents a worst case scenario of December 21st from 10am to 3pm). No mobile homes will be shaded in the summer months (see Figures 5 – 10). Because the proposed townhouses conform to the building height restrictions in the Residential Design Guidelines, the shading of 10 mobile homes in the morning hours is not considered a significant impact.

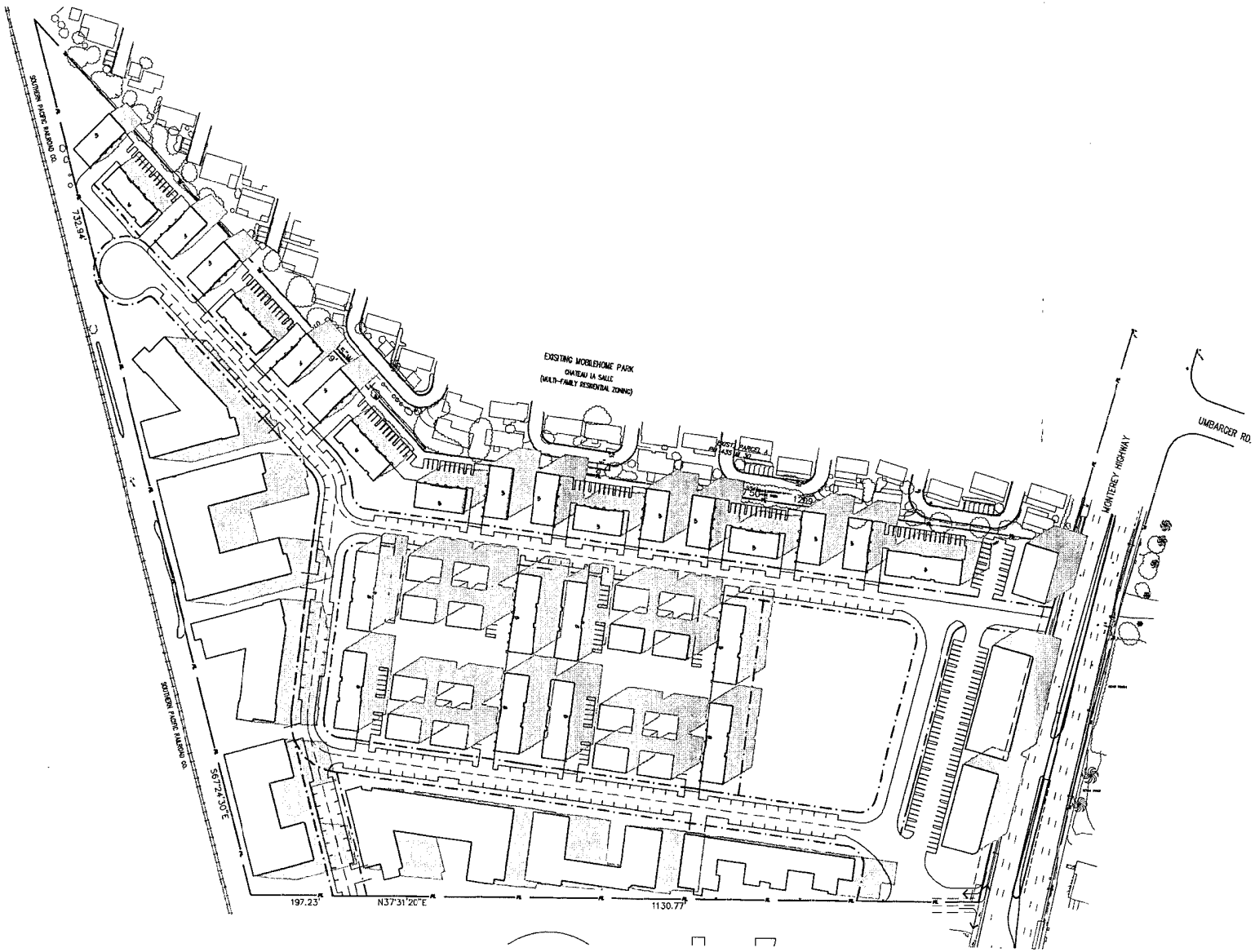
The proposed mixed-use buildings on Monterey Road will shade the roadway in the winter months. However, shading on a roadway is not considered a significant impact.

The proposed condominium buildings adjacent to the proposed park will shade the western half of the park during the winter months. However, because the park is not an existing land use and since the shading of the park will not preclude its use, it is not considered a significant impact.



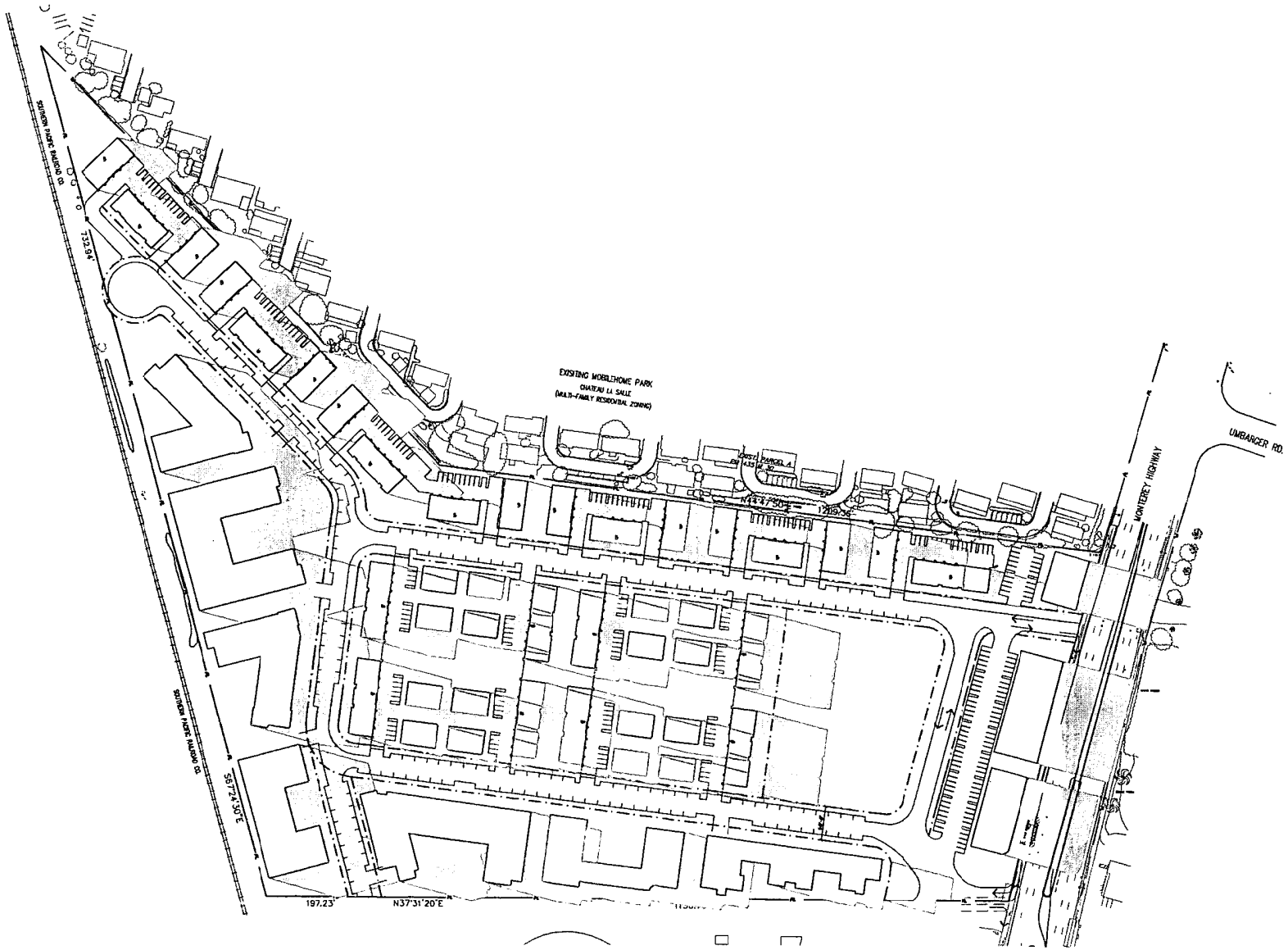
DECEMBER SHADOW STUDY (10AM)

FIGURE 5



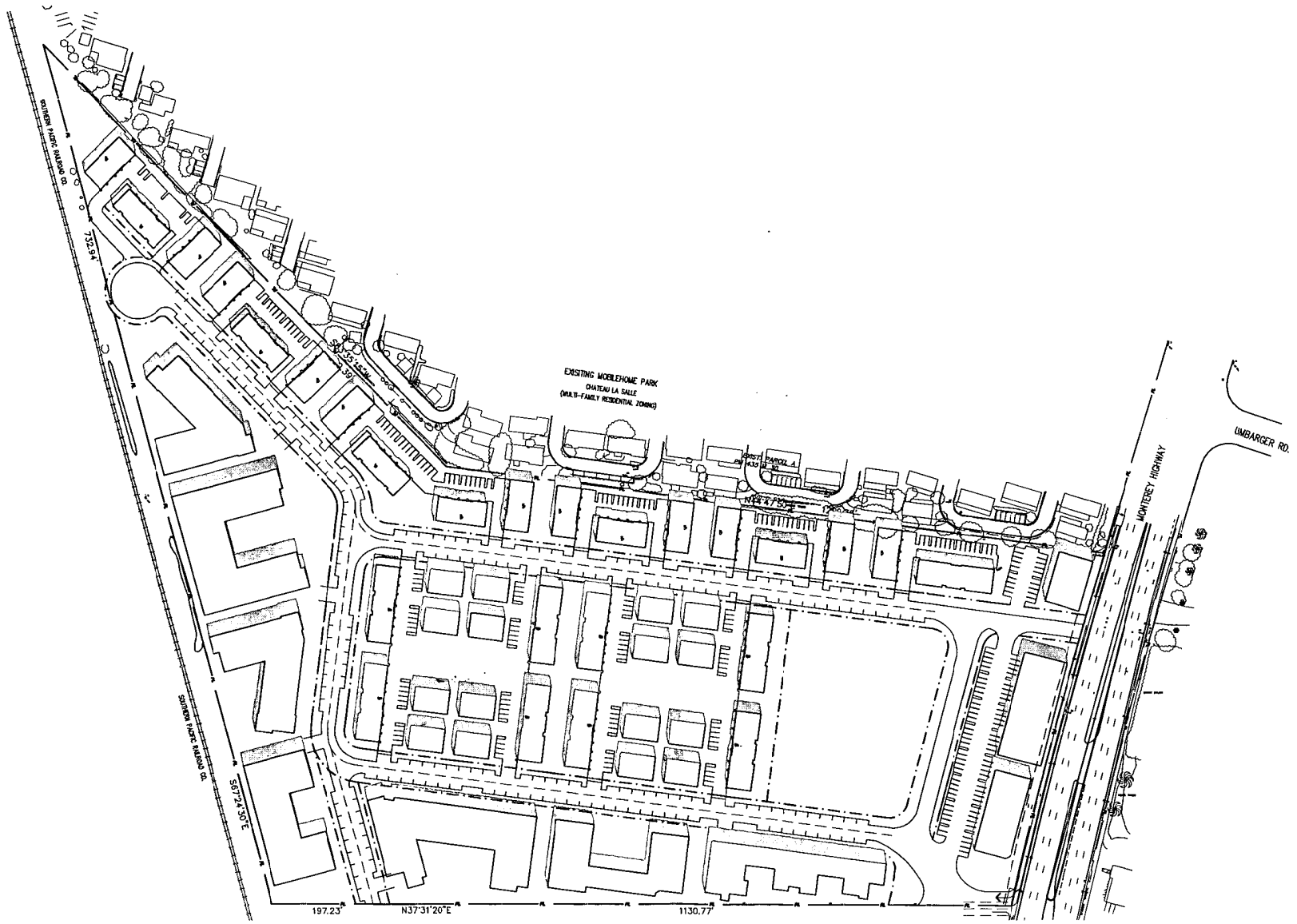
DECEMBER SHADOW STUDY (12PM)

FIGURE 6



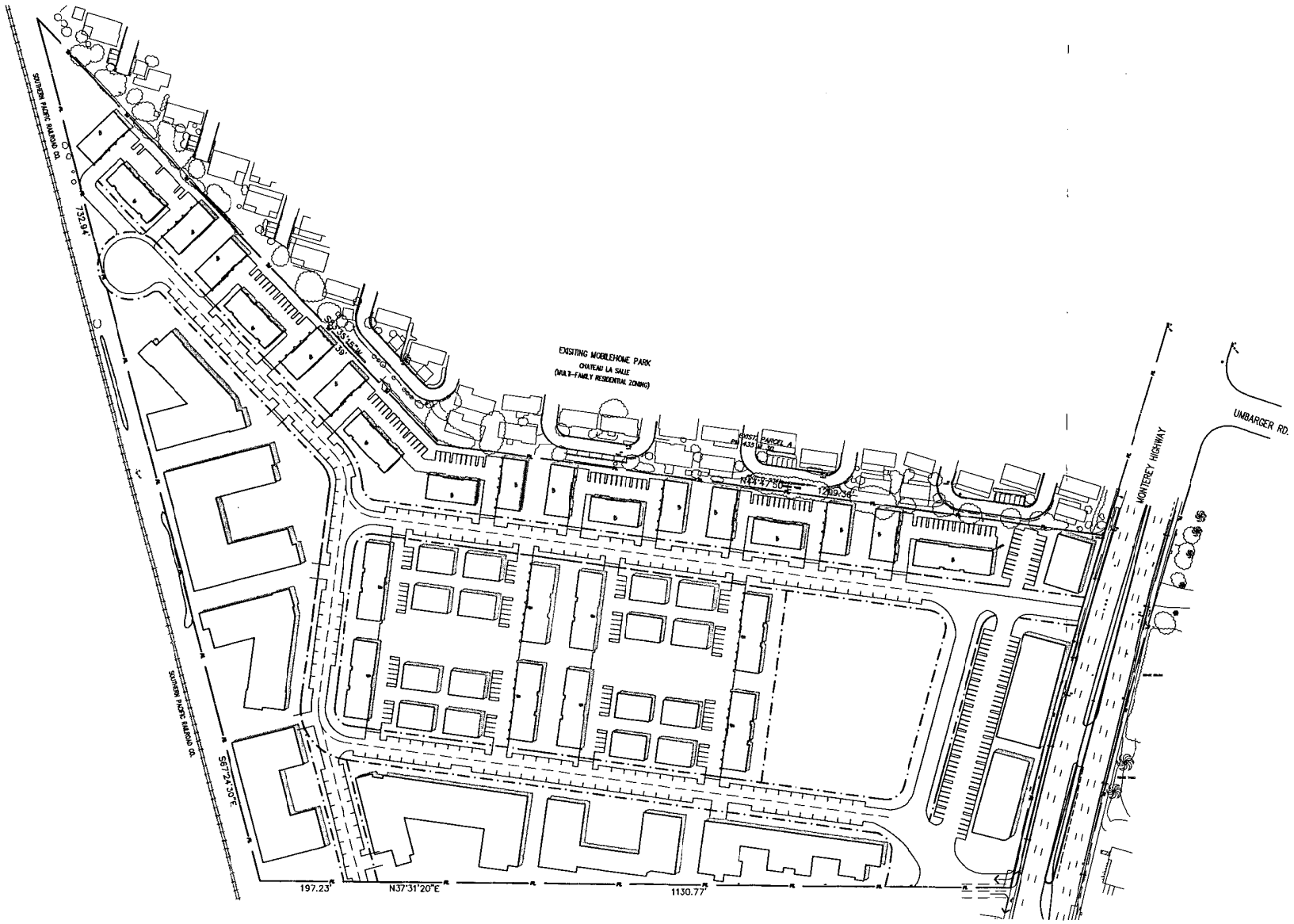
DECEMBER SHADOW STUDY (3PM)

FIGURE 7



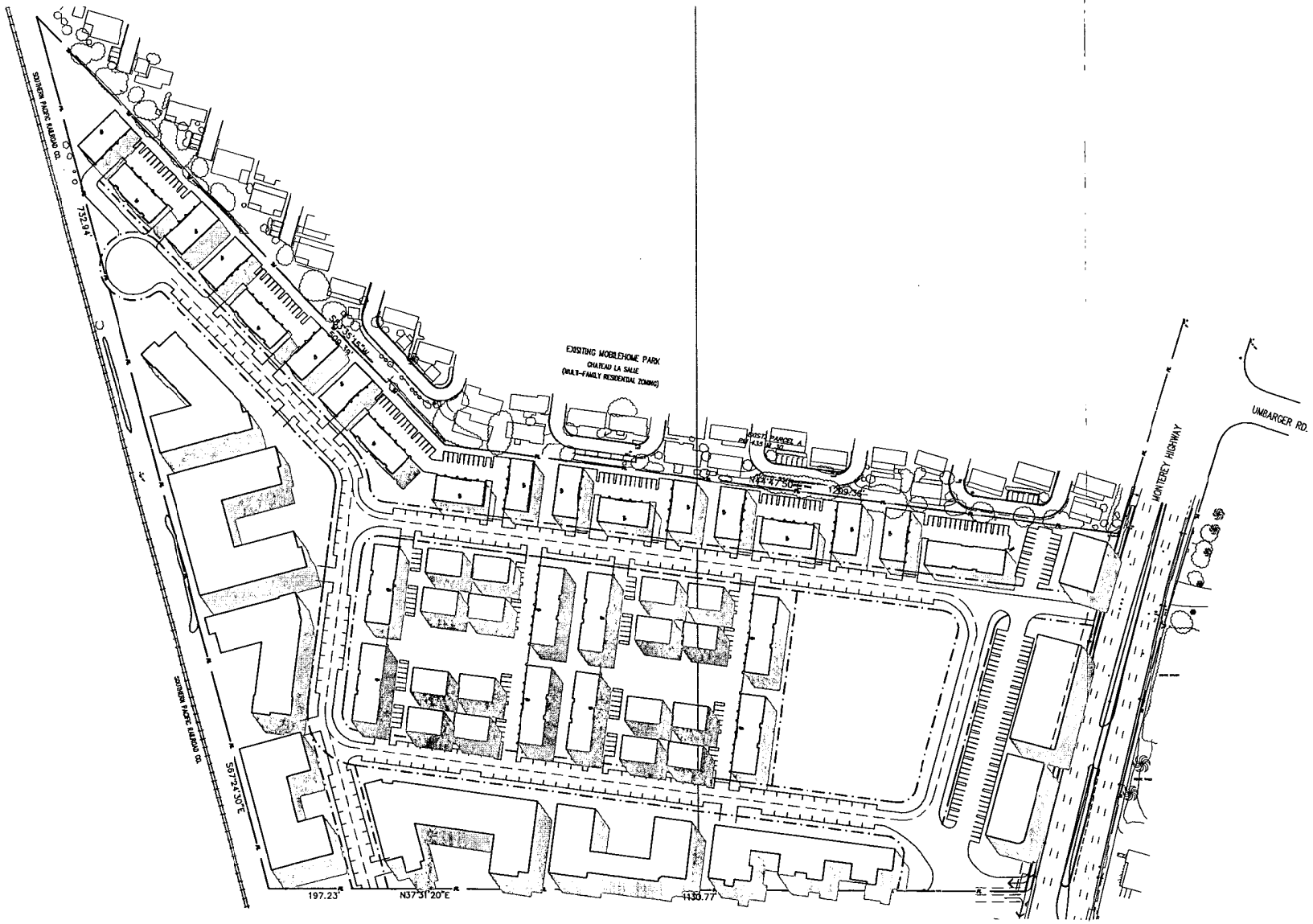
JUNE SHADOW STUDY (10AM)

FIGURE 8



JUNE SHADOW STUDY (12PM)

FIGURE 9



JUNE SHADOW STUDY (3PM)

FIGURE 10

- **New residential development adjacent to the Chateau La Salle mobile home park will not result in significant shade and shadow and visual intrusion impacts to the adjacent single-family neighborhood. (Less Than Significant Impact)**

Population and Housing

The jobs/housing ratio quantifies the relationship between the number of housing units required as a result of local jobs and the number of residential units available in the City. When the ratio reaches 1.0, a balance is struck between the supply of local housing and local jobs. The jobs/housing ratio is determined by dividing the number of local jobs by the number of employed residents that can be housed in local housing.

The City of San José currently has a higher number of employed residents than jobs and is projected to continue to have a higher number of employed residents than jobs in the year 2005 (0.86 jobs per employed resident). Accordingly, employees within the City are required to seek work outside the community. ABAG is projecting that the jobs/housing ratio will remain constant though 2010. This is a regional pattern for Santa Clara County, where there are more jobs than housing in the northwest sector of the county, and more housing than jobs in the eastern and southern sectors of the county.

The environmental effects of a severe jobs/housing imbalance are increased regional traffic congestion, and increased energy usage, air pollution and noise impacts that result from the increased traffic.

The City's General Plan provides housing for more people than there are jobs. With the adoption of the General Plan Amendment for the project site in June 2004, the City increased the land available for residential development by 15.5 acres and increased the residential density allowed on the remaining 14.0 acres of the project site. The project site, however, is within relatively close proximity to Downtown San José, which is a major job center, and is serviced by public transit. Nevertheless, the close proximity of jobs and transit will not completely counteract the increase in traffic congestion that will result from the project.

The project site is currently developed with two vacant industrial/commercial buildings and a mobile home park. Implementation of the proposed project will displace existing housing (see discussion below).

Currently the proposed project site has 117 jobs and 47 residences. Implementation of the proposed project will increase the City's existing jobs/housing imbalance by having a net decrease of 117 jobs and a net increase of up to 922 dwelling units. However, the proposed project is consistent with the development allowed under the City's General Plan.

- **Implementation of the proposed project would contribute to the City's jobs/housing imbalance, which will result in environmental impacts including increased regional traffic congestions, and impacts on public services and infrastructure. (Significant Impact)**

Impacts to the Proposed Land Uses

Incompatible Land Uses

Implementation of the proposed project would place residential uses directly adjacent to the Raisch Products Asphalt Plant and the Union Pacific rail line. The issue of land use compatibility was considered by the City Council when it approved the General Plan Amendment for the project site in June 2004. The placement of housing adjacent to the rail line is considered less than significant because the rail line will not have significant noise or vibration impacts on the proposed residences (see Section II.J., *Noise*).
The Raisch plant is 18 acres in size; approximately one-half of the site (nine acres) is occupied by plant operations and the other half of the site is used for storage. The site operates Monday to Friday from 7:00am to 4:00pm, except for the summer months when demand for asphalt increases due to road construction. During the summer months, the plant may also operate during the weekend from 7:00am to 4:00pm, depending on demand.

The placement of housing adjacent to the Raisch Products asphalt plant will result in a significant unavoidable odor impact for the apartment buildings along the southern boundary of the site (see Section II.I., *Air Quality*). Noise generated by plant operations exceeds acceptable exterior noise levels for residential development, but will be mitigated by the design of the proposed project (see Section II.J., *Noise*). Aside from the identified odor impact, operation of the adjacent Raisch facility will not significantly impact future residents or interfere with their quality of life.

- **Implementation of the proposed project will place residential land uses adjacent to heavy industrial land uses, which will have a significant land use compatibility impact. (Significant Impact)**

NEPA

NEPA requires compliance with *7 CFR 658, Farmland Protection Policy Act*, whenever HUD financial assistance is proposed for a project that has the potential to impact farmlands. The project site is in an urbanized area and will not affect any farmland. [Source: City of San José General Plan]

NEPA requires compliance with *24 CFR 51D, Airport Clear Zones and Accident Potential Zones*, whenever HUD financial assistance is proposed for a project that is within an airport clear zone or accident potential zone. The project site is not located within any airport clear zone or accident potential zone. [Source: Santa Clara County Airports Land Use Commission Land Use Plan, 2003]

Environmental Justice

The proposed project would not cause adverse health or environmental effects on any minority or low-income populations. Apartments proposed adjacent to the Raisch Products facility will be exposed to odors from the daily operation of the facility and diesel exhaust (see Section II.I., *Air Quality* for a full analysis) from the trucks entering

and leaving the Raisch facility. These apartments may include up to 200 affordable dwelling units. However, the nearby condominium units (along the western property line) will be market-rate units and will also be exposed to the odors from the adjacent facility. As a result, this impact does affect any one segment of the population (i.e., minorities or low-income populations). In addition, it may be possible to reduce the odor impact to some extent through building design. Furthermore, the project would contribute to the revitalization of the project area. The project includes a 2.0 acre park and retail uses to serve the residents and the surrounding neighborhood, two features that are currently lacking in the area. The project would not result in any impacts related to environmental justice. The project, therefore, would comply with Executive Order 12898, dated February 11, 1994.

3. Mitigation and Avoidance Measures for Land Use Impacts

There is no mitigation proposed that would reduce the population and housing impact to a less than significant level. Section V, *Alternatives* does analyze a reduced density alternative and a site design alternative that would provide a greater setback to the adjacent land uses and reduce the identified land use impacts.

Conclusion: **Implementation of the proposed project will have a significant unavoidable land use compatibility impact and a significant unavoidable population and housing impact. (Significant Unavoidable Impact)**

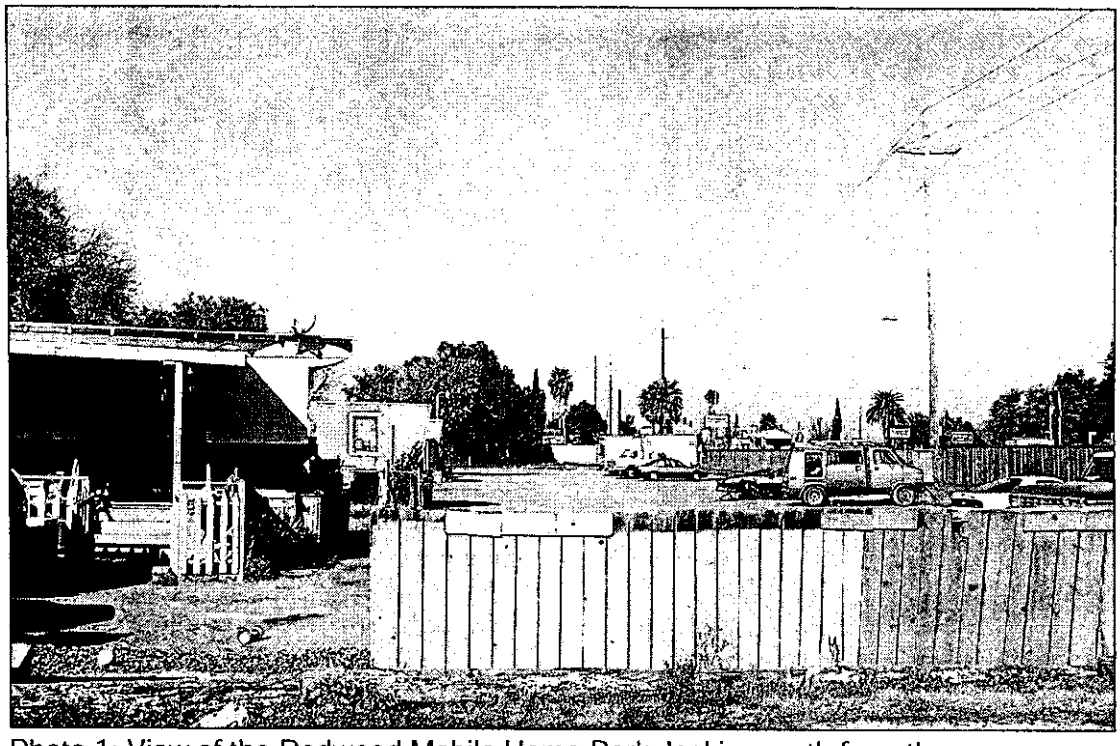


Photo 1: View of the Redwood Mobile Home Park, looking north from the Raisch Products Driveway.

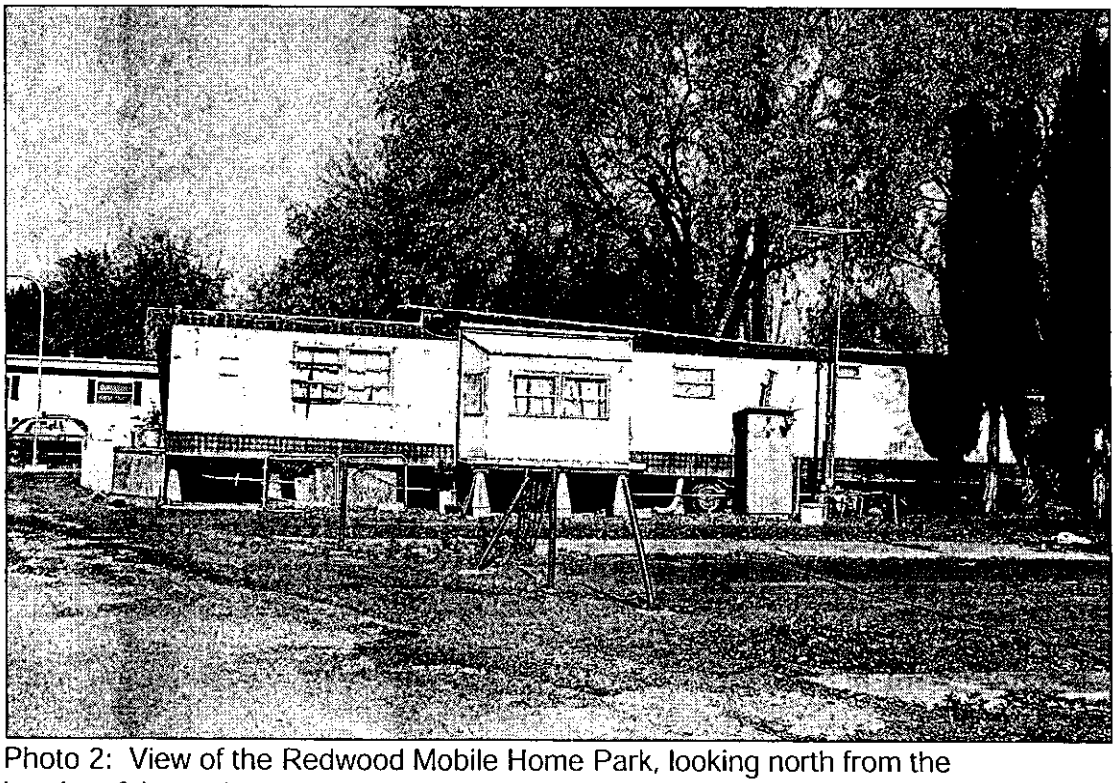


Photo 2: View of the Redwood Mobile Home Park, looking north from the interior of the park.

PHOTOS 1 AND 2

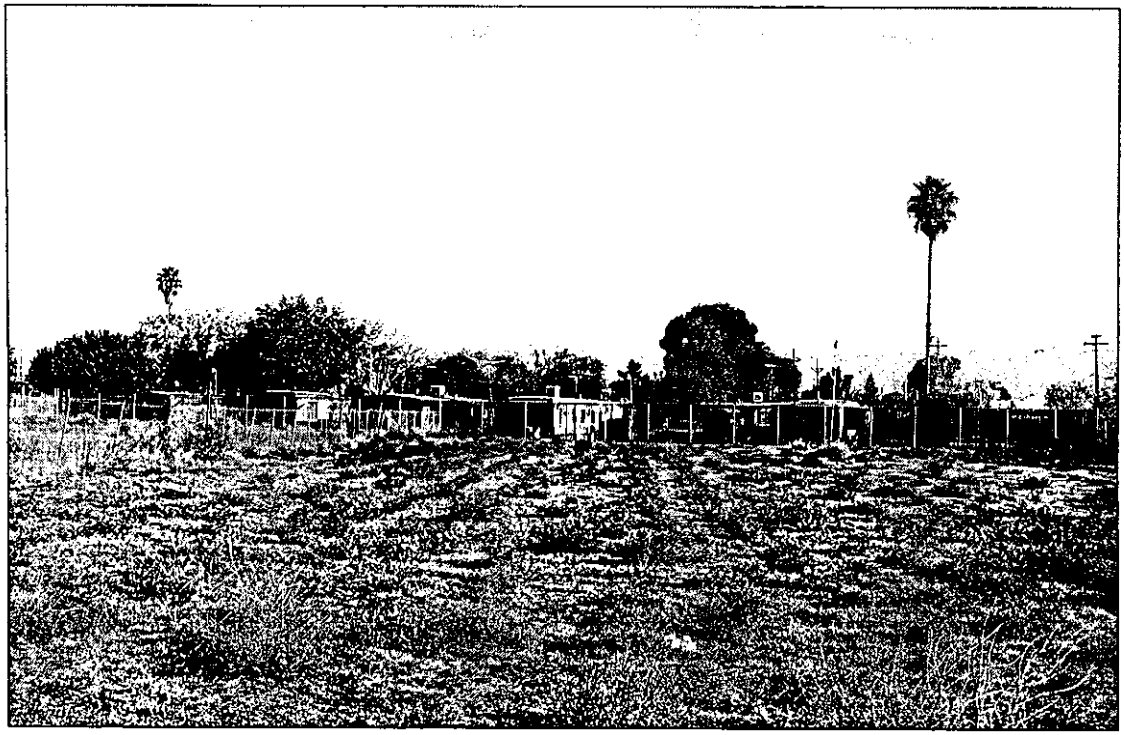


Photo 3: View of the Redwood Mobile Home Park, looking east from the interior of the project site.

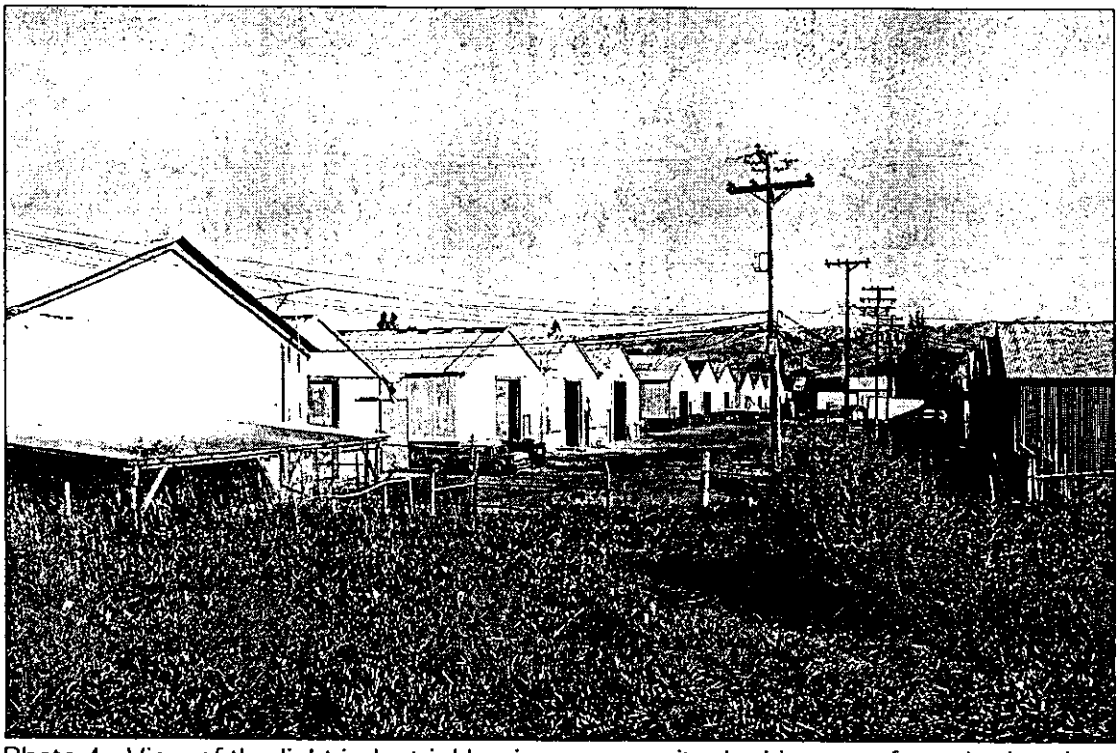


Photo 4: View of the light industrial businesses on-site, looking east from the interior of the project site.

PHOTOS 3 AND 4

Photo 5: View of the light industrial businesses on-site, looking south from the northwest corner of the project site.

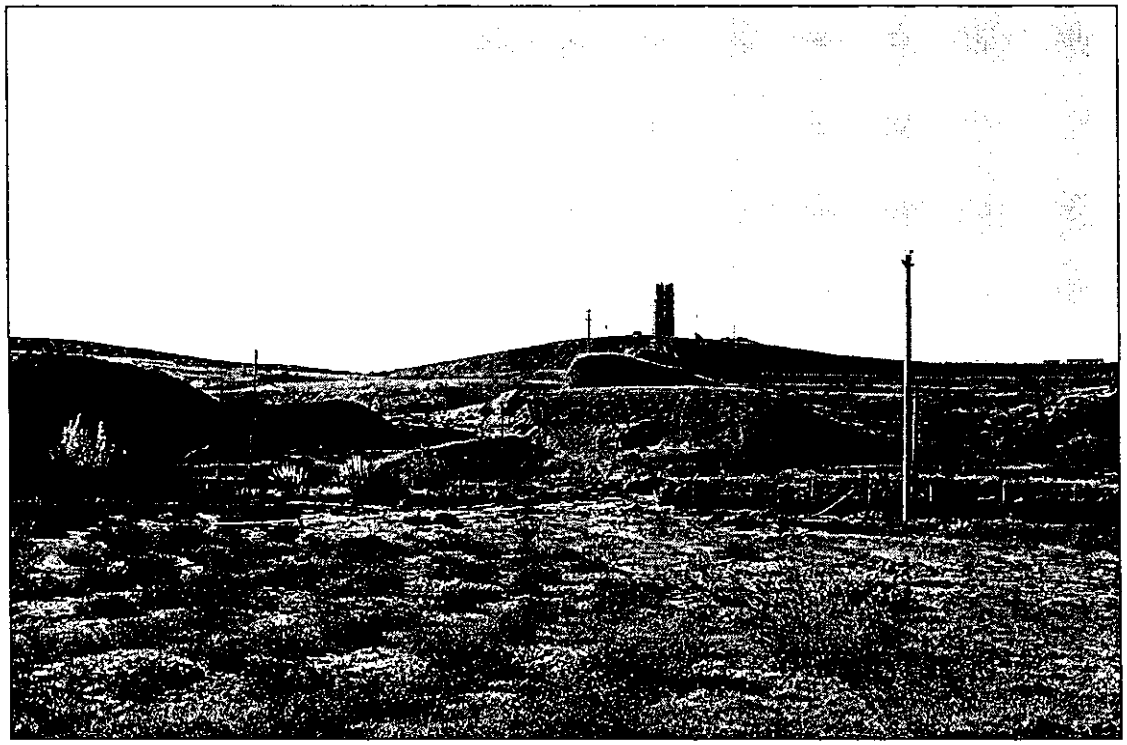


Photo 6: View of Communications Hill and open area of the project site, looking west from the interior of the project site.

PHOTOS 5 AND 6

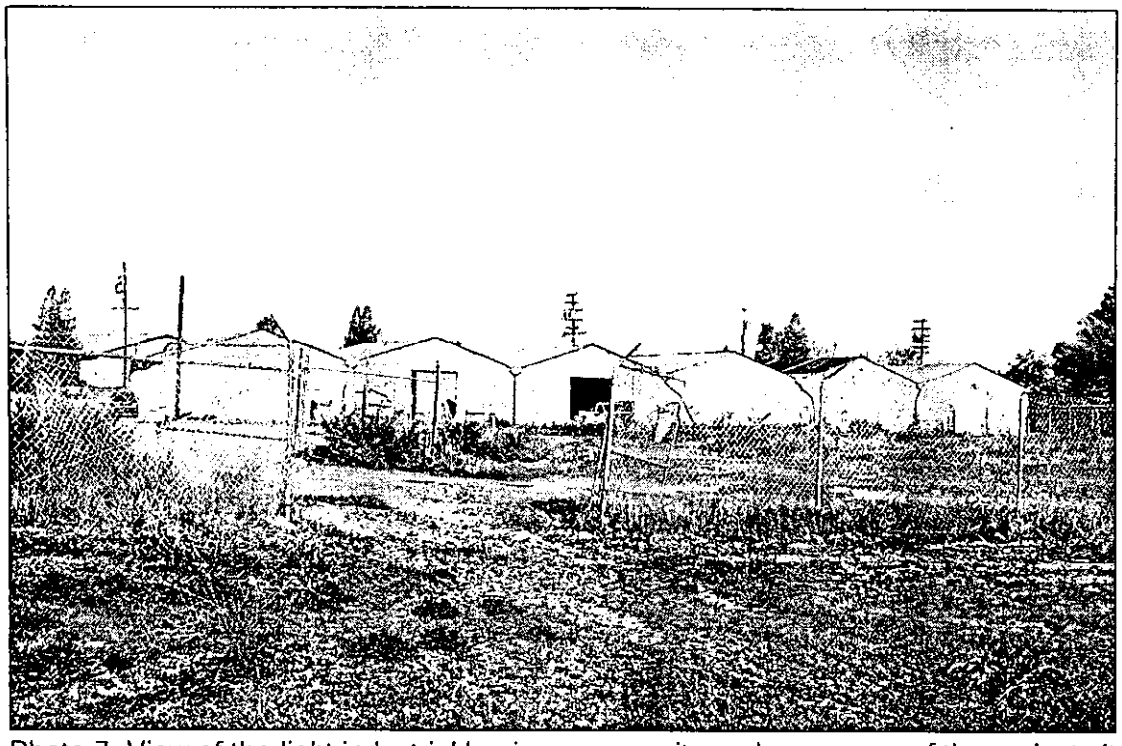


Photo 7: View of the light industrial businesses on-site and open area of the project site, looking north from the interior of the project site.

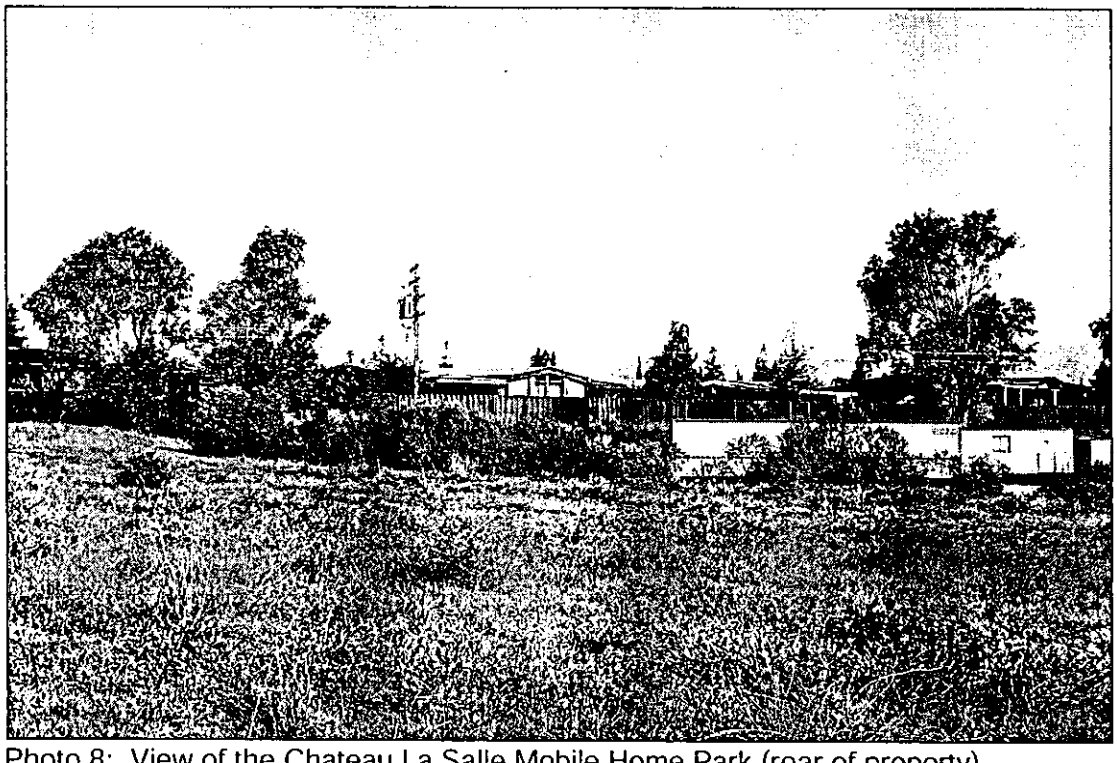


Photo 8: View of the Chateau La Salle Mobile Home Park (rear of property), looking north from the northwest corner of the project site.

PHOTOS 7 AND 8

Photo 9: View of the hotel on Monterey Road, looking northeast from the project site driveway.

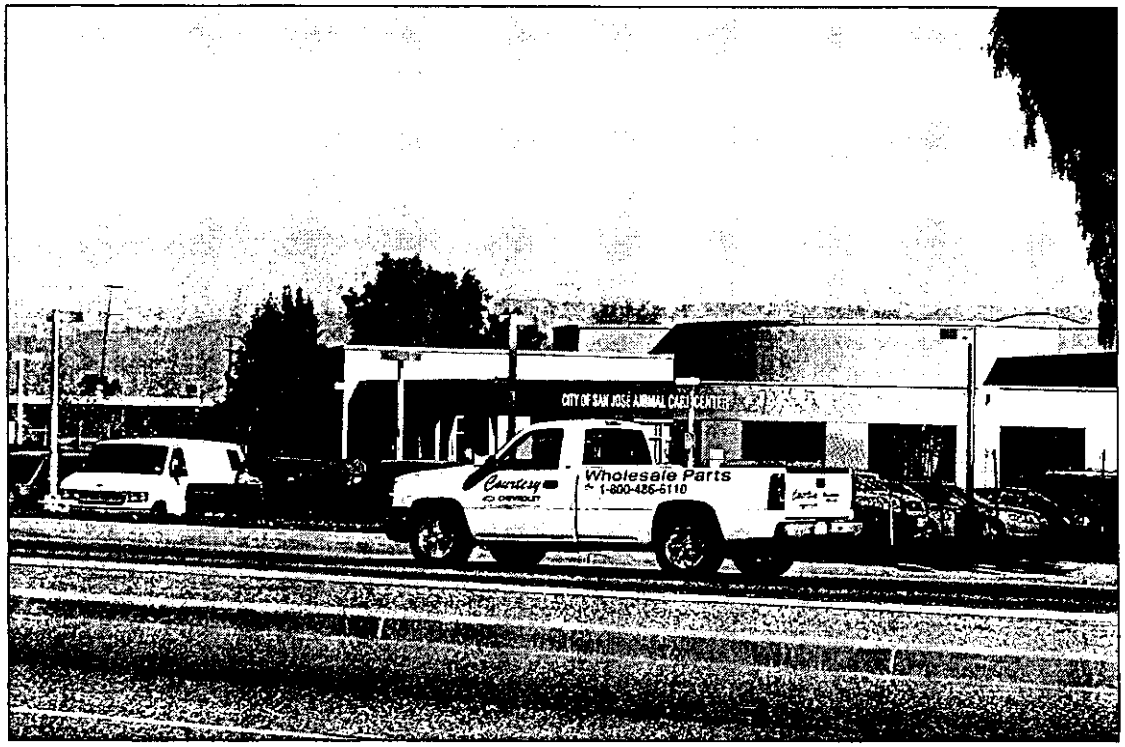


Photo 10: View of the animal shelter on Monterey Road, looking east from the project site.

PHOTOS 9 AND 10

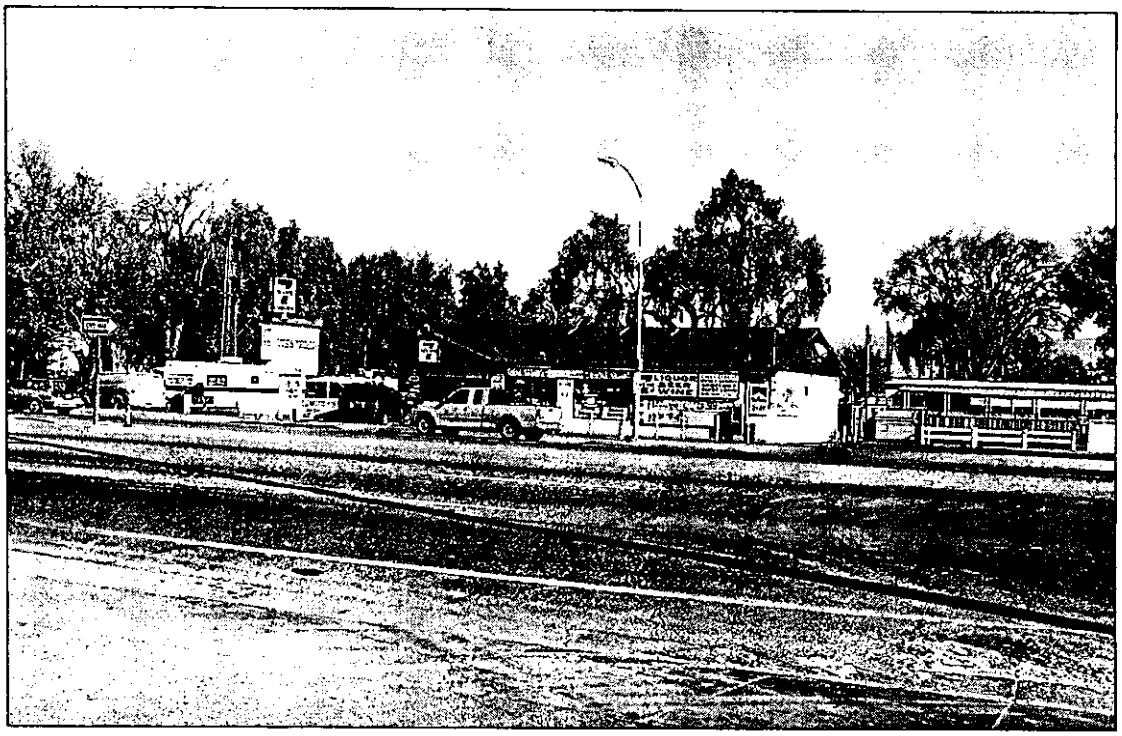


Photo 11: View of the convenience store on Monterey Road, looking east from the project site.

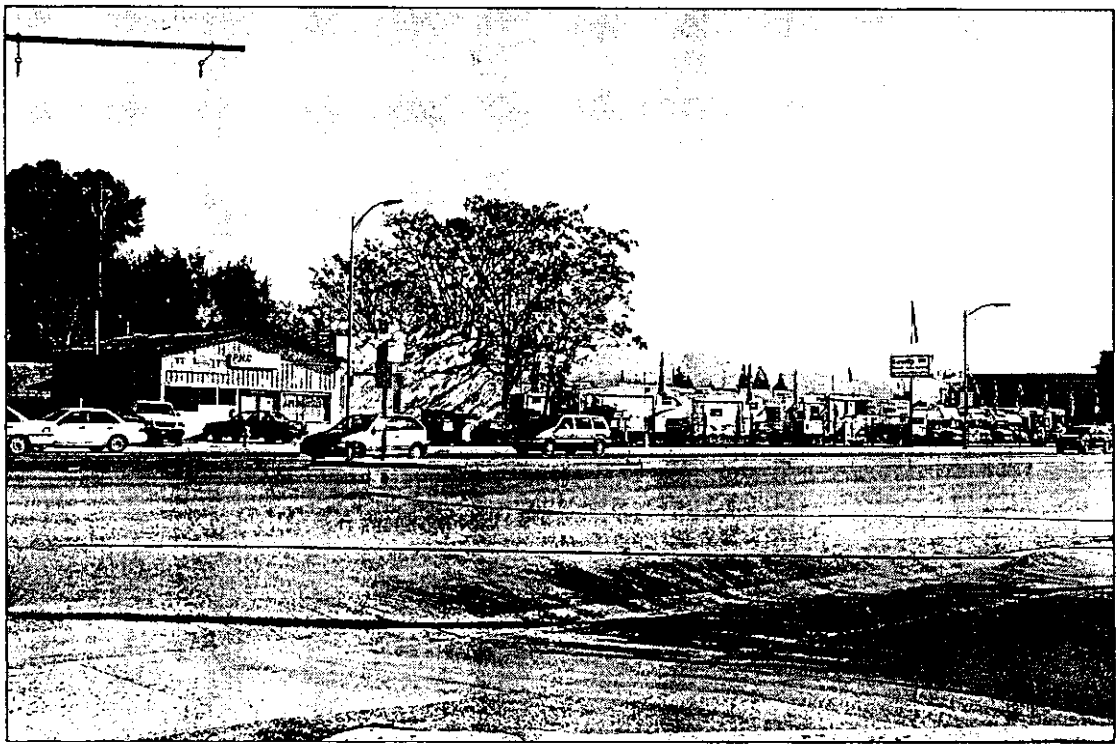


Photo 12: View of the nearby commercial businesses, looking southeast from the Raisch driveway.

PHOTOS 11 AND 12

Photo 13: View of the machinery on the Raisch facility, looking south from the southern property line of the project site.

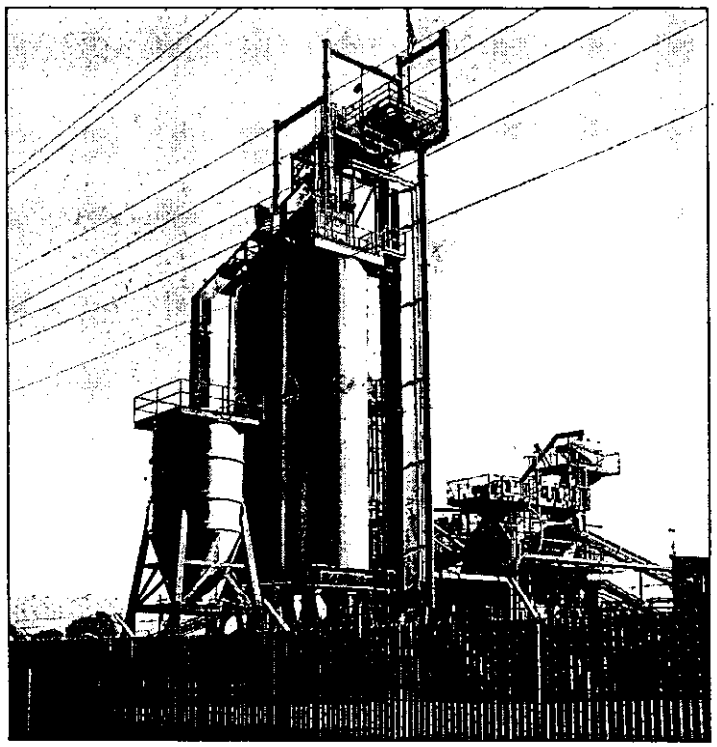


Photo 14: Close-up view of the machinery on the Raisch facility, looking south from the southern property line of the project site.

PHOTOS 13 AND 14

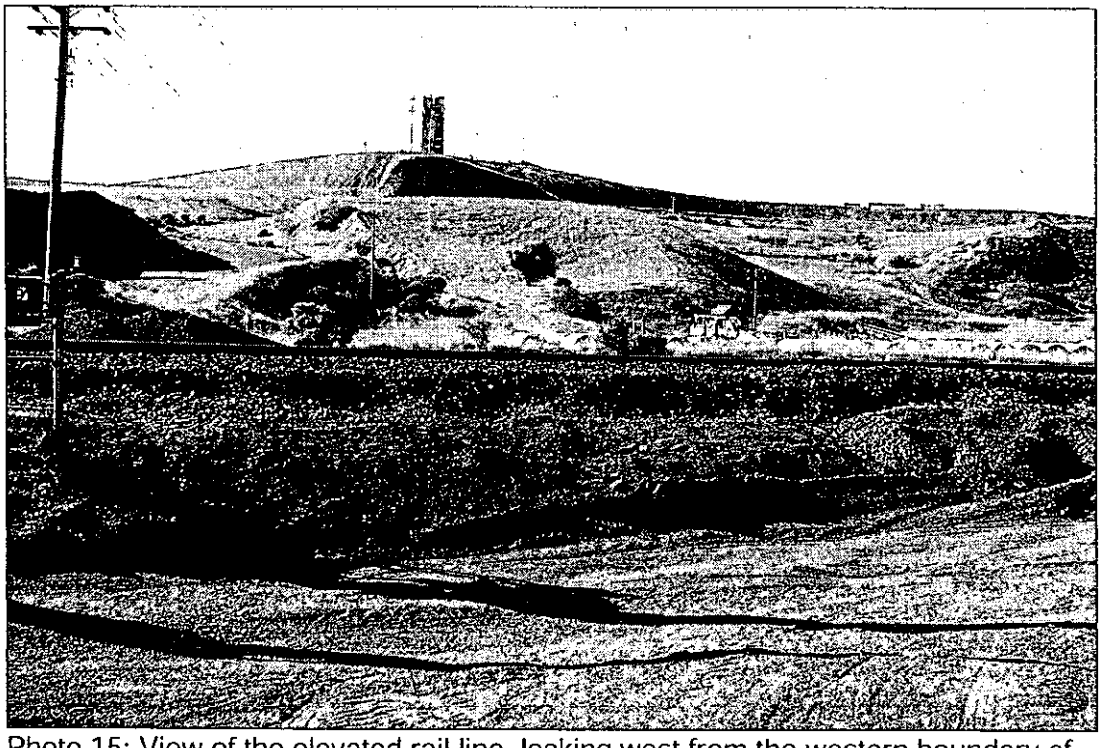


Photo 15: View of the elevated rail line, looking west from the western boundary of the project site.

PHOTO 15

2. Visual Impacts

Thresholds of Significance

For the purposes of this EIR, a visual impact is considered significant if the project would:

- substantially alter existing views of scenic vistas or resources;
- substantially degrade the existing visual character or quality of the site and its surroundings; or
- create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Currently, the proposed project site is developed with light industrial shed/warehouse style buildings and a run down mobile home park that is nearly completely vacant due to the purchase of the mobile homes and relocation of the residents. The project site is not located within a scenic area and the current development on the project site does not make a positive contribution to the visual character of the neighborhood in which it is located. The proposed project will comply with the City's urban design policies, including a provision for appropriate landscaping, and will help to revitalize this section of Monterey Road in San José.

Implementation of the proposed project will result in the removal of up to 134 trees (see Section II.E., *Vegetation and Wildlife*) that were planted adjacent to the former mobile homes. The trees currently on site that are visible from Monterey Road are in poor health and do not enhance the visual quality of the site or add to the overall visual character of the project area. In addition, the project proposes to landscape the project site and must replace the removed trees on-site with new, healthy trees of the same species. The loss of the trees currently on-site will not impact the visual quality of the project area.

Communications Hill is currently visible from Monterey Road, directly west of the project site. This side of Communications Hill is currently graded, but undeveloped, and offers an open space view within a highly urbanized area. Construction of the four-story mixed-use buildings on the Monterey Road frontage will block the view of Communications Hill from Monterey Road. However, the only land uses that will be affected will be the animal shelter and the convenience store. Loss of an open space view for these land uses is not considered a significant impact.

- **Implementation of the proposed project in conformance with adopted design guidelines would improve the visual quality of the project site. (Beneficial Impact)**

3. Mitigation and Avoidance Measures for Visual Impacts

No mitigation is required or proposed.

Conclusion: **Implementation of the proposed project will have a less than significant visual impact.**

C. GEOLOGY AND SOILS

The following discussion of the geologic features, soils, and seismic conditions of the proposed sites are based on the Cooper-Clark *Geotechnical Investigation for the City of San José Sphere of Influence (1974)* and the U.S. Department of Agriculture, Soil Conservation Service, *Soils of Santa Clara County*, 1968.

1. Existing Setting

Geological Features

The City of San José is located in the eastern portion of the Santa Clara Valley. Santa Clara Valley is surrounded by the Santa Cruz Mountains to the west and the Diablo Mountain Range to the east. The slopes of the Santa Cruz Mountains range from 40 to 60 percent with complex ridges that reach an elevation of 2,000 to 3,400 feet. The slopes of the Diablo Mountains consist of parallel ridges that range from 20 to 60 percent in the higher elevations and have a slope range of 20 to 40 percent near the valley floor. The elevation varies from 1,000 to 2,000 feet, in the lower foothills, to 4,300 feet at the highest peak. The geology consists of Franciscan-Knoxville, marine sedimentary rocks, and Pliocene strata. The valley floor consists mostly of Quaternary clay, sand, and gravel with isolated areas of Tertiary volcanic rock.

The proposed site is located on the Valley floor which was formed in the Holocene period approximately 11,000 years ago by the sediment runoff of the many rivers and streams that entered the Valley from both mountain ranges creating alluvial fans and flood plains. The Valley floor is generally flat and the elevation ranges from 150 to 400 feet above sea level. The alluvial fans are diversely defined as moderately to poorly sorted silt and clay rich in organic material containing fresh-water and aboriginal artifacts; a potential resource that provides deposits good for agriculture; and a potential hazard for shrink-swell problems and periodic flooding.

Most drainage from the valley floor runs north into the San Francisco Bay, although some of the southern valley drains south into the Pajaro River. The drainage is well developed, although there are areas where poorly drained soils occur.

On-Site Geologic Conditions

The project site is located northeast of the Santa Teresa Hills approximately 1.7 miles east of the Guadalupe River and approximately 1.9 miles west of the Coyote River, both of which flow northward towards San Francisco Bay.

Soils

The soils on the project site are described as Quaternary aged basin deposits (Qhb), where areas are underlain by Quaternary alluvium consisting of gravels, sands, and clays and/or Quaternary interfluvial freshwater basin deposits. According to previous studies conducted by the California Division of Mines and Geology (1974), the alluvium or fluvial basin deposits in this area could range from about 50 to 100 feet in thickness.

Soil surveys conducted for the site showed the near-surface soils could exhibit a moderate to high potential for expansion. Expansive soils shrink and swell dependent on the moisture content of the soil. These changes can cause heaving and cracking of slab-on-grade, pavements, and structures founded on shallow foundations. Because the site topography is flat, there is no erosion hazard.

Seismicity

The San Francisco Bay Area is classified as Zone 4 for seismic activity, the most seismically active region in the United States. Strong ground shaking can therefore be expected at the site during moderate to severe earthquakes in the general region. The significant earthquakes that occur in the Bay Area are generally associated with crustal movement along well defined, active fault zones of the San Andreas Fault system, which regionally trends in a northwesterly direction.

The site is not located within a currently designated Alquist-Priolo Earthquake Fault Zone (formerly known as a Special Studies Zone) or a City of San José Potential Hazard Zone. Fault rupture through the site, therefore, is not anticipated.

The project site is located within 16 miles of three major fault lines: the San Andreas Fault, the Hayward Fault, and the Calaveras Fault. The San Andreas Fault is approximately 15.5 miles west of the site, the Hayward Fault is approximately 6.5 miles east of the site, and the Calaveras Fault is approximately nine miles east of the site. Due to the close proximity of the site to the aforementioned faults, any groundshaking, ground failure, or liquifaction caused by an earthquake could cause damage to structures. The Association of Bay Area Governments (ABAG) predicts that there is a 67 percent probability that one or more major earthquakes will occur in the San Francisco region within the next 30 years.

Liquefaction

Liquefaction is the transformation of water saturated soil from a solid to a liquid state during ground shaking. Soils most susceptible to liquefaction are loose to moderately dense, saturated granular soils with poor drainage, such as silty sands or sands and gravels capped by or containing seams of impermeable sediment.

The sediments left by the Diablo Mountain Range and the Santa Cruz Mountains formed broad alluvial fans during the past 10,000 years resulting in a relatively young valley, which makes the area more susceptible to liquefaction.

The project site has a moderately high potential for liquifaction with a moderately high potential for ground failure vertically and a low potential for ground failure laterally.

Lateral Spreading

Lateral spreading typically occurs as a form of horizontal displacement of relatively flat-lying alluvial material toward a body of water, channel, or excavation, and may often be associated with liquefaction. Because there are no bodies of water or open areas within an appropriate distance of the project site for lateral spreading to occur, the probability of lateral spreading during a seismic event is low.

Mineral Resources

The Santa Clara Valley was formed when sediments derived from the Santa Cruz Mountains and the Mt. Hamilton-Diablo Range were exposed by continued tectonic uplift and regression of the island sea that had previously inundated this area. As a result of this process, the topography of the City is relatively flat and there are no significant mineral resources.

2. Geologic and Soils Impacts

Thresholds of Significance

For the purposes of this EIR, a geologic impact is considered significant if the project would:

- expose people or structures to substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure (including liquefaction), landslides, or expansive soils;
- cause substantial erosion or siltation;
- expose people or property to major geologic hazards that cannot be mitigated through the use of standard engineering design and seismic safety techniques.
- 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; or
- 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.

Development of the proposed project will include leveling of the site, with slight grade changes (one percent) throughout the project site to divert stormwater runoff to the vegetative swales, retention areas and storm drains. The garages that will be located under the proposed condominium and apartment buildings will be one-level below grade and will require excavation of six to 11 feet of soil below the final ground surface elevation.

Geologic Impacts to the Project Site

The project site includes moderate to highly expansive soils, which may expand and contract as a result of seasonal or man-made soil moisture conditions. Expansive soil conditions have the potential to damage structures and improvements on the project site. The site is also located in a seismically active region and, therefore, strong ground shaking is expected during the lifetime of the proposed project. While no active faults are known to cross the project site, groundshaking on the site could damage buildings and threaten the welfare of the residents. Furthermore, soils on the project site have a moderately high potential for liquefaction and, as a result, a low to moderately high potential for ground failure.

Geologic conditions on the project site will require that the proposed structures be designed and built in conformance with the requirements of the Uniform Building Code

for Seismic Zone 4. The potential for geologic and soils impacts resulting from conditions on the site can be mitigated by utilizing standard engineering and construction techniques. With incorporation of these measures the project will not expose people or property to significant impacts associated with the geologic conditions of the site. In addition, the project will not be exposed to slope instability, erosion, or landslide related hazards, due to the flat topography of the site.

Buildings and subsurface garages will be designed and constructed in accordance with the design-level geotechnical investigation prepared for the site, which identifies the specific design features that will be required for the project, including site preparation, compaction, trench excavations, foundation and subgrade design, drainage, and pavement design. The geotechnical investigation shall be reviewed and approved by the City Public Works Department prior to issuance of a building permit for the project.

- **Development on the project site would be exposed to seismic impacts and structural damage from liquefaction and expansive soils. (Less Than Significant Impact)**

The proposed project site is within a developed urban area and it does not contain any known or designated mineral resources. Implementation of the proposed project will not result in the loss of availability of any known mineral resources.

- **Implementation of the proposed project will not result in the loss of known mineral resources within the City of San José. (Less Than Significant Impact)**

3. Mitigation and Avoidance

There is no mitigation required or proposed.

Conclusion: **Implementation of the proposed project will have a less than significant geologic and soils impact.**

D. HYDROLOGY

The following information is based on FEMA Flood Insurance Rate Maps and the City of San José General Plan.

1. Existing Setting

Hydrology and Flooding

Two major watersheds convey runoff within the City of San José: Coyote Creek and the Guadalupe river watersheds. The project site is located within the Coyote Creek watershed. Coyote Creek originates in the Diablo Range east of San José and flows northerly along the eastern side of the Santa Clara Valley, eventually emptying into Guadalupe Slough and San Francisco Bay. The project site is not adjacent to any main waterways.

According to the Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency (FEMA), the project site is not located within the 100-year floodplain. The nearest waterways to the site are the Guadalupe River, approximately 1.7 miles west of the site, and Coyote Creek, approximately 1.9 miles east of the site.

The Santa Clara Valley Water District (SCVWD) is responsible for flood control in Santa Clara County on streams and waterways that drain more than 320 acres. The City of San José requires that new development dedicate the right-of-way of creek areas to the SCVWD for major creeks and waterways in the City, and refers to the District for their review to those development proposals that could impact flood control efforts along these channels. In addition, the City enforces its own flood protection ordinance, which requires that all new development be protected from the 100-year flood.

Storm Drainage System

The annual rainfall in San José averages about 14 inches, although precipitation in some years has been recorded in excess of 30 inches. Ninety-eight percent of annual precipitation is received during the period of October through May.

Santa Clara Valley's creeks and waterways convey storm runoff from the Santa Cruz Mountains and the Diablo Mountain Range into San Francisco Bay. The urbanized areas of the City discharge storm runoff into local storm drains, which then empties into local creeks and waterways. Overall, the existing citywide storm drainage system conveys the stormwater runoff adequately; however, minor flooding can occur when catch basins or storm lines become clogged with debris, in localized areas where the storm drainage system does not have adequate capacity, or when high water levels in creeks prevent adequate storm drainage. Storm runoff is greater and more intense where there are impervious surfaces such as buildings and pavement, as compared to vegetated or underdeveloped surfaces with permeable soil surfaces. Storm drain lines are inspected and maintained by the Department of Transportation and are installed, rehabilitated or replaced by the Department of Public Works. A description of the existing storm drainage system serving the site is included in Section II.K., *Utilities.*

Currently the site is 83 percent impermeable and drains to the storm drainage system in Monterey Road. There is a drainage ditch along the property line at the northern most corner of the site. The ditch is located on the Chateau La Salle property but is directly adjacent to the property line. The northern most corner of the site drains into the ditch, which drains into a large storm drain located on the north side of Goble Lane.

Water Quality

Under existing conditions, the project site is mostly developed and consists of either pavement, gravel, or broken pieces of asphalt or buildings. Most of the paved areas (and some of the remaining unpaved areas) on the site are used to store or park automobiles, trucks, and other mechanical equipment. Because the site is mostly developed, it contributes substantial quantities of pollution to storm water runoff. Runoff from the existing parking lots, exposed soil, and building roofs on the project site may currently contain sediments, trash, oil and grease as well as herbicides and pesticides.

To reduce contamination of stormwater runoff from development, a National Pollutant Discharge Elimination System (NPDES) established a general permit for stormwater discharges associated with construction activities. The Nonpoint Source Program was developed in accordance with the requirements of the revised 1995 San Francisco Bay Basin Water Quality Control Plan. This program was also designed to fulfill the requirements of the Federal Clean Water Act and the Environmental Protection Agency.

The Nonpoint Source Program requires individual permits to control discharge associated with construction activities for sites one acre in size or larger. The construction permits for future development will require the utilization of structural and non-structural control measures, including measures such as on-site filtration of runoff, first flush diversion, flow attenuation, stormwater retention or detention, oil/water separation, and the use of porous pavement.

The City of San José is a co-permittee to the Program's NPDES permit for municipal stormwater discharges, and is a participant in the Santa Clara Valley Urban Pollution Prevention Program. The NPDES permit includes requirements for water quality monitoring, identification and elimination of illicit connections and illegal dumping to the storm drainage system, street cleaning, and a public education program. The NPDES permit also includes requirements for post-construction measures to control the volume and to treat the pollutants in stormwater development or redevelopment that creates or replaces one acre or more of impervious surface.

2. Hydrology Impacts

Thresholds of Significance

For the purposes of this EIR, a hydrology, drainage, or flooding impact is considered significant if the project would:

- violate any water quality standards or waste discharge requirements;

- 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 (e.g., the production rate of preexisting nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted);
- 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;
- 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;
- 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;
- otherwise substantially degrade water quality;
- 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;
- place within a 100-year flood hazard area structures which would impede or redirect flood flows;
- 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; or
- inundation of the site by seiche, tsunami, or mudflow.

Flood and Storm Drainage Impacts

The project site is not located within a 100-year flood zone and, therefore, will not result in any flooding impacts.

Implementation of the proposed project will result in a substantial decrease in impervious surfaces (83 percent to 67 percent), which will reduce the amount of runoff entering the storm drainage system. Specifically, the project will result in a one cubic foot of water per second decrease during a 10-year event (17 cfs to 16 cfs) and a two cubic foot of water per second decrease during a 100-year storm event (27 cfs to 25 cfs)[7]. In addition to the decrease in storm water runoff, the project proposes to implement an Urban Runoff Management Plan, which is outlined below.

Urban Runoff Management Plan

Stormwater runoff controls will be designed to meet the California Regional Water Quality Control Board Order No. 01-119, National Pollutant Discharge Elimination System Municipal Separate Sewer System Provision C3, and the City of San José Post Construction Urban Runoff Management Policy. The proposed project will comply with aforementioned requirements to minimize pollutants and the flow of stormwater runoff into the Municipal Storm Drainage System.

[7] Roger Higdon, Civil Engineer, Creegan & D'Angelo Engineers, Personal Communication, November 2004.

Each phase of development will incorporate Best Management Practices (BMPs) during construction and post-construction operation of the site. Apartments and condominium buildings on the site will be built on podiums with one level of below grade parking underneath. These buildings will include downspouts that will drain into landscaped or pervious surfaces with sand filters. The diversion of water to these areas will filter out any potential pollutants in the runoff prior to it entering the storm drainage system. In addition, a portion of the water will be absorbed into the ground surface, thereby reducing the amount of runoff entering the storm drainage system. The mixed-use and townhouse projects with surface parking lots will include a second level of stormwater treatment control measures to remove pollutants related to automobiles such as oil, grease, and antifreeze.

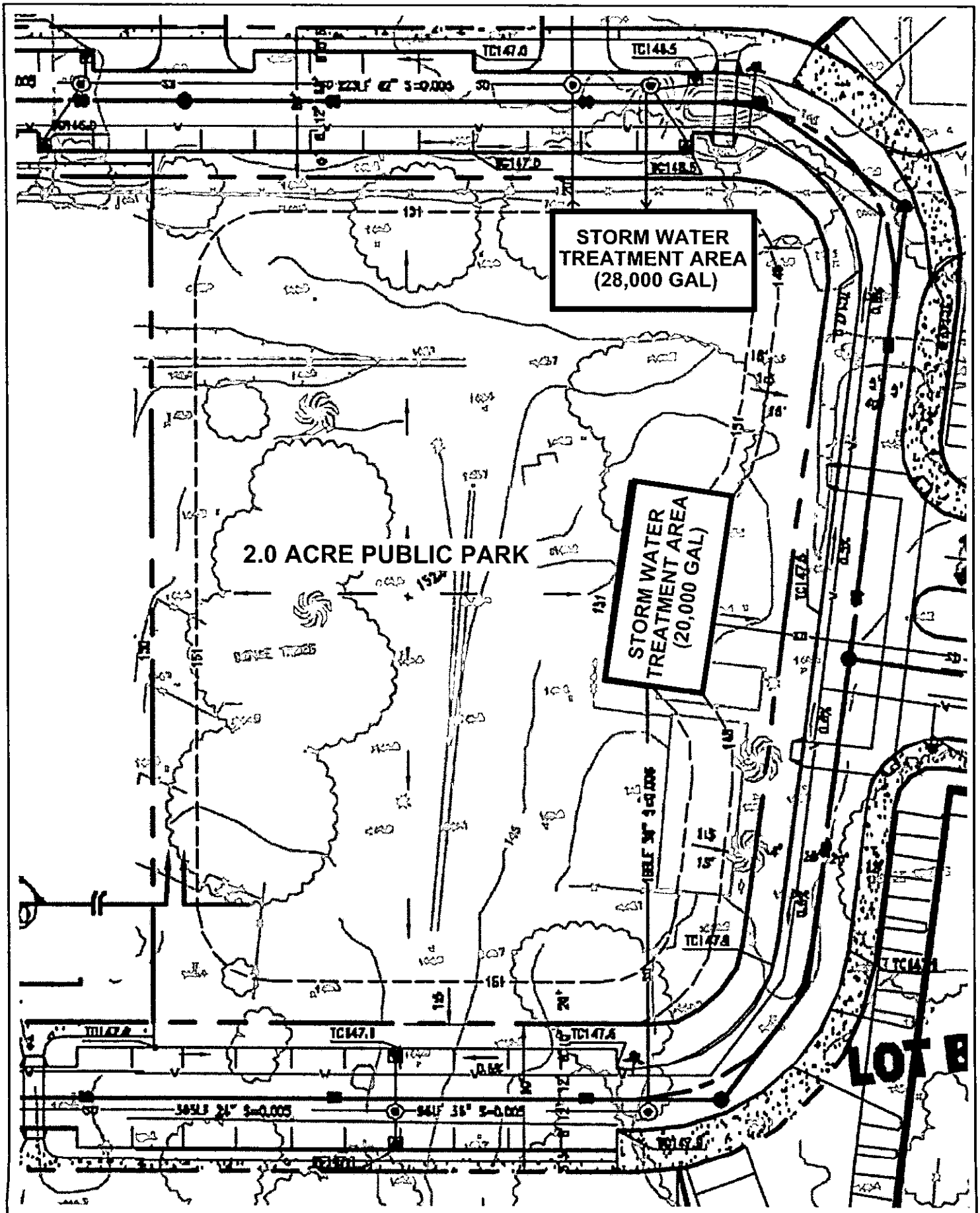
Pervious concrete, asphalt, or paving stones with a sand base and sub-drains will be used to the maximum extent possible throughout the project site. Gently sloped (one percent) vegetated swales with the capacity to hold and pass the first 0.5 inches of rainfall will be incorporated into the overall site design. These swales will lead to retention ponds on-site and be used for oil and grease pollutant removal from the storm runoff from the surface parking lots. The retention ponds will be designed to detain stormwater runoff, filter suspended solids, and filter water through the sub-soils. The ponds will hold a ten-year storm for a minimum of ten minutes. The ponds will be lined with filter material, a sand layer, and sub-drains to limit standing water. Trees and shrubs will be located adjacent to swales and ponds.

Stormwater runoff from the interior public streets will be treated within the two-acre public park (see Figure 11). This will require the stormwater to be delivered via a series of underground vaults. The first vault will store low flow (the first 0.5 inches of rainfall) runoff with a means to release the floating pollutants to a vegetated or grass area, underlined with a sub-drainage system. The pollutants can then be removed when the grass turf is cut.

A second vault will be used to detain higher amounts of runoff. This vault will allow suspended solids to settle to the bottom for annual removal. The clean water will move to a third vault that will control the rate of release into the storm drainage lines located in Monterey Road. The rate of release will be determined by a capacity analysis as it is known that the storm drainage lines in Monterey Road are currently inadequate for the existing storm flow. By controlling the rate of release of the runoff from the site, it is possible to drain the site without exceeding the capacity of the lines in Monterey Road. In addition, the third vault will also hold clean water for infiltration into the ground. Since the water table at the project site is more than 50 feet below the ground surface, it is possible to reduce the amount of runoff entering the storm drainage system by allowing the water to percolate into the ground.

Site-specific studies determine the rate of infiltration of the underlying soils on the site and the preliminary design will be reviewed by the Santa Clara Valley Water District to ensure proper infiltration techniques to avoid contamination of groundwater.

Due to the proposed grading of the site, the western cul-de-sac will not drain into the public park, but will drain into a vegetated swale, which will lead to an approximately 30-foot deep grass-lined pond at the northwest corner of the site, near the railroad track



STORMWATER TREATMENT PLAN

FIGURE 11

(see Figure 3). In addition to draining the cul-de-sac, the pond will also capture water draining from Communications Hill, on the western side of the railroad tracks. The pond will have a sub-drainage system that will meter out water to the storm drainage lines in Monterey Road to prevent standing water. The pond will be gated for security and will be maintained by the homeowners association.

With the decrease in stormwater runoff and implementation of the Urban Runoff Management Plan, the proposed project will have a less than significant impact on the existing storm drainage system.

- **The proposed project site is not located within a 100-year flood plain. Implementation of the proposed project would result in a slight decrease in the amount of stormwater runoff compared to existing conditions on project site, and an Urban Runoff Management Plan has been prepared that will regulate the amount of runoff entering the storm drainage system at any given time. As a result, the proposed project would have a less than significant impact on flooding and storm drainage. (Less Than Significant Impact)**

Water Quality Impacts

Implementation of the proposed project will result in more traffic, more activities involving cars and people on the site, and would likely result in an increase in both point and non-point source discharges. Urban pollutants, such as oils, grease, metals, herbicides and pesticides would be more highly concentrated in the storm water runoff due to the increased usage of the site and the substantial increase in cars and landscaping.

The aforementioned Urban Runoff Management Plan utilizes landscaping (such as grassy swales, sand, etc.) to filter the pollutants from the stormwater prior to the water entering the storm drainage system. In addition, the stormwater retention areas will also filter pollutants from the water as it percolates into the ground surface. As a result, the proposed project is anticipated to reduce the stormwater pollutant levels below the current existing levels.

- **Implementation of the proposed project will result in a decrease in stormwater pollutants from the site and will have a less than significant impact on water quality. (Less Than Significant Impact)**

NEPA

NEPA requires compliance with *40 CFR 149, Sole Source Aquifers*, whenever HUD financial assistance is proposed for a project that has the potential to affect groundwater aquifers. The project site is not located in an area designated by the Environmental Protection Agency (EPA) as being supported by a sole source aquifer. [Source: September 2001 EPA Designated Sole Source Aquifer List]

3. Mitigation and Avoidance Measures

The following mitigation measures, based on Regional Water Quality Control Board Best Management Practices, are included in the proposed project to ensure compliance with NPDES permit requirements to reduce water quality impacts:

Construction Mitigation

- During construction, burlap bags filled with drain rock will be installed around storm drains to route sediment and other debris away from the drains.

- During construction, earthmoving or other dust-producing activities would be suspended during periods of high winds.

- During construction, all exposed or disturbed soil surfaces would be watered at least twice daily to control dust as necessary.

- During construction, stockpiles of soil or other materials that can be blown by the wind would be watered or covered.

- During construction, all trucks hauling soil, sand, and other loose materials would be covered and/or all trucks would be required to maintain at least two feet of freeboard.

- During construction, all paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites would be swept daily (with water sweepers).

- During construction, vegetation in disturbed areas would be replanted as quickly as possible.

- Prior to construction grading for the proposed land uses, the applicant will file a "Notice of Intent" (NOI) to comply with the General Permit administered by the Regional Board and will prepare a Stormwater Pollution Prevention Plan (SWPPP) which addresses measures that would be included in the amendment to minimize and control construction and post-construction runoff. The following measures would be included in the SWPPP:

  - Preclude non-stormwater discharges to the stormwater system.
  - Effective, site-specific Best Management Practices for erosion and sediment control during the construction and post-construction periods.
  - Coverage of soil, equipment, and supplies that could contribute non-visible pollution prior to rainfall events or perform monitoring of runoff.
  - Perform monitoring of discharges to the stormwater system.

- The development will submit a copy of the draft SWPPP to the City of San José for review and approval prior to construction of the project site. The certified SWPPP will be posted at the site and will be updated to reflect current site conditions.

Post Construction Mitigation

- When the construction phase is complete, a Notice of Termination (NOT) for the General Permit for Construction will be filed with the Regional Water Quality Control Board and the City of San José. The NOT will document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction stormwater management plan is in place as described in the SWPPP for the project site.

- As part of the mitigation for post-construction runoff impacts addressed in the SWPPP, the project site will implement regular maintenance activities (i.e., sweeping, maintaining vegetative swales, cleaning stormwater inlet filters, fossil filters, litter control, and other activities as specified by the City) at the site to prevent soil, grease, and litter from accumulating on the amendment site and contaminating surface runoff. Stormwater catch basins will be stenciled to discourage illegal dumping.

- All post construction treatment controls will be hydraulically sized pursuant to City Policy 6-29.

Conclusion: **Implementation of the proposed Urban Runoff Management Plan and mitigation measures will reduce all hydrology impacts to a less than significant level. (Less Than Significant Impact with Mitigation)**

E. VEGETATION AND WILDLIFE

The following information is based on a tree survey prepared by *David J. Powers & Associates* in December 2004 and reconnaissance-level wetlands assessment prepared by *H.T. Harvey & Associates* in October 2004 (see Appendix A).

1. Existing Setting

Overview of Habitat Found on the Project Site

Urban Habitat

Developed residential, commercial, and industrial areas provide urban habitat. Urban habitat includes street trees, backyard gardens, parks, and vacant lots. Trees, shrubs, lawns and gardens found in urban areas provide food and cover for wildlife that has adapted to the urban environment. The urban wildlife habitat is distinguished by a mixture of native and exotic species. In urban areas, planted trees and shrubs can provide important wildlife habitat for birds living in urban areas.

Habitat in urban areas can be described by three general categories relevant to wildlife, as described below.

Urban Commercial/Industrial

Heavily developed commercial and industrial areas, characterized by large buildings and parking lots, are extremely low in species diversity and habitat value. This habitat is comprised mainly of landscaped areas around buildings. Species that use this habitat are predominantly urban adapted birds, such as Rock Dove (*Columbi livia*), House Sparrow (*Passer domesticus*), and Starling (*Sturnus spp.*).

Urban Residential

This habitat is characterized by a dense and more varied mosaic of vegetation, including shade trees, lawns, hedges, and planted gardens. Approximately 40 percent of the land surface in this habitat type is typically covered by impervious material, depending on the density of residential development. Urban residential habitat extends throughout San José and is the most common developed habitat in the city. A number of urban-adapted species use this habitat, including but not limited to the Scrub Jay (*Aphelocoma coeruiescens*), northern Mockingbird (*Mimus polyglottos*), Towhee (*Pipilo spp.*), Mourning Dove (*Zenaida macroura*), and House Finch (*Carpodacus mexicanus*). Raccoon (*Procyon lotor*), Virginia opossum (*Didelphis virginiana*), Fox Squirrel (*Sciurus niger*), Pocket Gopher (*Thomomys battae*), and a variety of butterflies, moths and garden insects are wildlife species typically found in this habitat. In addition, older neighborhoods with large, mature trees may also have foraging and/or breeding raptors.

Ruderal Vegetation

This habitat consists predominately of herbaceous, non-native, invasive, broad leaved annual vegetation. In general this plant community occurs in areas where soil and

vegetation are disturbed. In an urban area, ruderal vegetation is frequently found on vacant lots and alongside roadways. These areas may provide habitat for small rodents and non-native grasses. Some species that have adapted to ruderal habitat include, but are not limited to, the Burrowing Owl, American kestrel (*Falco sparverius*), California ground squirrel, and black-tailed hare.

Special Status Species

Special Status species are those plants and animals listed under state and federal Endangered Species Acts (including candidate species); plants listed on the California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California (1994); and animals designated as Species of Special Concern by the California Department of Fish and Game.

Special Status Plant Species

Wetlands

Due to drainage accumulation in the northwest corner of the project site, this area was examined for wetlands and other waters potentially regulated by the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act. The vegetation and hydrology of the site were briefly examined following the guidelines outlined in Section D, *Routine Determination Method"* of the *Corps of Engineers Wetlands Delineation Manual.*

The northwest corner of the site contains a large area of imported fill dirt piled up to 15 feet high above the elevation of Goble Lane. This corner of the site was previously flat, according to the United States Geological Survey (USGS) San José East Quadrangle map. As a result of the placement of the fill, one swale and one ditch have been artificially created on the east side of the fill area. The ditch along the northern boundary of the site (east side of fill area) is more pronounced as the topography of the adjacent trailer park (on the north side of the ditch) rises another 10 feet above the prevailing grade. The ditch and the swale join together at the northwestern tip of the property in a slightly depressed area. The dominant vegetation within the study area consists entirely of ruderal species, and patches of non-native grassland and scrub habitats.

The ditch and the swale, as well as the depressed area, are capable of ponding water for short durations during the winter, due to their closed nature and varying depressional topography, as well as the compaction of the imported fill. As such, many ruderal hydrophytes occur in these areas. However, none of these species are forming distinct seasonal wetland habitats anywhere on the site. In addition, no evidence of extended saturation or inundation could be found in any of the features surveyed. Furthermore, The USGS topographic quadrangle and the National Wetland Inventory for the San José East quadrangle do not depict any hydrologic resources on-site.

Based on the reconnaissance-level wetlands survey of the project site, there are no potential jurisdictional waters in the northwest corner of the project site. The presence of ruderal, invasive hydrophytes on-site can be attributed to the artificial creation of ditch and swale features on either side of the fill area and the compacted fill which allows ponding for short durations during the winter months. There is no natural hydrology

associated with any of these features and they are not contiguous with any other potential or known waters of the United States. Therefore, jurisdictional waters are entirely absent from the project site.

Other Habitats

None of the special-status plants known to occur in the San José region are found in habitat types that are present on the project site. Due to both the lack of appropriate habitat and the highly disturbed conditions of the site, no special-status plant species are expected to occur on-site.

Special Status Animal Species

Most special status animal species occurring in the San José area use habitats that are not present on the project site. Salt marsh, freshwater marsh, ponds, and serpentine grassland habitats are not present within or immediately adjacent to the site. However, mature trees on and adjacent to the project site could be used by raptors for breeding and foraging.

Burrowing Owls

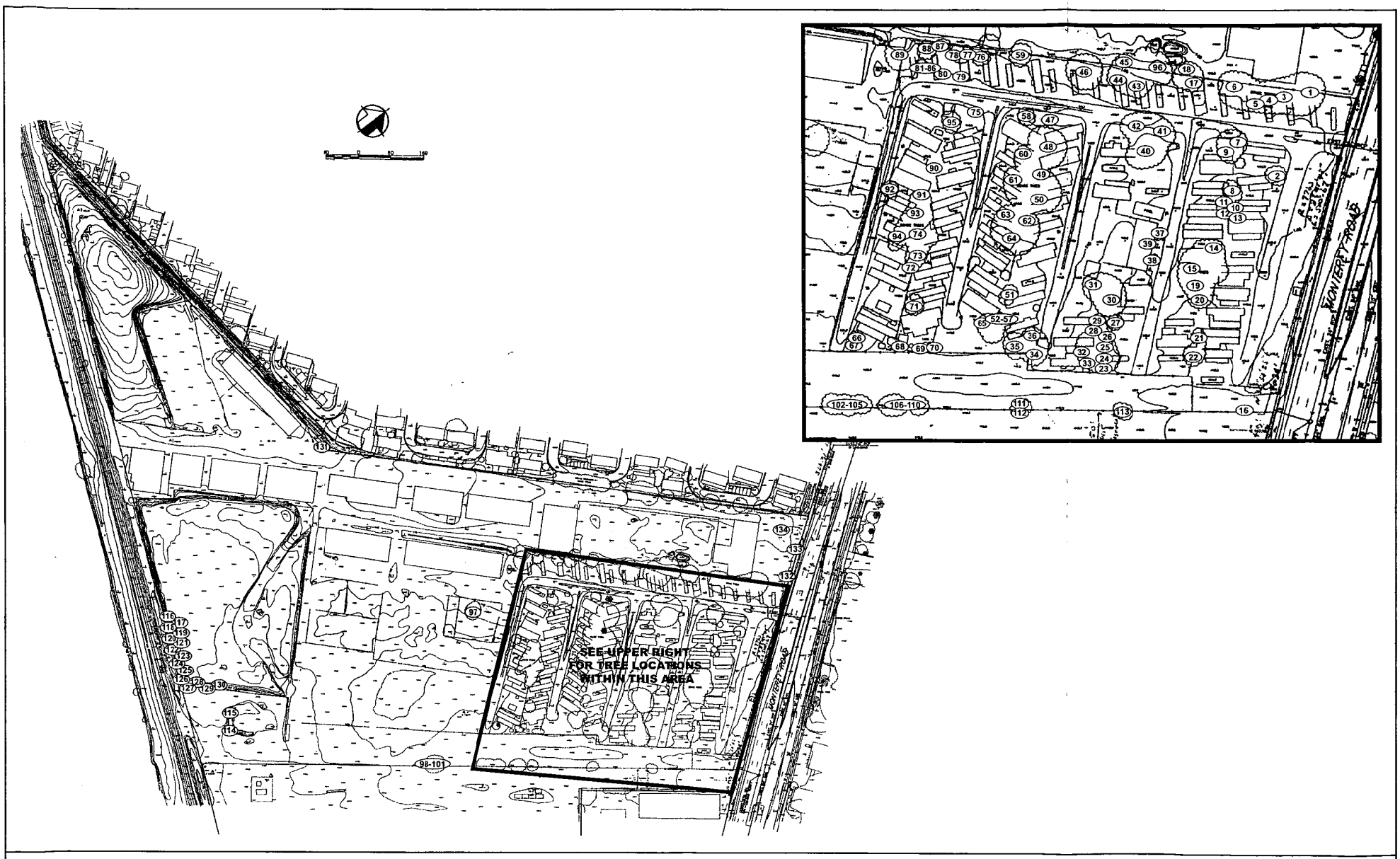
Extensive Burrowing Owl surveys have been conducted on and around the project site for the Communications Hill Specific Plan and subsequent projects proposed under the plan. No evidence has been found of either foraging or nesting use of the project site or the surrounding area by Burrowing Owls. In addition, no evidence of Burrowing Owls (i.e., pellets, white wash, or owls) was found during recent site visits. Suitable foraging habitat does exist on-site; however, potential nest sites are lacking due to the lack of ground squirrel burrows on the site. Although there is a small ground squirrel population in the area, the squirrels primarily use small rock crevices in the rock outcrops.

The last recorded evidence of a Burrowing Owl in the vicinity of the project site was in 1993. At that time, a burrow with owl pellets and white wash was observed (though no owl was seen) along the railroad tracks approximately one mile south of Monterey Road and Curtner Road.

San José Tree Preservation Ordinance

The City of San José Tree Removal Controls (San José City Code Section 13.31.010 to 13.32.100) protect all trees having a trunk that measures 56 inches or more in circumference at a height of 24 inches above the natural grade. The ordinance protects both native and non-native species. A tree removal permit is required from the City of San José for the removal of ordinance-size trees. In addition, any tree found by the City Council to have special significance can be designated as a Heritage Tree, regardless of tree size or species. It is unlawful to vandalize, mutilate, remove, or destroy such heritage trees.

David J. Powers & Associates conducted a tree survey of the project site. The following table lists all the trees identified during the tree survey. Ordinance sized trees are designated in bold. A map showing the location of the trees is Figure 12.



TREE LOCATION MAP

FIGURE 12

TABLE 4 Tree Survey				
Tree No.	**Common Name**	**Species**	**Circumference[8]**	**Health[9]**
1	**California Pepper**	***Schinus californicus***	**104**	**4**
2	Ash	*Fracinus* sp.	47	2
3	**Ash**	***Fracinus* sp.**	**66**	**2**
4	Loquat	*Eriobotrya japonica*	12	2
5	**Ash**	***Fracinus* sp.**	**60**	**2**
6	**Elm**	***Ulmus* sp.**	**94**	**2**
7	**Elm**	***Ulmus* sp.**	**122**	**2**
8	Avocado	*Persea Americana*	15	2
9	**Fan Palm**	***Chamaerops* sp.**	**76**	**3**
10	Avocado	*Persea Americana*	20	2
11	**California Pepper**	***Schinus californicus***	**87**	**2**
12	Peach	*Prunus persica*	15	2
13	Peach	*Prunus persica*	15	2
14	Privet	*Ligustrum* sp.	17,18,21	2
15	Privet	*Ligustrum* sp.	21	2
16	**Fan Palm**	***Chamaerops* sp.**	**75**	**3**
17	Lombardy Poplar	*Populus nigra* var. *italica*	41	2
18	**Lombardy Poplar**	***Populus nigra* var. *italica***	**118**	**2**
19	**Ash**	***Fracinus* sp.**	**94**	**2**
20	Mulberry	*Ficus* sp.	41	2
21	Privet	*Ligustrum* sp.	36	2
22	**Privet**	***Ligustrum* sp.**	**72**	**2**
23	**Elm**	***Ulmus* sp.**	**80**	**2**
24	Privet	*Ligustrum* sp.	5 to 11	2
25	Privet	*Ligustrum* sp.	5,5,5,5	2
26	Walnut	*Juglans* sp.	21	2
27	Monterey Pine	*Pinus radiate*	45	2
28	Walnut	*Juglans* sp.	17	2
29	California Pepper	*Schinus californicus*	15	2
30	Privet	*Ligustrum* sp.	20	2
31	**Elm**	***Ulmus* sp.**	**87**	**3**
32	Yew	*Taxus* sp.	13	2
33	**Eucalyptus**	***Eucalyptus* sp.**	**121**	**3**
34	**Elm**	***Ulmus* sp.**	**70**	**3**
35	Elm	*Ulmus* sp.	38	2
36	Spanish Bayonet	*Yucca aloifolia*	15	2
37	**Fan Palm**	***Chamaerops* sp.**	**109**	**2**
38	Spanish Bayonet	*Yucca aloifolia*	17	2
39	Spanish Bayonet	*Yucca aloifolia*	16	2
40	**Elm**	***Ulmus* sp.**	**84**	**2**
41	**Elm**	***Ulmus* sp.**	**68**	**2**

[8] Measured at 24 inches above grade.
[9] Health was measured relative to viability of the tree; 0 = Dead, 1 = Very Low Vigor, 2 = Low Vigor, 3 = Moderate Vigor, 4 = High Vigor, 5 = Very High Vigor.

TABLE 4 *Continued* Tree Survey				
Tree No.	**Common Name**	**Species**	**Circumference**	**Health**
42	Elm	*Ulmus* sp.	49	2
43	**Elm**	***Ulmus* sp.**	**88**	**3**
44	Privet	*Ligustrum* sp.	10,11,12	2
45	**Lombardy Poplar**	***Populus nigra* var. *italica***	**94**	**1**
46	**Ash**	***Fracinus* sp.**	**66**	**3**
47	**Fan Palm**	***Chamaerops* sp.**	**100**	**3**
48	**Elm**	***Ulmus* sp.**	**67**	**2**
49	**Fan Palm**	***Chamaerops* sp.**	**79**	**3**
50	**Ash**	***Fracinus* sp.**	**82**	**2**
51	Chinese Elm	*Ulmus parvifolia*	36	2
52	Flowering Cherry	*Prunus Serrulata*	15	2
53	Flowering Cherry	*Prunus Serrulata*	15	2
54	Flowering Cherry	*Prunus Serrulata*	15	2
55	Flowering Cherry	*Prunus Serrulata*	15	2
56	Flowering Cherry	*Prunus Serrulata*	15	2
57	Flowering Cherry	*Prunus Serrulata*	15	2
58	Elm	*Ulmus* sp.	44	2
59	**Lombardy Poplar**	***Populus nigra* var. *italica***	**82**	**1**
60	**Ash**	***Fracinus* sp.**	**60**	**3**
61	**Ash**	***Fracinus* sp.**	**70**	**3**
62	Italian Cypress	*Cupressus sempervirens*	27	2
63	Italian Cypress	*Cupressus sempervirens*	25	2
64	**Elm**	***Ulmus* sp.**	**87**	**3**
65	**Elm**	***Ulmus* sp.**	**98**	**2**
66	**Fan Palm**	***Chamaerops* sp.**	**76**	**2**
67	Myoporum	*Myoporum laetum*	23	2
68	Monterey Pine	Pinus Radiate	25	2
69	Spanish Bayonet	*Yucca aloifolia*	25	2
70	Green Dracina	*Cordyline australis*	10,11	1
71	Green Dracina	*Cordyline australis*	24,40,36	2
72	Green Dracina	*Cordyline australis*	35	2
73	Privet	*Ligustrum* sp.	47,21,7,6,5	2
74	Ash	*Fracinus* sp.	51	1
75	Privet	*Ligustrum* sp.	22	2
76	Myoporum	*Myoporum laetum*	38	2
77	Italian Cypress	*Cupressus sempervirens*	46	2
78	Italian Cypress	*Cupressus sempervirens*	15	2
79	Italian Cypress	*Cupressus sempervirens*	20	2
80	Lombardy Poplar	*Populus nigra* var. *italica*	25	1
81	Italian Cypress	*Cupressus sempervirens*	14	2
82	Italian Cypress	*Cupressus sempervirens*	14	2
83	Italian Cypress	*Cupressus sempervirens*	16	2
84	Italian Cypress	*Cupressus sempervirens*	17	2
85	Italian Cypress	*Cupressus sempervirens*	17	2
86	Italian Cypress	*Cupressus sempervirens*	14	2

TABLE 4 *Continued* Tree Survey				
Tree No.	**Common Name**	**Species**	**Circumference**	**Health**
87	Myoporum	*Myoporum laetum*	15,18,9,11	2
88	Elm	*Ulmus* sp.	14,13,15,11	1
89	Mulberry	*Ficus* sp.	51	2
90	California Pepper	*Schinus californicus*	15,15	2
91	Mulberry	*Ficus* sp.	52	2
92	**Italian Stone Pine**	***Pinus pinea***	**56**	**3**
93	**Mulberry**	***Ficus* sp.**	**76**	**3**
94	Tree of Heaven	*Ailanthus glandulosa*	25,26	2
95	Peach	*Prunus persica*	44	3
96	**California Pepper**	***Schinus californicus***	**104**	**3**
97	**Blackwood Acacia**	***Acacia melanoxylon***	**71**	**2**
98	Fremont Cottonwood	*Populus fremonti*	39	2
99	Fremont Cottonwood	*Populus fremonti*	37	2
100	Fremont Cottonwood	*Populus fremonti*	46	2
101	Fremont Cottonwood	*Populus fremonti*	44	2
102	**Fremont Cottonwood**	***Populus fremonti***	**60**	**2**
103	Fremont Cottonwood	*Populus fremonti*	27,28	2
104	Fremont Cottonwood	*Populus fremonti*	37	2
105	Fremont Cottonwood	*Populus fremonti*	44,34	2
106	Fremont Cottonwood	*Populus fremonti*	41	2
107	Fremont Cottonwood	*Populus fremonti*	38	2
108	Fremont Cottonwood	*Populus fremonti*	32	2
109	Fremont Cottonwood	*Populus fremonti*	28	2
110	Fremont Cottonwood	*Populus fremonti*	29	2
111	Fremont Cottonwood	*Populus fremonti*	36	2
112	Fremont Cottonwood	*Populus fremonti*	40	2
113	Tree of Heaven	*Ailanthus glandulosa*	27,24,25,23	2
114	Elm	*Ulmus* sp.	12	2
115	Willow	*Salix* sp.	20	3
116	Silver Wattle	*Acacia decurrens* var. dealbata	5 to 15	2
117	Silver Wattle	*Acacia decurrens* var. dealbata	5 to 15	2
118	Silver Wattle	*Acacia decurrens* var. dealbata	5 to 15	2
119	Silver Wattle	*Acacia decurrens* var. dealbata	5 to 15	2
120	Silver Wattle	*Acacia decurrens* var. dealbata	5 to 15	2
121	Silver Wattle	*Acacia decurrens* var. dealbata	5 to 15	2
122	Silver Wattle	*Acacia decurrens* var. dealbata	5 to 15	2
123	Silver Wattle	*Acacia decurrens* var. dealbata	5 to 15	2
124	Silver Wattle	*Acacia decurrens* var. dealbata	5 to 15	2
125	Silver Wattle	*Acacia decurrens* var. dealbata	5 to 15	2
126	Silver Wattle	*Acacia decurrens* var. dealbata	5 to 15	2
127	Silver Wattle	*Acacia decurrens* var. dealbata	5 to 15	2
128	Silver Wattle	*Acacia decurrens* var. dealbata	5 to 15	2
129	Silver Wattle	*Acacia decurrens* var. dealbata	5 to 15	2
130	Silver Wattle	*Acacia decurrens* var. dealbata	5 to 15	2
131	**Eucalyptus**	***Eucalyptus* sp.**	**59,26,17,26,29**	**1**

TABLE 4 *Continued* Tree Survey				
Tree No.	**Common Name**	**Species**	**Circumference**	**Health**
132	**Fan Palm**	***Chamaerops* sp.**	**118**	**3**
133	**Fan Palm**	***Chamaerops* sp.**	**98**	**3**
134	Italian Cypress	*Cupressus sempervirens*	42	3

2. Vegetation and Wildlife Impacts

Thresholds of Significance

For the purposes of this EIR, a vegetation and wildlife impact is considered significant 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;
- have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;
- 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;
- 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;
- conflict with any local ordinances protecting biological resources, such as a tree preservation ordinance; or
- conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Site Habitat Impacts

Wetlands

As stated above, the ditch and the swale at the northern boundary of the site are capable of ponding water for short durations during the winter. As such, many ruderal hydrophytes occur in these areas. However, none of these species are forming distinct seasonal wetland habitats anywhere on the site. In addition, no evidence of extended saturation or inundation could be found in any of the features surveyed. Based on the reconnaissance-level wetlands survey of the project site, there are no potential jurisdictional waters in the northwest corner of the project site. Therefore, jurisdictional waters are entirely absent from the project site.

Other Habitats

The project site has minimal habitat value due to the lack of vegetation and the location of the property and, as a result, this site does not presently support a population of special status plant species. The proposed project would have no significant biological impact due to loss of habitat.

Special Status Species

Raptors

Many of the mature trees on-site may be utilized by nesting and/or foraging raptors; particularly with the open ruderal areas throughout the project site that could provide habitat for prey species. Nesting raptors (i.e., nests of falcons, hawks, eagles, or owls) are protected under provisions of the Migratory Bird Treaty Act and California Department of Fish and Game (CDFG) Code Sections 3503, 3503.5, and 2800. Construction disturbance near raptor nests can result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes abandonment and/or loss of reproductive effort is considered a taking by the CDFG. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute a significant impact. Development of this site will require raptor survey prior to construction to ensure that there is no loss of individual raptors, nests, or fledglings.

The loss of individual or all of the mature trees on the project site would result in the loss of breeding habitat for raptor species in the area.

- **Construction activities near raptor nests could result in the loss of fertile eggs, nestlings, or nest abandonment. (Significant Impact)**

- **Removal of mature trees used as nesting sites by protected raptors would be a significant impact if trees are removed during the breeding season. (Significant Impact)**

Burrowing Owls

As stated above, there is currently no known population of Burrowing Owls on the project site. The last recorded owl occupation in the project area occurred in 1993. While no evidence of Burrowing Owl use on the site has been found, pressure on remaining habitat throughout Santa Clara County increases the likelihood that the owls may occupy even marginal property in the future.

Since Burrowing Owls have been found occupying landscaping strips, parking lot tree wells, and other locations that are not natural habitat, it is conceivable that birds could occasionally occupy the open, vacant areas of the project site, even if the location is not viable long term breeding habitat. Should Burrowing Owls move onto the site before construction, development of the site could result in the destruction of nests and loss of birds or fertile eggs.

- **No Burrowing Owl habitat exists on the project site and no habitat would be impacted by the implementation of the proposed project. (Less than Significant Impact)**

- **Should Burrowing Owls move onto the project site prior to construction, individual birds and/or their eggs could be destroyed. (Significant Impact)**

Trees

It is assumed that all of the trees located on the project site will be removed to accommodate grading and construction of the proposed project. Removal of up to 39 ordinance-sized trees on the project site would be a significant impact. The project will also remove 96 non-ordinance size trees.

- **Implementation of the proposed project would result in the removal of up to 39 ordinance-sized trees. (Significant Impact)**

NEPA

NEPA requires compliance with *50 CFR 402, Endangered Species Act (ESA)* of 1973, whenever HUD financial assistance is proposed for a project that has the potential to affect endangered species or critical habitat. As described in the preceding habitat assessment, the site does not offer habitat for federally-listed or proposed threatened or endangered species. The project will not affect any federally-listed or proposed threatened or endangered species, including plants, animals, fish, or invertebrates, nor any designated or proposed critical habitat. [Sources: Site Visit, Goble Lane General Plan Amendment FEIR, August 2002]

NEPA requires compliance with *Executive Order 11990, Wetland Protection*, whenever HUD financial assistance is proposed for a project within a designated wetland. The proposed project will not result in any new construction within or adjacent to any existing wetland. [Sources: Reconnaissance-level wetland survey, October 2004]

NEPA requires compliance with *Section 7(b) and (c), Wild and Scenic Rivers Act,* whenever HUD financial assistance is proposed for a project within one mile of the listed natural resource. The project is not located within a mile of a wild/scenic river. [Source: National Wild and Scenic River List, January 2002]

3. Mitigation and Avoidance Measures for Vegetation and Wildlife Impacts

The following mitigation measures are included in the proposed project to reduce and/or avoid impacts to vegetation and wildlife:

- In conformance with federal and state regulations regarding protection of raptors, it is the City of San José's practice to require that appropriate preconstruction surveys for raptors be completed prior to any development on sites where it is reasonably assumed that such species may be located. The preconstruction surveys are used to

verify the presence/absence of breeding raptors and the surveys must follow California Department of Fish and Game protocols.

Preconstruction surveys will be conducted no more than 30 days prior to the start of site grading. If breeding owls or other raptors are located on or immediately adjacent to the site, the City of San José Director of Planning, Building and Code Enforcement will be notified and a construction-free buffer zone (typically 250 feet) around the active burrow or nest tree will be established for the duration of breeding until young birds have fledged. If owls or other raptors are resident during the non-breeding season (September to January), a qualified ornithologist in consultation with the California Department of Fish and Game, would ensure that measures to avoid harm to the birds are taken prior to grading or tree removal.

- Loss of ordinance-sized trees would be mitigated by conformance with the City of San José landscaping guidelines. Ordinance sized trees removed would be replaced at a minimum ratio of 4:1, with trees in 24-inch box size or larger containers. The specific replacement tree species will be determined by the City Arborist and the Department of Planning, Building and Code Enforcement.

- Loss of non-ordinance sized trees will be mitigated at a minimum ratio of 2:1. The size of the replacement trees and the specific replacement tree species will be determined by the City Arborist and the Department of Planning, Building and Code Enforcement.

- In the event that the project site does not have sufficient area to accommodate the required number of replacement trees, an additional site(s) will be identified for additional tree planting or a donation of funds will be made to San José Beautiful or Our City Forest for in-lieu off-site tree planting and maintenance in the community.

Conclusion: **Implementation of the proposed mitigation would reduce vegetation and wildlife impacts to less than significant. (Less Than Significant with Mitigation)**

F. HAZARDOUS MATERIALS

The following information is based on a Soil Quality Evaluation prepared by *Lowney Associates* in November 2004 (see Appendix B).

1. Existing Setting

Background

Based on the 2002 Phase I environmental site assessment prepared for the Goble Lane General Plan Amendment EIR, the approximately 32-acre site was occupied by agricultural fields and structures by 1954. During the late 1950s to early 1960s, the agricultural buildings appeared to have been demolished and the site redeveloped for commercial use. Site use since the early 1960s included multi-tenant commercial and light industrial buildings, storage yards, and a trailer park on the site's northeast corner. Drying ponds for sludge from the adjacent concrete and asphalt plant, dating back to 1960, were present on the site's southeastern corner; the sludge consisted of sediment from the concrete/asphalt aggregate. Portions of the site were additionally used as automobile storage yards.

A soil quality evaluation was conducted at the site in 2001. The investigation included the drilling of 24 borings at suspect areas, as discussed below. Groundwater was not encountered in borings advanced up to a depth of 45 feet below the ground surface.

Based on laboratory analysis of two soil samples collected near the south/southwestern property boundary (near the railroad tracks), volatile organic compounds (VOCs) and polychlorinated biphenyls (PCBs) were not detected above acceptable levels. In addition, no metals were detected above typical background concentrations. A low concentration of DDT (0.144 parts per million) was detected in one sample and low concentrations of polynuclear aromatic hydrocarbons (PNAs) (0.17 to 0.23 parts per million) were detected in two locations. However, DDT and PNA concentrations detected were significantly below residential Preliminary Remediation Goals (PRGs) and Risk Based Screening Levels. Further evaluation of the soil quality in this area did not appear to be required.

No metals above typical background concentrations were detected in four native soil samples collected from the former automobile salvage yard south/southeast of 2721 to 2727 Monterey Road. Total petroleum hydrocarbons in the motor oil range were not detected above acceptable limits. Low concentrations of total petroleum hydrocarbons in the diesel range (up to 93.7 parts per million) and gasoline range (0.024 parts per million) were detected. Further evaluation of the soil quality in this area did not appear to be required.

Benzene, toluene, ethylbenzene, and xylene compounds were not detected above acceptable levels in five soil samples collected beneath the floors of historic automobile facilities at 136, 153, 157, and 216 Goble Lane. Low levels of petroleum hydrocarbons were detected in two out of five native soil samples collected. The source of the detected petroleum hydrocarbons appeared to be minor surface spills during vehicle maintenance. Thus, the vertical and horizontal extents of the impacted soil appeared likely limited in extent. Further evaluation of the soil quality in these areas did not appear to be required.

Laboratory analysis of one soil sample collected from a reported spill area behind 151 Goble Lane did not detect PNAs or VOCs; metals appeared consistent with typical background concentrations. Further evaluation of soil quality in this area did not appear to be required.

To evaluate general soil quality for the presence of residual pesticides and lead from lead-based paint, soil samples from the upper one-half foot of native soil were collected at eight locations from the site. No organochlorine pesticides were detected; selected metals were detected within typical background concentrations with the exception of elevated concentrations of lead detected at boring SB-7, at the storage lots located at 154A through 164A Goble Lane. Lead levels detected were above the residential PRG, residential RBSL, and the Total Threshold Limit Concentrations (TTLC). Lead levels of 1,700 parts per million were also detected at boring SB-7 at an approximate depth of two to two and one-half feet below the ground surface. The source of the lead in these locations was unclear.

Low to moderate hydrocarbon impacts were detected in the soil at seven locations in the unpaved storage yards on-site. The highest levels detected were in borings SB-7 and SB-8, at the 154A through 164A Goble Lane lots; boring SB-11, at the ice cream truck storage yard; and SB-22, at the vacant lot located at the southern portion of the site. Table 5 shows the contaminants and the concentrations of those contaminants at these four boring locations.

TABLE 5
Hydrocarbon Contamination Levels

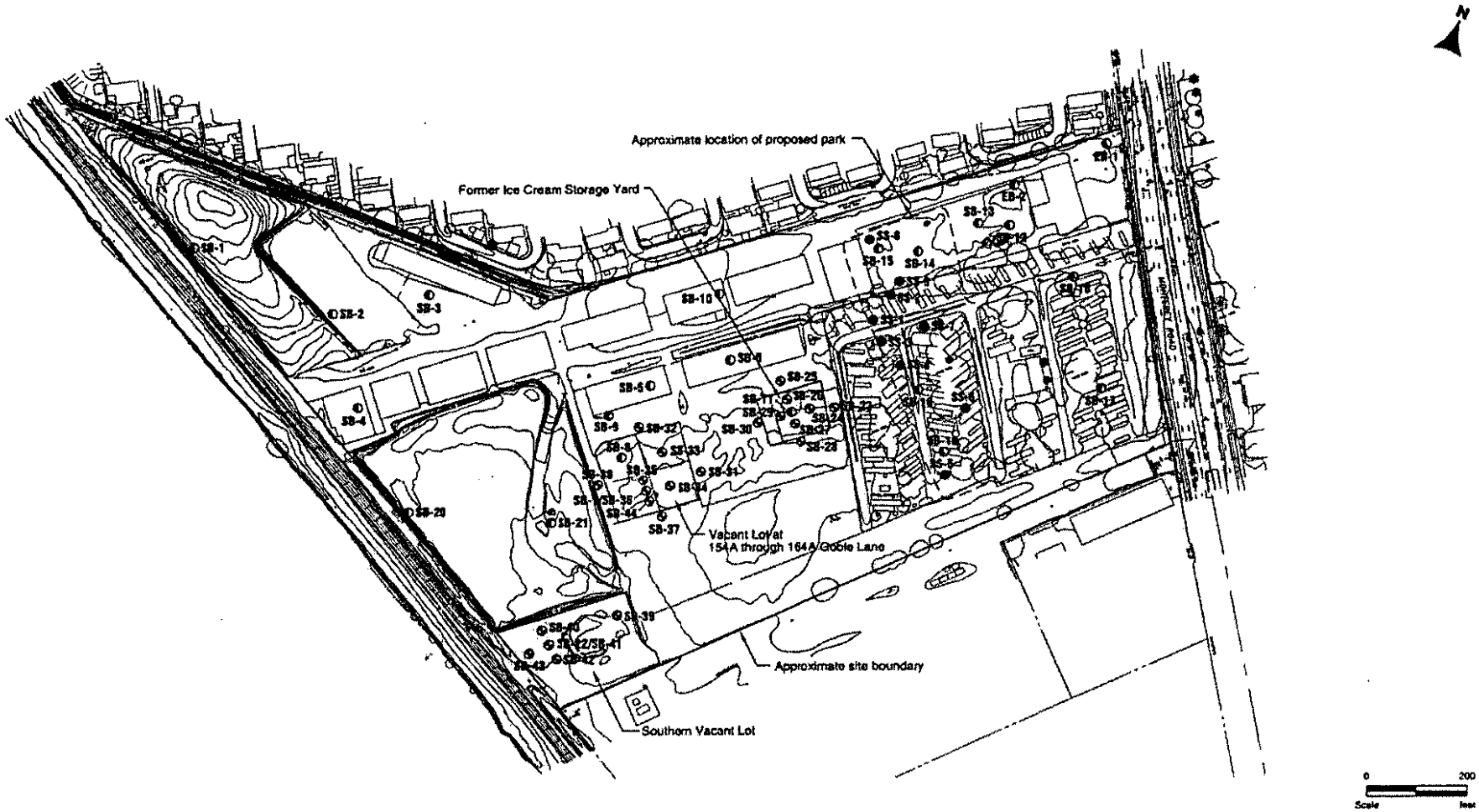
Boring Location	Contaminant		
	Motor Oil	Gasoline	Diesel
SB-7	26,000 ppm[10]	550 ppm	9,000 ppm
SB-8	1,500 ppm	---	---
SB-11	1,400 ppm	---	---
SB-22	2,500 ppm	---	---

The Environmental Screening Level thresholds for residential development are as follows: motor oil, 500 parts per million; gasoline 100 parts per million; and diesel, 100 parts per million. The report recommended additional sampling to better establish the extent of impacted soil in areas near the previous borings SB-7, SB-8, SB-11, and SB-22. Figure 13 shows the locations of the exploratory borings from the 2001 and 2004 soil analysis and the location of the near surface samples from the 2004 soil analysis.

On-Site Soil Analysis

The 2004 soil analysis consisted of 22 borings (SB-23 through SB-44) to approximate depths of four to eight feet in the area of the original SB-7, SB-8, SB-11, and SB-22 boring locations. In addition, nine near-surface soil samples (SS-1 through SS-9) were collected in the proposed park area. The analytical results of the soil samples can be

[10] PPM stands for parts per million



LEGEND

- Approximate location of exploratory boring (Lowney 2004)
- Approximate location of near surface soil sample (Lowney 2004)
- Approximate location of previous boring (Lowney 2001)

BORING LOCATIONS

FIGURE 13

found in Tables 1A, 1B, and 1C of Appendix B. A discussion of the borings and the results of the analysis is below.

Borings SB-23 through SB-30

Borings SB-23 through SB-30 were drilled in the area of the ice cream truck storage yard to evaluate the vertical and lateral extent of petroleum hydrocarbons previously detected at boring SB-11.

Mercury detected in the borings appears consistent with naturally occurring background levels and is significantly below the residential and industrial PRGs and Environmental Screening Levels (ESLs) for mercury. Based on the concentrations detected, no further on-site soil samples for mercury are required at this location.

Diesel was detected at concentrations above the residential and industrial ESL of 100 parts per million at SB-23 and SB-30. PRGs for diesel have not yet been established.

Motor oil was detected at concentrations of up to 1,300 parts per million at SB-23, 590 parts per million at SB-26, 660 parts per million at SB-27, and 1,500 parts per million at SB-30. Residential and industrial ESLs for motor oil are 500 and 1,000 parts per million, respectively. PRGs for motor oil have not yet been established.

The source of the detected petroleum hydrocarbons appears to be surface spills from vehicles and other storage. The vertical and horizontal extent of the impacted soil appears to be relatively limited, although the lateral extent to the northeast and southwest does not appear to be defined.

Borings SB-31 through SB-38, and SB-44

Borings SB-31 through SB-38, and SB-44 were drilled in the area of the 154A, 159A, and 164A Goble Lane lots to evaluate the vertical and lateral distribution of lead and petroleum hydrocarbon previously detected in borings SB-7 and SB-8.

The Total Threshold Limit Concentration (TTLC) is the level above which a solid waste is considered hazardous pursuant to Title 22 of the California Code of Regulations. The TTLC for lead is 350 ppm. Elevated levels of lead were detected at SB-31 (1,100 ppm) and SB-44 (310 ppm) and appear to be limited in depth.

Gasoline was not detected above acceptable levels, but benzene was detected at SB-31 at 0.065 ppm. The acceptable residential and industrial ESL for benzene is 0.044 ppm, and the residential and industrial PRGs are 0.6 ppm and 1.3 ppm, respectively.

Diesel was detected at concentrations above the residential and industrial ESL of 100 ppm at SB-31 (3,400 ppm) and SB-35 (9,600 ppm).

Motor oil was detected at concentrations of up to 15,000 ppm at SB-31, 27,000 ppm at SB-35, and 710 ppm at SB-36. As stated above, residential and industrial ESLs for motor oil are 500 and 1,000 parts per million, respectively.

The source of the detected petroleum hydrocarbons appears to be surface spills from vehicles and other storage and the asphalt-like material encountered at borings SB-31 and SB-35. The petroleum hydrocarbons detected in the asphalt-like material were primarily in the motor oil range.

Borings SB-39 through SB-43

Borings SB-39 through SB-43 were drilled in the vacant lot located at the southern portion of the site to evaluate the vertical and lateral extent of petroleum hydrocarbons previously detected at boring SB-22. These borings were also located in the general area of the former drying ponds from the adjacent asphalt plant.

Diesel was detected at concentrations above the residential and industrial ESL of 100 ppm at SB-40 (up to 370 ppm) and SB-42 (7,300 ppm).

Motor oil was detected at concentrations of up to 13,000 ppm at SB-40 and 70,000 ppm at SB-42. As stated above, residential and industrial ESLs for motor oil are 500 and 1,000 parts per million, respectively.

One sample collected at SB-43 was also analyzed for total lead and PNAs. Total lead was detected at a concentration of 6.3 ppm, which appears consistent with naturally occurring background levels and is significantly below the residential and industrial PRGs and ESLs for lead. PNAs detected were also significantly lower than their respective residential and industrial PRGs and ESLs, when established. The PNAs may be associated with the apparent asphalt layer observed at borings SB-40 and SB-42 and, based on the low concentrations detected, further work concerning lead and PNAs in this location is not required.

Soil Samples SS-1 through SS-9

The nine near-surface soil samples (SS-1 through SS-9) were collected at the proposed park location for the evaluation of general soil quality pursuant to a request by the City of San José Environmental Program Manager.

Mercury detected in the samples is consistent with naturally occurring background levels and is significantly below the residential and industrial PRGS and ESLs for mercury. No further work concerning mercury is required at this location.

Diesel was detected at concentrations above the residential and industrial ESL of 100 ppm at SS-8 (1,100) and SS-9 (1,100 ppm). Motor oil was also detected at concentrations at or above residential and industrial ESLs for motor oil (500 and 1,000 ppm, respectively) at SS-5 (1,000 ppm), SS-8 (1,100 ppm), and SS-9 (1,100 ppm).

The source of the detected petroleum hydrocarbons appears to be surface spills from vehicles and other storage. The proposed park location is currently occupied with a mobile home park.

Naturally Occurring Asbestos

Ten soils samples were collected at selected locations across the site and analyzed for asbestos, as Communications Hill is known to have high concentrations of naturally occurring asbestos in the serpentinite bedrock. Four of the ten samples detected trace amounts of asbestos (less than one percent), and the other samples did not detected measurable levels of asbestos. Based on the low level concentrations of asbestos detected, further work concerning naturally occurring asbestos is not required.

On-Site Groundwater Analysis

Previous borings on the project site encountered groundwater at depths of 57 to 60 feet below the ground surface. Test results of the borings showed no organic compounds, but did show metals in the groundwater. All metals, except for Selenium, were found at levels below the respective State Maximum Contaminant Level (MCL) for drinking water. Selenium was found in two of the four water samples at concentrations above the MCL. However, the project site does not utilize groundwater and the groundwater levels are too far below the ground surface to impact surface soils.

Off-Site Sources of Contamination

During the 2002 Phase I report study, the regulatory agency database was reviewed, and the adjacent Raisch Products facility was reported as a Leaking Underground Storage Tank (LUST) site with diesel impacted soil reported on-site. The case is listed as a soil impact only, and was signed off by the Santa Clara Valley Water District.

2. Hazardous Materials Impacts

Thresholds of Significance

For the purposes of this EIR, a hazardous materials impact is considered significant if the project would:

- create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
- 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;
- emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;
- be located on a site which is included on a list of hazardous materials sites complied pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment;
- 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;
- 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;

- impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
- 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?

Sources of On-Site/Off-Site Impacts

Based on the soil analysis conducted on four previously identified target areas of the project site, the site has high concentrations of lead, diesel, motor oil, and benzene that exceed the residential ESLs thresholds (and PRG thresholds where they have been established). All of the contamination, however, is limited and does not exceed four and one-half feet in depth from the ground surface. Nevertheless, future residents could be exposed to the contaminated soil, which is considered a significant impact. In addition, the location of railroad tracks directly adjacent to the project site presents the potential for the soil on the site to be contaminated with various chemicals that have historically been used for dust suppression and weed control. Other chemicals of concern include solvents, fuels, and oils that may have spilled or leaked from passing trains.

- **Implementation of the proposed project would expose construction workers and future residents to soil contaminated with lead, diesel, motor oil, and benzene at levels that exceed established residential thresholds. (Significant Impact)**

Asbestos and Lead-Based Paint

Since many of the buildings on the project site were built prior to 1980, asbestos-containing materials (ACMs) may be present. Demolition of these buildings would occur prior to redevelopment with high density residential uses. Prior to issuance of demolition permits by the City, an asbestos survey must be conducted under National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines. In addition, NESHAP guidelines require that all potentially friable ACM be removed prior to building demolition that may disturb the ACM.

Demolition of buildings containing lead-based paint could create dust at concentrations which would expose workers and nearby receptors to potential health risks. State regulations require that air monitoring be performed during and following renovation or demolition activities at sites containing lead-based paint. Appropriate modifications to renovation/demolition activities would be required if airborne lead levels exceed the current Federal OSHA action level of 30 micrograms per cubic meter ($\mu g/m^3$). If the lead based paint is peeling, flaking, or blistered, it would need to be removed prior to demolition. It is assumed that such paint will become separated from the building components during demolition activities. As a result, it must be managed and disposed of as a separate waste stream. If the lead based paint is still bonded to the building materials, its removal is not required prior to demolition. It will be necessary, however, to follow the requirements outlined by Cal/OSHA Lead in Construction Standard, Title 87, California Code of Regulations (CCR 1532.1) during demolition.

- **Implementation of the proposed project could result in the demolition of buildings containing ACMs and lead-based paint. Buildings demolished in conformance with federal and state laws and regulations will not expose construction workers and/or the public to airborne contaminants, including lead-based paint and asbestos. (Less Than Significant Impact)**

Off-Site Contamination Sources

There are currently no adjacent or nearby properties that are impacting or have the potential to impact the project site. Raisch Products did have a LUST reported, but due to the extreme depth to groundwater, contamination in the project area remains localized and does not migrate far from the source. As a result, the project site has not been impacted by adjacent properties.

NEPA

NEPA requires compliance with *24 CFR 51C, Explosives and Flammable Operations*, whenever HUD financial assistance is proposed for a project that has the potential to expose people to above ground explosive or flammable fuel containers.

HUD requires that all housing projects applying for federal funding be an acceptable distance from explosion and flammable hazard sources located within one mile of the project site. The adjacent Raisch property has no evidence of above ground diesel or gasoline tanks on-site. The only tanks on the Raisch property are two elevated water tanks used for dust suppression.

The only above-ground tanks within one mile of the project site are two 30,000 gallon propane storage tanks located at the *Suburban Propane Facility* approximately 0.55 miles south of the project site. The tanks are located on the west side of Monterey Road near the intersection of Southside Drive and Monterey Road. In the 0.55 miles between the propane tanks and the project site there are approximately 30 one-story commercial/industrial buildings and two two-lane roadways.

The propane tanks are pressurized and store the propane in liquid form (liquefied petroleum gas). Because petroleum products stored in pressurized tanks are both explosive and flammable, the Acceptable Separation Distance (ASD) must be determined for both blast overpressure (explosion) and thermal radiation (fire). Based on HUD requirements, the ASD for people from a 30,000 gallon propane tank is 1,120 feet for thermal radiation and 660 feet for blast overpressure. The presence of two tanks does not extend the radius of the blast or thermal radiation area. Because the project site is more than 2,800 feet from the propane tanks, the proposed project will not expose people or buildings to above ground explosive or flammable fuels or chemical containers, as defined in "Siting of HUD-Assisted Project Near Hazardous Facilities." [Sources: Site Visit, Phase I Site Assessment, June 2002]

NEPA requires compliance with *24 CFR 58.5(i)(2), Hazardous, Toxic or Radioactive Materials & Substances*, whenever HUD financial assistance is proposed for a project that has the potential to expose people to hazardous, toxic, or radioactive materials. The

potential sources of hazardous materials in the immediate project area are the localized soil contamination on the project site and the adjacent Raisch facility, which has no evidence of hazardous materials on-site. The contaminated soil on the project site will be removed prior to construction pursuant to the mitigation measures listed below. In addition, the adjacent Raisch facility utilizes diesel trucks for their daily operations. The roadway used by the diesel trucks is adjacent to the southern property line of the project site. However, analysis of the potential resident diesel exhaust exposure determined that long-term exposure to the diesel exhaust will have a less than significant impact on future residents (see Section II.I., *Air Quality* for a complete analysis). The proposed project will not, therefore, expose people to hazardous, toxic, or radioactive materials or substances. [Sources: Site Visit, Phase I Site Assessment, June 2002]

NEPA requires compliance with *24 CFR 51D, Airport Clear Zones and Accident Potential Zones*, whenever HUD financial assistance is proposed for a project that has the potential to place people within an airport clear zone or accident potential zone. The project site is not within any airport clear zones or accident potential zones. [Source: Santa Clara County Airports Land Use Commission Land Use Plan, November 2003]

3. Mitigation and Avoidance Measures for Hazardous Materials Impacts

The following mitigation measure is incorporated into the proposed project to reduce hazardous materials impacts:

- All soils (both in the proposed residential area and the proposed park area) on the project site identified as contaminated with lead, diesel, motor oil, and/or benzene at concentrations above established residential thresholds will be excavated to a depth where clean soil is known to occur (no more than five feet below the ground surface) and the contaminated soil will be hauled off-site and disposed of at a licensed hazardous materials disposal site. Building permits will not be issued until all contaminated soil is removed from the project site.

Based on existing laws and regulations, the following mitigation measures would be incorporated into the project to reduce or avoid hazardous materials impacts:

- *AB3205* contains legislation that requires businesses that use extremely hazardous materials to submit a Risk Management and Prevention Plan to the administering agency upon request. The Santa Clara County Department of Health Services, Toxic Substances Control Division is the administering agency for the local implementation of AB3205. The required plans identify specific risks associated with the use and storage of extremely hazardous materials at specific locations, along with potential target populations that may be at risk.

- *AB2185 and AB3777* contain requirements for emergency response plans. The purpose of these plans is to assist local agencies in preparing for a hazardous materials spill. Emergency plans identify the potential for accidents in a community, define a chain of command in the event of an emergency, outline escape routes if necessary, and provide other emergency procedures. Each responsible agency

maintains detailed operation procedures for responses to hazardous materials problems.

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

- All demolition activities would be undertaken according to OSHA and EPA standards to protect workers, and off-site occupants from exposure to asbestos and lead based paint. Specific measures include air monitoring during demolition of existing buildings and construction activities.

- Building materials classified as hazardous materials would be disposed of in conformance with federal, state, and local laws.

- Cleanup and remediation of the sites would be required to meet all federal, state, and local regulations for residential development.

Conclusion: **Implementation of the proposed mitigation measures will reduce hazardous materials impacts to a less than significant level. (Less Than Significant with Mitigation)**

G. CULTURAL RESOURCES

The following information is based on a historic property survey report conducted by *Basin Research Associates* in March 2005 and the Goble Lane Housing General Plan Amendment Final Environmental Impact Report, 2002. The historic property survey is on file with the City of San José Department of Planning, Building and Code Enforcement.

1. Existing Setting

Prehistoric Overview

The project site is located within the former territory of the *Tamyen (Tamien)* subgroup of the Coastanoan Indians. Alternatively, the project area was within the group known as the *Ritocsi* who occupied the area from Downtown San José south to New Almaden. Their northernmost village, known as "San Juan Bautista" in the records of the Mission Santa Clara, was situated in the general vicinity of the confluence of the Guadalupe River and Alamitos Creek.

Although the locations of these tribelets and settlements are inexact due to incomplete date, historic accounts suggest that several of the groups may have had temporary camps within the vicinity of the project area throughout the prehistoric period and into the Hispanic Period. However, no Native American artifacts have been identified near the vicinity of the project site.

There are no recorded archaeological resources within the project site. To the west, on the eastern slope of Communications Hill, a single isolated artifact was recorded within 1,000 feet of the project site (CA-SCI-KSO-5).

Historic Resources

Hispanic Period

Spanish explorers in the late 1760s and 1770s were the first Europeans to traverse the Santa Clara Valley. The first party, led by Gaspar de Portola and Father Juan Crespi, arrive in the Alviso area in the fall of 1769. This first expedition lead the way for other explorers and the eventual establishment of missions in Santa Clara Valley. During the Hispanic Period, the project site was part of four square leagues of land given to Pueblo San José de Guadalupe. The project site was most likely used as a *dehesas* or large tract of public pasture land for grazing cattle.

No Hispanic Period dwellings or other structures have been reported on or adjacent to the proposed project site.

American Period

In the mid-19th century, the majority of the rancho and pueblo lands and some of the ungranted land in California was subdivided as a result of population growth (due to the gold rush, completion of the transcontinental railroad and, particularly in the Santa Clara Valley, the development of the refrigerator railroad car), the American takeover, and the

confirmation of property titles. During the later American Period and into Contemporary Period (ca. 1876-1940s), fruit production became the major industry in Santa Clara Valley and continued through World War II. During the early American Period, the project site was apparently sparsely settled and was eventually developed with the mobile home park and industrial development currently on the site.

Project Specific Historic Map Review

Based on the earliest available USGS topographic maps for the project site, the 1899 San José quadrangle shows no structures or features in the project area. During this period, the Southern Pacific railroad ran along Monterey Road.

The 1943 U.S. War Department topographic map shows Goble Lane as unpaved with two structures on the north side of Goble Lane near Monterey Road. Four other structures are present at the end of Goble Lane, two on the north side and two on the south side.

By 1953, Goble Lane is paved and the two structures near Monterey Road have been removed. The maps show ten buildings, including the four marked on the 1943 map, at the end of Goble Lane.

By 1961, five large structures have been built on the south side of Goble Lane between Monterey Road and the end of Goble Lane. At least seven structures are still located at the end of Goble Lane.

The 1973 USGS topographic map shows four structures on the south side of the now expanded Goble Lane (prior to the 1973 map, Goble Lane did not extend to the railroad track), and one structure on the north side. None of the seven structures shown on the 1961 map are present. In addition, an access road from Monterey Road with five trailer park "roads" had been built. All of these improvements were still present on the 1980 map.

2. Cultural Resources Impacts

Thresholds of Significance

For the purpose of this EIR, a cultural resources impact is considered significant if the project would:

- cause a substantial adverse change in the significance of a historical resource;
- cause a substantial adverse change in the significance of an archaeological resource;
- directly or indirectly destroy a unique paleontological resource or site or unique geological feature; or
- disturb any human remains, including those interred outside of formal cemeteries.

Impacts to Prehistoric/Historic Resources

The project site was included in an archaeological survey conducted for the Communications Hill Specific Plan in November 1990. The survey concluded that the

site had no prehistoric or historic archaeological resources or historic structures on or adjacent to the project site. The buildings on-site are less than 50 years old and have no distinguishing architectural features and are not connected to any locally significant persons or events. As a result, the buildings are not eligible for City Landmark status or listing as a significant resource within the City of San José. In addition, the buildings are not eligible for listing on the California or National Register.

- **The proposed project will have a less than significant impact on prehistoric and historic resources. (Less Than Significant Impact)**

NEPA

NEPA requires compliance with *36 CFR Part 800, Historic Preservation*, whenever HUD financial assistance is proposed for a project that has the potential to impact historic properties. In October 2004, a field survey was conducted on the project site and all structures were inventoried. The large open space areas were also surveyed.

The commercial/light industrial manufacturing buildings on the project site appear to be either wood-frame or steel frame single-story buildings sheathed with corrugated metal and constructed within the past 40 – 45 years or less based on the historic map review and aerial photo documentation.

The majority of the open areas are covered with asphalt paving, crushed asphalt or crushed rock. The open field appears to be covered with structural fill material and some modern trash was present.

The trailer park lots, at the time of the survey, were mostly vacant (e.g., concrete foundation pads, paved driveways, and utility hook-ups) and a large amount of debris (including abandoned cars) are present around some of the still-occupied trailers.

No evidence of prehistoric or significant historic features or sites were observed during the survey conducted for the project. The built environment consists of buildings and structures less than 45 years in age. All are similar in appearance and construction and none appear distinctive.

Section 106 of the National Historic Preservation Association define an effect as any action that would alter the characteristics of the property that may qualify the property for inclusion in the National Register; and diminish the integrity of the property's location, setting, design, materials, workmanship, feeling, or association. Based on archival research and the site survey, a determination of *No Historic Properties Affected* is applicable since no historic properties are within or adjacent to the Area of Potential Effect that are listed, eligible, or appear eligible for inclusion on the National Register. [Sources: Historic Property Survey Report, 2004]

3. Mitigation and Avoidance Measures for Cultural Resources

As required by County ordinance, the project has incorporated the following guidelines:

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

Conclusion: **Implementation of the proposed project will have a less than significant impact on cultural resources. (Less Than Significant Impact)**

H. TRANSPORTATION AND CIRCULATION

The information provided in this section is based on a traffic analysis prepared by *DKS Associates* in April 2005. The complete traffic report is provided in Appendix C.

1. Existing Setting

Existing Roadway Network and Transportation Facilities

Regional

Regional access to the project area is provided by State Route 87 (SR 87), U.S. Highway 101 (US 101), Monterey Highway (SR 82), Capitol Expressway and Curtner Avenue - Tully Road. Descriptions of these regional roadways are provided below.

U.S. Highway 101 (US-101) extends from Los Angeles, in the south, to the Oregon state border, in the north. In the vicinity of the project, US-101 runs in the north-south direction and includes three mixed-flow lanes and one high occupancy vehicle lane in each direction. US-101 provides access to the project study area with its interchanges with Capitol Expressway, Tully Road and the I-280/I-680 interchange.

State Route 87 (SR-87) is a four-lane roadway that extends from SR-85 in south San José to US-101 north of the Norman Y. Mineta San José International Airport. Access to the project study area from SR-87 is provided via its interchanges at Curtner Avenue, Capitol Expressway and Alma Avenue.

Monterey Highway (SR-82) is a four- to six-lane limited access roadway that extends from US-101 at the south end of Gilroy to its terminus at Alma Avenue in San José where it becomes First Street. Adjacent to the project site, Monterey Highway is also designated as SR-82 and includes three lanes in each direction and signalized intersections at Umbarger Road and Lewis Road.

Capitol Expressway is a six-lane limited access facility with a grade-separated interchange at Monterey Highway (SR-82). It extends between I-680 to the north and Almaden Expressway to the south, within the City of San José. West of Almaden Expressway, Capitol Expressway becomes Hillsdale Avenue.

Tully Road-Curtner Avenue is a two- to six-lane arterial that travels in an east-west direction. It provides two lanes in the westbound direction of Seventh Street-Old Tully Road, and three lanes in the eastbound direction. It extends from Klein Road in the east, to its terminus with Monterey Highway in the west, where it becomes Curtner Avenue. Curtner Avenue is a four-lane roadway extending to Camden Avenue near Highway 17.

Local Access

Local access is provided by Willow Street, Alma Avenue, Senter Road, Tenth Street, Seventh Street, McLaughlin Avenue, Umbarger Road and Lewis Road. Descriptions of these local roadways are described below.

Willow Street is a two-lane local street that travels in an east-west direction north of the project site. It extends from First Street in the east to its terminus just west of Meridian Avenue.

Keyes Street is a four-lane local street that travels in an east-west direction north of the project site. It extends from Monterey Road in the west, to its terminus with McLaughlin Avenue in the west, where it becomes Story Road.

Alma Avenue is a four-lane local street that travels in an east-west direction north of the project site. It extends from Senter Road in the east, to its terminus with SR-87 in the west, where it becomes Minnesota Avenue.

Senter Road is a four-lane major roadway that travels in a north-south direction east of the project site. It extends from Keyes Street in the north to Monterey Highway in the south. Senter Road includes a center two-way left-turn lane from between Lewis Road and Umbarger Road to north of Alma Avenue.

South 10th Street is a two- to four-lane roadway that travels in a north-south direction east to the project site. It extends from Old-Bayshore Highway in the north to its terminus at Tully Road. 10th Street operates in a one-way direction southbound between Hedding Street in the north to Humbolt Street in the south. South of Humbolt Street, Tenth Street includes two lanes in each direction.

South 7th Street is a two-lane local street that travels in a north-south direction east of the project site. It extends from Commercial Street in the north to its terminus at Tully Road. The south leg of the Seventh Street/Tully Road intersection is Old Tully Road. Seventh Street is closed to through-traffic between its intersection with San Fernando Street and San Salvador Street, in the vicinity of San José State University.

McLaughlin Avenue is a two- to four-lane major arterial that travels in a north-south direction. It runs parallel to US-101 and extends from Williams Street in the north to Tuers Road in the south near Yerba Buena Road.

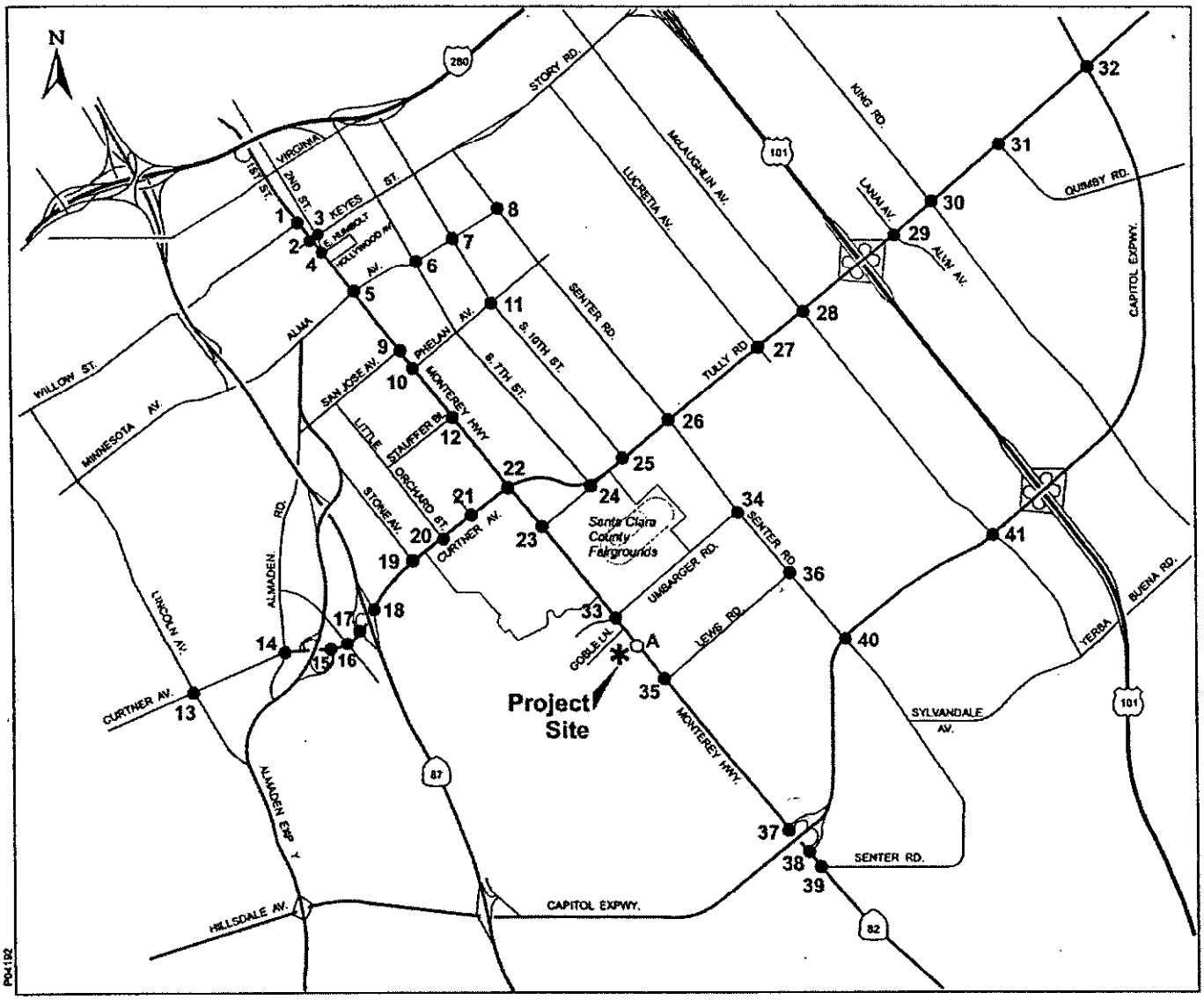
Umbarger Road is a two-lane minor street that travels in an east-west direction. It runs from Monterey Highway in the west to Senter Road in the east. Abutting land uses are commercial and residential developments. Umbarger Road provides a number of vehicle access points to the Santa Clara County Fairgrounds property.

Lewis Road is a two-lane minor street that travels in an east-west direction. It runs from Monterey Highway in the west to Senter Road in the east. Abutting land uses are primarily residential developments, except for commercial land uses along Monterey Highway.

Figure 14 illustrates the roadway network and study intersections within the project area.

Transit Service

The Santa Clara County Valley Transportation Authority (VTA) has jurisdiction over public transit in Santa Clara County. Santa Clara County VTA currently operates five



● City of San Jose Study Intersection

○ Future Intersection

ROADWAY NETWORK AND STUDY INTERSECTIONS FIGURE 14

local bus routes within the vicinity of the proposed project. The VTA bus routes that would mostly be used as single or connecting routes are Routes 26, 66, 68, 73, 304/305.

Route 26 provides service from Eastridge Mall in east San José to the Lockheed Martin development in the City of Sunnyvale. Weekday service is provided between 5:30 a.m. and 9:30 p.m. in the eastbound direction, at 20-minute headways during the peak periods (7:00 a.m. – 9:00 a.m. and 4:00 p.m. - 6:00 p.m.) and at 30- to 60-minute headways during other times. In the westbound direction, service is provided between 5:00 a.m. and 10:30 p.m., at 20-minute headways during the peak periods (7:00 a.m. – 9:00 a.m. and 4:00 p.m. - 6:00 p.m.) and at 30- to 60-minute headways during other times. Weekend service is provided at 30- to 60- minute headways between 7:00 a.m. and 9:30 p.m. Route 26 travels along Tully Road in the vicinity of the project.

Route 66 provides service between Santa Teresa Hospital and the City of Milpitas. Weekday service is provided in the northbound direction between 5:00 a.m. and 10:20 p.m. at 15-minute peak period headways, while off-peak headways vary between 30 and 60 minutes. In the southbound direction, service is provided from 5:00 a.m. to 10:45 p.m. at 20-minute peak period headways. Weekend service is provided between 5:30 a.m. and 10:45 p.m. at 30 to 60-minute headways. Route 66 travels along Monterey Road in the vicinity of the project, with transit stops located immediately across the project site and just south of the project site entrance, near the Car Care Shopping Center. Other transit stops are located at the intersections of Monterey Road/Umbarger Road and Monterey Road/Lewis Road and within walking distance from the project site.

Route 68 provides service from Gilroy/Gavilan College in the City of Gilroy to the San José Caltrain Station. It operates during the weekday hours of 4:15 a.m. to 10:00 p.m. in the northbound direction at 20-30 minutes headways. In the southbound direction, service is provided from 5:00 a.m. to midnight at 15 to 20-minute headways. Off-peak headways are 30 to 60 minutes. On weekends, Route 68 operates at 30- to 60-minute headways between 5:45 a.m. and 12:30 a.m. on weekends. Route 68 travels along Monterey Highway in the vicinity of the project, with transit stops located immediately across the project site and just south of the project site entrance, near the Car Care Shopping Center. Other transit stops are located at the intersections of Monterey Road/Umbarger Road and Monterey Road/Lewis Road and within walking distance from the project site.

Route 304 and Route 305 are limited stop routes that operate during the peak periods on weekdays only and link South San José to the Caltrain Station in the City of Mountain View. Both routes travel on Monterey Highway in the vicinity of the project site and include stops at the intersections of Monterey Road/Umbarger Road and Monterey Road/Lewis Road and Curtner Avenue-Tully Road. Route 304 operates on 15- to 30-minute headways, while Route 34A provides hourly service during the peak periods.

Route 73 provides service between downtown San José and the Snell/Capitol Intersection. It operates between 5:00 a.m. and 10:00 p.m. at 15-minute headways during the day and at 30- to 60- minute headways after 6:00 p.m. Weekend service is provided hourly between 7:00 a.m. and 8:00 p.m. Route 73 travels along Senter Road in the vicinity of the project.

Figure 15 illustrates the transit facilities within the project area.

Bicycle Facilities

The 2002 Santa Clara County Bikeways Map indicates bicycle facilities in the vicinity of the project. The existing system consists of three classifications of bicycle facilities:

- Class I facilities (bike path) – are completely separated, with paved right of way (shared with pedestrians) which excludes general motor vehicle traffic.

- Class II facilities (bike lane) – a striped lane for one-way bike travel on a roadway.

- Class III facilities (bike route) – typically a street with low traffic volumes and speeds, with measures for preferential bike treatment.

The bicycle facilities map identifies Seventh Street (north of Tully Road), Tully Road-Curtner Avenue (between Leigh Ave and Quimby Rd), Monterey Highway (south of Tully Road), Senter Road and Capitol Expressway, as major roadways that include Class II bike lanes, respectively. Tenth Street is a designated bike route from Hedding St. to Tully Road. Class I bike paths exist along the Guadalupe Expressway trail, located north and south of Curtner Avenue. Bicycles are also permitted along Capitol Expressway and Almaden Expressway.

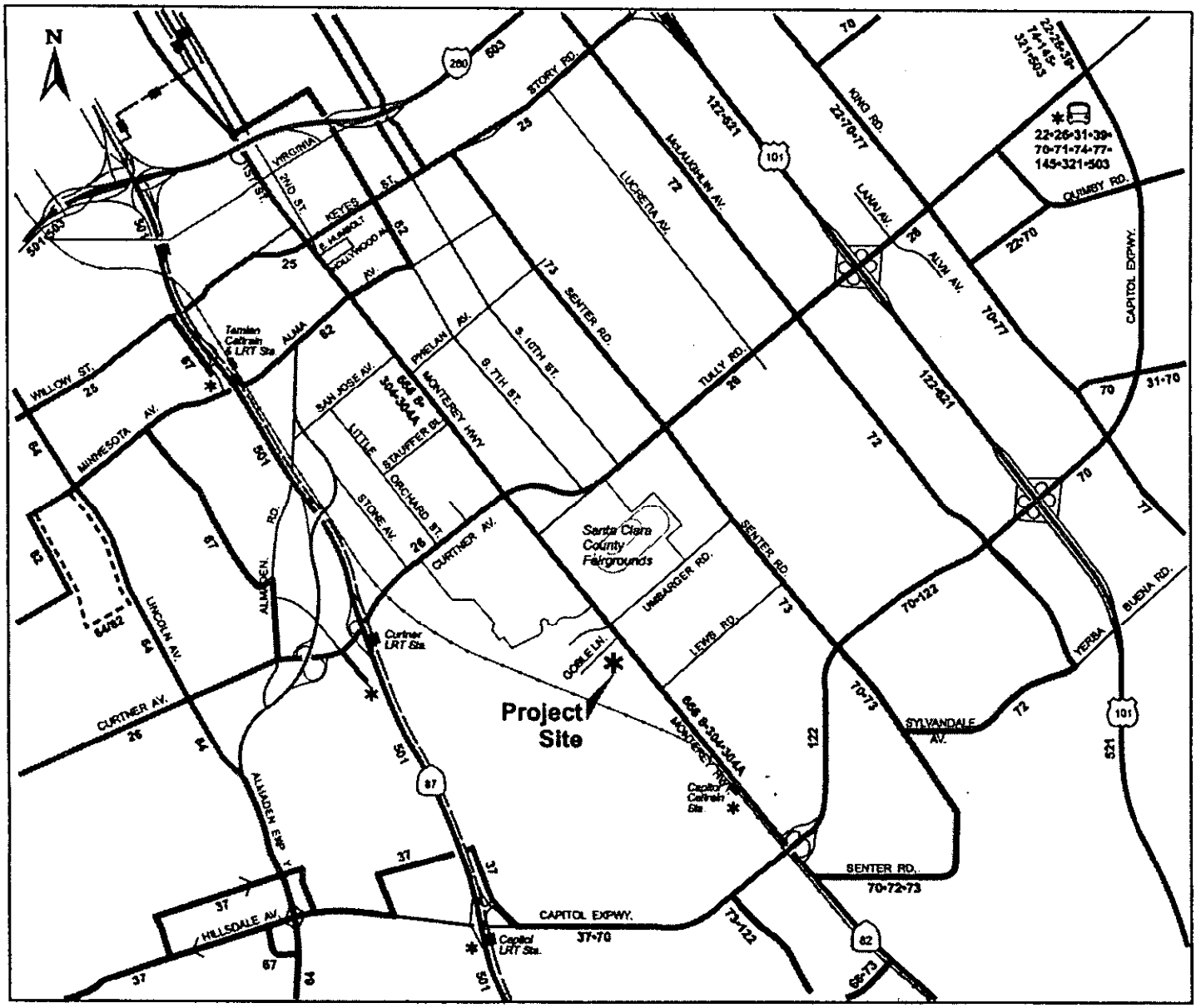
The Bikeways Map illustrates a number of "rated streets". Rated streets are "streets frequently used by bicyclist, where they share the roadway with motor vehicles or merging with motor vehicles. These include city-designated Class III bike routes. Street ratings are based on the following types of characteristics"[1]:

- Extreme Caution: Heavy traffic volumes; High traffic speeds at or greater than 35 mph; high number of motor vehicles turning right or merging across bicyclist path of travel.

- Alert: Moderate traffic volumes; Moderate traffic speeds; Medium-width travel area for bicycles (shoulders or curb lanes; Low to moderate number of motor vehicles turning right or merging across bicyclist path of travel; Moderate to high parking turnover; somewhere in between Extreme Caution and Moderate.

- Moderate: Low traffic volumes; Moderate to low traffic speeds; Wide travel area for bicycles (shoulders or curb lanes); Low parking turnover or no curbside parking.

The bicycle facilities map identifies Tenth Street (north of Tully Road), Monterey Highway (south of Tully Road), Lincoln Avenue, McLaughlin Avenue, and King Road as "extreme caution" streets. Figure 16 illustrates the location of bicycle facilities in the vicinity of the project.

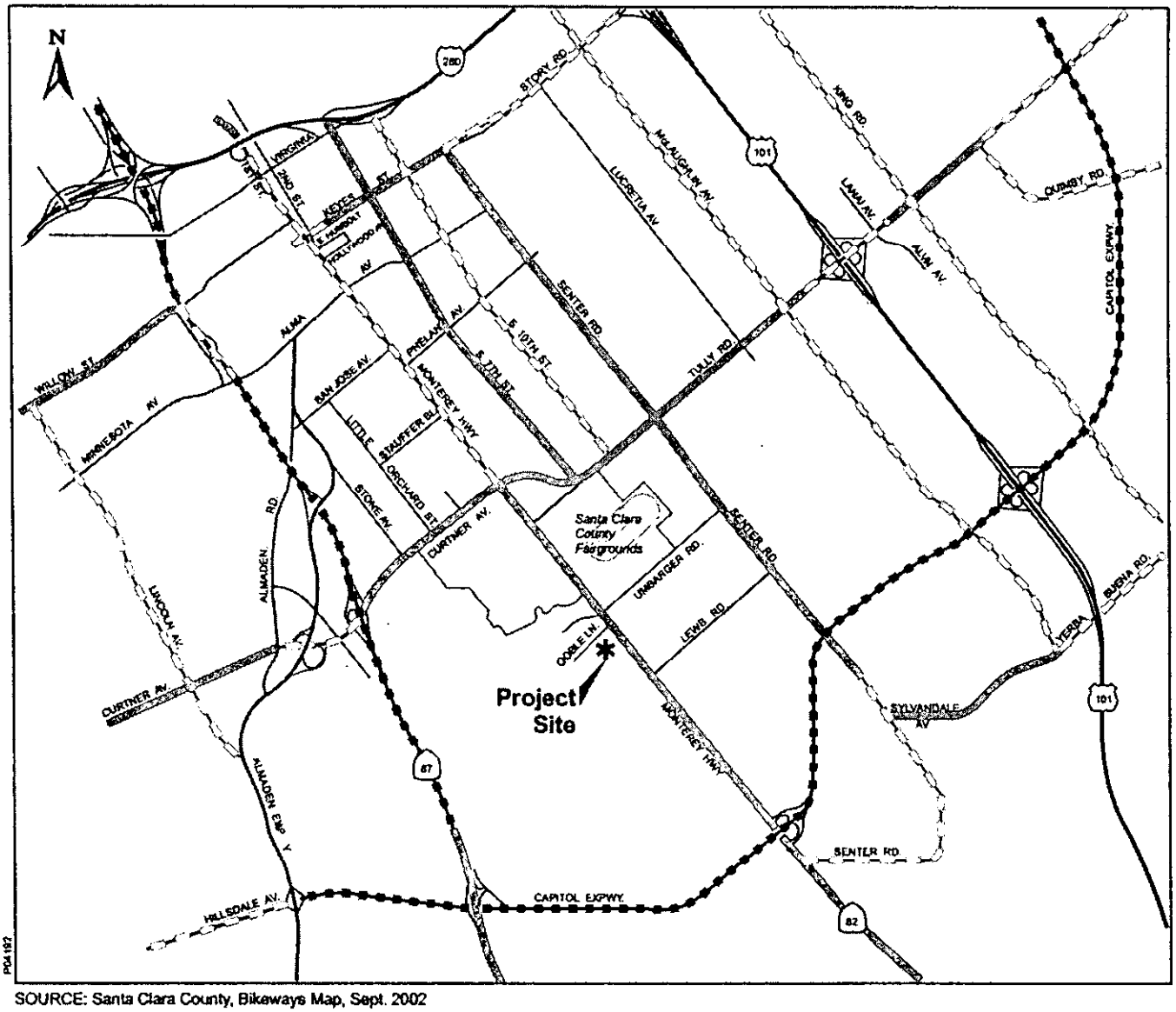


SOURCE: Santa Clara Valley Transportation Authority, Santa Clara Valley Bus and Rail Map, January 2001

Bus Routes
Bus Stop
Transit Center
Caltrain
LRT
Station
Park and Ride Lot

TRANSIT FACILITIES

FIGURE 15



SOURCE: Santa Clara County, Bikeways Map, Sept. 2002

- Bike Lanes
- Extreme Caution Street
- Bike Path
- Expressway

BICYCLE FACILITIES

FIGURE 16

Pedestrian Facilities

Pedestrian facilities within the vicinity of the site include sidewalks, crosswalks and pedestrian signals. Crosswalks and pedestrian signals at all of the signalized intersections accommodate pedestrian movements within the immediate vicinity of the project. Sidewalks are provided on both sides of Monterey Highway adjacent to the project site.

Methodology

Traffic conditions were evaluated for existing conditions, background conditions[11], and project conditions[12] to determine if the level of service (LOS) of the intersections and freeway segments in the project area would be adversely affected by the proposed project. The City of San José designated intersection LOS software analysis program is TRAFFIX. TRAFFIX evaluates signalized intersection operation on the basis of average stopped delay for all vehicles at the intersection. The analysis uses procedures from the 2000 *Highway Capacity Manual (HCM)* method for signalized intersections.

The determination of LOS for freeway segments is based on density, as described in the 2000 *Highway Capacity Manual.*

LOS is a qualitative description of operating conditions ranging from LOS A (free flowing conditions) to LOS F (excessive delays). The definitions for LOS for signalized intersections are summarized in Table 6 and definitions for LOS for freeway segments are summarized in Table 7.

TABLE 6
Signalized Intersection Level of Service Definitions

LOS	Average Stopped Delay[13]	Description
A	10.0 or less	Free flow; minimal to no delay
B+ B B-	10.1 to 12.0 12.0 to 18.0 18.0 to 20.0	Stable flow but speeds are beginning to be restricted by traffic conditions; slight delays.
C+ C C-	20.1 to 23.0 23.0 to 32.0 32.0 to 35.0	Stable flow but most drivers cannot select their own speeds and feel somewhat restricted; acceptable delays.
D+ D D-	35.1 to 39.0 39.0 to 51.0 51.0 to 55.0	Approaching unstable flow and drivers have difficulty maneuvering; tolerable delays.
E+ E	55.1 to 60.0 60.0 to 75.0	Unstable flow with stop and go; delays.

[11] Background conditions are the existing traffic plus the assumed traffic of approved but not yet completed development projects.
[12] Project conditions are the projected peak hour traffic volumes of the proposed project plus the background conditions.
[13] Measured in seconds per vehicle.

E-	75.0 to 80.0	
F	80.1 or more	Total breakdown; congested conditions with excessive delays.

Based on the City of San José level of service standards, an acceptable operating level of service is defined as LOS D or better at all signalized intersections and LOS E at CMP intersections during the peak hours.

TABLE 7
Freeway Level of Service Definitions Based on Density

LOS	Definition	Density[14]
A	Average operating speeds at the free-flow speed generally prevail. Vehicles are almost completely unimpeded in their ability to maneuver within the traffic stream.	0-11
B	Speeds at the free-flow speed are generally maintained. The ability to maneuver within the traffic stream is only slightly restricted, and the general level of physical and psychological comfort provided to drivers is still high.	>11-18
C	Speeds at or near the free-flow speed of the freeway prevail. Freedom to maneuver within the traffic stream is noticeably restricted, and land changes require more vigilance on the part of the driver.	>18-26
D	Speeds begin to decline slightly with increased flows at this level. Freedom to maneuver within the traffic stream is more noticeably limited, and the driver experiences reduced physical and psychological comfort levels.	>26-46
E	At this level, the freeway operates at or near capacity. Operations in this level are volatile, because there are virtually no useable gaps in the traffic stream, leaving little room to maneuver with the traffic stream.	>46-58
F	Vehicular flow breakdowns occur. Large queues form behind breakdown points.	>58

The Valley Transportation Authority's County Congestion Management Program (CMP) defines an acceptable LOS for freeway segments at LOS E or better.

Existing LOS of Signalized Intersections

The LOS of 41 signalized intersections were measured for this analysis. Under existing conditions, 40 of the 41 signalized intersections in the project area operate at an acceptable LOS D or better. The Senter Road/Capital Expressway intersection (intersection No. 40) currently operates at an unacceptable LOS E during the PM peak hour as a result of the number of turning vehicles making a left in the northbound and westbound directions. The results of the analysis are summarized in Table 8 below.

[14] Density = vehicles per mile per lane.

TABLE 8 Existing LOS for Signalized Intersections					
No.	Intersection	AM Peak		PM Peak	
		Avg. Delay	LOS	Avg. Delay	LOS
1	First Street & Willow Street*	5.1	A	7.9	A
2	First Street & Goodyear-Keyes Street*	27.9	C	29.3	C
3	Second Street & Keyes Street	20.9	C+	29.0	C
4	First Street & Second Street	8.2	A	21.7	C+
5	Monterey Highway & Alma Avenue*	36.3	D+	37.9	D+
6	South Seventh Street & Alma street	25.2	C	22.6	C+
7	South Tenth Street & Alma Street	25.4	C	19.7	B-
8	Senter Road & Alma Street	10.4	B+	11.4	B+
9	Monterey Highway & San José Avenue	12.1	B	12.5	B
10	Monterey Highway & Phelan Avenue	12.6	B	14.6	B
11	Tenth Street & Phelan Avenue	21.9	C+	17.5	B
12	Monterey Highway & Stauffer Boulevard	5.4	A	8.3	A
13	Lincoln Avenue & Curtner Avenue	45.0	D	39.9	D
14	Almaden Road & Curtner Avenue	43.5	D	47.1	D
15	Almaden Expressway & Curtner Avenue	22.6	C+	8.7	A
16	Canoas Garden Avenue & Curtner Avenue	25.9	C	20.1	C+
17	SR 87 SB on/off ramps & Curtner Avenue	16.3	B	7.8	A
18	SR 87 NB on/off ramps & Curtner Avenue	24.5	C	35.2	D+
19	Stone Avenue & Curtner Avenue	13.3	B	16.2	B
20	Little Orchard Street & Curtner Avenue	27.7	C	30.0	C
21	General Electric & Curtner Avenue	0.6	A	0.6	A
22	Monterey Highway & Curtner Ave-Tully Road*	37.5	D+	46.3	D
23	Monterey Highway & Old Tully Road	5.9	A	17.7	B
24	South Seventh Street & Tully Road	24.5	C	35.3	D+
25	South Tenth Street & Tully Road	21.2	C+	27.2	C
26	Senter Road & Tully Road*	40.5	D	42.8	D
27	Lucretia Avenue & Tully Road	36.8	D+	24.2	C
28	McLaughlin Avenue & Tully Road*	48.0	D	44.5	D
29	Alvin Avenue & Tully Road	30.4	C	33.8	C-
30	S. King Road & Tully Road	45.2	D	48.4	D
31	Quimby & Tully Road	31.8	C	35.9	D+
32	Capitol Expressway & Tully Road	44.7	D	43.0	D
33	Monterey Highway & Umbarger Road	22.5	C+	20.6	C+
34	Senter Road & Umbarger Road	10.9	B+	11.1	B+
35	Monterey Highway & Lewis Road	14.3	B	22.3	C+
36	Senter Road & Lewis Road	25.0	C	22.5	C+
37	Monterey Highway & Capitol Expressway WB*	15.5	B	12.9	B
38	Monterey Highway & Capitol Expressway EB*	25.0	C	14.3	B
39	Monterey Highway & Senter Road*	22.8	C+	28.6	C
40	**Senter Road & Capitol Expressway***	**48.8**	**D**	**62.1**	**E**
41	McLaughlin Avenue & Capitol Expressway*	48.7	D	45.3	D

An * denotes a CMP intersection

CMP Intersections

According to the Santa Clara County Congestion Management Program intersection level of service standards, all study CMP intersections operate at an acceptable level of service under the existing conditions.

Unsignalized Intersections

Under existing conditions, the Monterey Highway/Raisch Driveway intersection operates at LOS D during the weekday AM peak hour and LOS F during the PM peak hour. It should be noted that this LOS is a result of slight delays caused by the eastbound left-turning vehicles exiting the Raisch driveway.

Existing Freeway Segment Operations

A freeway segment analysis is required to be included in the transportation impact analysis if it meets any of the following requirements.

1. The proposed development project is adjacent to one of the freeway segments access or egress points; or
2. Based on engineering judgment, lead agency staff determines that the freeway segment should be included in the analysis.

Based on those criteria, the following freeway segments were analyzed:

- SR 87 between Curtner Avenue and Almaden Expressway
- SR 87 between Almaden Expressway and Alma Avenue
- SR 87 between Alma Avenue and I-280
- I-280 between State Route 87 and 10th Street
- I-280 between 10th Street and McLaughlin Avenue
- I-280 between McLaughlin Avenue and US-101
- US 101 between Tully Road and Story Road
- US 101 between Capitol Expressway and Tully Road
- US 101 between Yerba Buena Road and Capitol Expressway

According to the 2003 Santa Clara County Freeway Monitoring Report, the following segments currently operate at unacceptable level of service "F" during the AM peak hours:

- Northbound segments of mixed-flow or single occupant vehicle (SOV) along US State Route 87 between Capitol Expressway and Alma Avenue.
- Westbound segments of mixed-flow or single occupant vehicle (SOV) along Interstate 280 between US Highway 101 and State Route 87.

The following segments currently operate at unacceptable level of service "F" during the PM peak hours:

- Northbound segments of mixed-flow or single occupant vehicle (SOV) along US State Route 87 between Capitol Expressway and Alma Avenue.

- Westbound segments of mixed-flow or single occupant vehicle (SOV) along Interstate 280 between US Highway 101 and State Route 87.

Under existing conditions 18 of the 24 freeway segments in the project area would operate at an acceptable LOS E or better during both peak hours. Table 9 provides a summary of the freeway segments existing operational conditions during the AM and PM peak hours.

TABLE 9
Existing LOS for Freeway Segments

Freeway	Segment	Direction	AM LOS	PM LOS
US 101	Yerba Buena – Capitol Expressway	NB	D	D
US 101	Yerba Buena – Capitol Exp. HOV	NB	A	A
US 101	Capitol Expressway to Tully Road	NB	E	E
US 101	Capitol Exp. – Tully Road HOV	NB	A	A
US 101	Tully Road to Story Road	NB	E	E
US 101	Tully Road to Story Road HOV	NB	A	A
I-280	SR-87 to 10th Street	EB	A	A
I-280	10th Street to McLaughlin Avenue	EB	A	A
I-280	McLaughlin Avenue to US 101	EB	A	A
SR-87	**Capitol Exp. to Curtner Avenue**	**NB**	**F**	**F**
SR-87	**Curtner Avenue to Almaden Exp.**	**NB**	**F**	**F**
SR-87	**Almaden Exp. To Alma Avenue**	**NB**	**F**	**F**
SR-87	Alma Avenue to I-280	NB	A	A
US 101	Story Road to Tully Road	SB	A	A
US 101	Story Road to Tully Road HOV	SB	A	A
US 101	Tully Road to Capitol Expressway	SB	A	A
US 101	Tully Road to Capitol Exp. HOV	SB	A	A
SR-87	I-280 to Alma Avenue	SB	A	A
SR-87	Alma Avenue to Almaden Expressway	SB	D	D
SR-87	Almaden Exp. to Curtner Avenue	SB	A	A
SR-87	Curtner Avenue to Capitol Expressway	SB	A	A
I-280	**US 101 to McLaughlin Avenue**	**WB**	**F**	**F**
I-280	**McLaughlin Avenue to 10th Street**	**WB**	**F**	**F**
I-280	**10th Street to SR-87**	**WB**	**F**	**F**

Background Conditions of Signalized Intersections

Background conditions are the existing traffic conditions plus the assumed traffic of approved but not yet completed development projects. The added traffic from approved, but not yet constructed projects was provided by the City in the form of the Approved Trips Inventory (ATI), as described in Appendix C. The LOS of the 41 signalized intersections discussed above were measured to determine their background LOS. Under background conditions 40 or the 41 signalized intersections in the project area would operate at an acceptable LOS D or better. As under the existing conditions scenario, the Senter Road/Capital Expressway intersection (intersection No. 40) would operate at an unacceptable LOS E during the PM peak hour under background conditions, as a result of

the number of turning vehicles making a left in the northbound and westbound directions. The results of the analysis are summarized in Table 10 below.

TABLE 10
Background LOS for Signalized Intersections

No.	Intersection	AM Peak		PM Peak	
		Avg. Delay	LOS	Avg. Delay	LOS
1	First Street & Willow Street	5.0	A	7.7	A
2	First Street & Goodyear-Keyes Street	28.1	C	29.3	C
3	Second Street & Keyes Street	21.3	C+	29.2	C
4	First Street & Second Street	8.2	A	21.8	C+
5	Monterey Highway & Alma Avenue	36.9	D+	37.7	D+
6	South Seventh Street & Alma street	25.2	C	22.5	C+
7	South Tenth Street & Alma Street	25.4	C	19.9	B-
8	Senter Road & Alma Street	10.4	B+	11.4	B+
9	Monterey Highway & San José Avenue	10.9	B+	12.6	B
10	Monterey Highway & Phelan Avenue	12.4	B	14.5	B
11	Tenth Street & Phelan Avenue	21.8	C+	17.7	B
12	Monterey Highway & Stauffer Boulevard	5.4	A	8.3	A
13	Lincoln Avenue & Curtner Avenue	45.7	D	40.2	D
14	Almaden Road & Curtner Avenue	44.0	D	48.5	D
15	Almaden Expressway & Curtner Avenue	23.2	C	10.0	A
16	Canoas Garden Avenue & Curtner Avenue	28.6	C	22.4	C+
17	SR 87 SB on/off ramps & Curtner Avenue	19.0	B-	14.5	B
18	SR 87 NB on/off ramps & Curtner Avenue	25.0	C	41.7	D
19	Stone Avenue & Curtner Avenue	28.8	C	26.0	C
20	Little Orchard Street & Curtner Avenue	27.6	C	30.1	C
21	General Electric & Curtner Avenue	0.6	A	0.6	A
22	Monterey Highway & Curtner Ave-Tully Road	39.4	D	49.5	D
23	Monterey Highway & Old Tully Road	7.0	A	19.0	B-
24	South Seventh Street & Tully Road	24.6	C	31.9	C
25	South Tenth Street & Tully Road	20.6	C+	26.9	C
26	Senter Road & Tully Road	40.9	D	45.1	D
27	Lucretia Avenue & Tully Road	36.9	D+	24.3	C
28	McLaughlin Avenue & Tully Road	49.0	D	46.3	D
29	Alvin Avenue & Tully Road	30.0	C	33.9	C-
30	S. King Road & Tully Road	43.8	D	54.3	D-
31	Quimby & Tully Road	30.7	C	36.9	D+
32	Capitol Expressway & Tully Road	50.2	D	44.7	D
33	Monterey Highway & Umbarger Road	22.8	C+	20.5	C+
34	Senter Road & Umbarger Road	11.0	B+	11.1	B+
35	Monterey Highway & Lewis Road	15.4	B	23.0	C
36	Senter Road & Lewis Road	26.2	C	23.6	C
37	Monterey Highway & Capitol Expressway WB	17.2	B	14.2	B
38	Monterey Highway & Capitol Expressway EB	26.2	C	14.8	B
39	Monterey Highway & Senter Road	22.5	C+	28.8	C
40	**Senter Road & Capitol Expressway**	**49.2**	**D**	**63.6**	**E**

TABLE 10 Background LOS for Signalized Intersections					
No.	Intersection	AM Peak		PM Peak	
		Avg. Delay	LOS	Avg. Delay	LOS
41	McLaughlin Avenue & Capitol Expressway	49.3	D	46.2	D

CMP Intersections

According to the Santa Clara County Congestion Management Program intersection level of service standards, all study CMP intersections operate at an acceptable level of service under the background conditions.

2. Traffic Impacts

Thresholds of Significance

For the purposed of this EIR, a traffic impact is considered significant if the project would:

- cause the LOS at a local City of San José signalized intersection to operate below LOS D, or cause such an intersection already operating at LOS E or F to increase in critical movement delay of four or more seconds and the demand-to-capacity ratio to increase by 0.01 or more; or
- cause a freeway segment to operate at LOS F, or contribute traffic in excess of one percent of the segment capacity to a freeway segment already operating at LOS F; or
- impede the development or function of planned pedestrian or bicycle facilities; or
- substantially impede the operation of a transit system as a result of congestion; or
- create an operational safety hazard.

Transportation Impacts

Based on the methodology for the City of San José, a capture rate reduction of 25 percent was applied to the retail component of the project due to the project being a mixed-use development and the assumption that a portion of the business for the retail component will come from the surrounding neighborhood. In addition, a 13 percent vehicle trip-reduction was applied to the retail component in accordance with VTA mixed-use development projects. The 13 percent retail vehicle trip-reduction was applied to the residential land use because most of these trips were assumed to be internal trips from the project site.

Full build out of the site would generate a net total of 7,492 daily trips, including 717 AM peak hour trips (253 inbound and 464 outbound) and 745 PM peak hour trips (479 inbound and 266 outbound). Table 11 summarizes the trip generation of the proposed project.

TABLE 11 Project Trip Generation					
Land Use	**Daily Trips**	**AM Peak**		**PM Peak**	
		In	**Out**	**In**	**Out**
Retail – 18,000 square feet	720	10	4	32	32
Capture Rate Reduction	*-180*	*-3*	*-1*	*-8*	*-8*
Mixed-Use Reduction	*-70*	*-1*	*0*	*-3*	*-3*
Retail Subtotal	**470**	**7**	**3**	**21**	**21**
Residential					
Apartments (320 DU)	1,920	67	125	125	67
Condominiums/Townhouses (522 DU)	3,915	137	254	254	137
Single-Family (127 DU)	1,257	44	82	82	44
Mixed-Use Reduction	*-70*	*-1*	*0*	*-3*	*-3*
Residential Subtotal	**7,022**	**247**	**461**	**458**	**245**
Project Total	**7,492**	**253**	**464**	**479**	**266**

Signalized Intersection LOS Under Project Conditions

According to the City of San José signalized intersection LOS standards, 40 of the 41 study intersections would operate at an acceptable LOS D or better under project conditions. The Senter Road/Capitol Expressway intersection would continue to operate at LOS E during the PM peak hour. The additional traffic generated by the proposed project would not result in any significant changes to signalized intersection levels of service, compared to background conditions, during the AM or PM peak hours. Table 12 summarizes the project LOS for signalized intersections.

TABLE 12 Project LOS for Signalized Intersections					
No.	**Intersection**	**AM Peak**		**PM Peak**	
		Avg. Delay	**LOS**	**Avg. Delay**	**LOS**
1	First Street & Willow Street	5.0	A	7.6	A
2	First Street & Goodyear-Keyes Street	28.0	C	29.2	C
3	Second Street & Keyes Street	21.3	C+	29.2	C
4	First Street & Second Street	8.1	A	22.2	C+
5	Monterey Highway & Alma Avenue	37.4	D+	37.5	D+
6	South Seventh Street & Alma street	25.3	C	22.5	C+
7	South Tenth Street & Alma Street	25.1	C	19.7	B-
8	Senter Road & Alma Street	10.3	B+	11.3	B+
9	Monterey Highway & San José Avenue	10.8	B+	12.5	B
10	Monterey Highway & Phelan Avenue	12.4	B	14.4	B
11	Tenth Street & Phelan Avenue	21.4	C+	17.4	B
12	Monterey Highway & Stauffer Boulevard	5.4	A	8.3	A
13	Lincoln Avenue & Curtner Avenue	46.1	D	40.2	D

TABLE 12 Project LOS for Signalized Intersections					
No.	Intersection	AM Peak		PM Peak	
		Avg. Delay	LOS	Avg. Delay	LOS
14	Almaden Road & Curtner Avenue	44.4	D	49.3	D
15	Almaden Expressway & Curtner Avenue	21.8	C+	9.9	A
16	Canoas Garden Avenue & Curtner Avenue	28.5	C	22.3	C+
17	SR 87 SB on/off ramps & Curtner Avenue	20.0	B-	16.7	B
18	SR 87 NB on/off ramps & Curtner Avenue	26.6	C	47.8	D
19	Stone Avenue & Curtner Avenue	28.8	C	26.2	C
20	Little Orchard Street & Curtner Avenue	28.4	C	30.3	C
21	General Electric & Curtner Avenue	0.6	A	0.6	A
22	Monterey Highway & Curtner Ave-Tully Road	38.8	D+	49.7	D
23	Monterey Highway & Old Tully Road	8.8	A	21.6	C+
24	South Seventh Street & Tully Road	26.9	C	33.3	C-
25	South Tenth Street & Tully Road	21.2	C+	27.3	C
26	Senter Road & Tully Road	41.2	D	46.3	D
27	Lucretia Avenue & Tully Road	36.4	D+	24.1	C
28	McLaughlin Avenue & Tully Road	49.7	D	47.1	D
29	Alvin Avenue & Tully Road	30.0	C	33.9	C-
30	S. King Road & Tully Road	43.8	D	54.6	D-
31	Quimby & Tully Road	30.6	C	36.8	D+
32	Capitol Expressway & Tully Road	47.6	D	45.0	D
33	Monterey Highway & Umbarger Road	24.5	C	23.0	C+
34	Senter Road & Umbarger Road	13.2	B	12.2	B
35	Monterey Highway & Lewis Road	16.6	B	23.3	C
36	Senter Road & Lewis Road	26.4	C	23.7	C
37	Monterey Highway & Capitol Expressway WB	17.0	B	14.1	B
38	Monterey Highway & Capitol Expressway EB	26.1	C	14.8	B
39	Monterey Highway & Senter Road	22.3	C+	28.8	C
40	**Senter Road & Capitol Expressway**	**49.4**	**D**	**64.3**	**E**
41	McLaughlin Avenue & Capitol Expressway	49.3	D	46.2	D
42	Monterey Highway & Project Entrance	13.1	B	12.2	B

CMP Intersections

According to the Santa Clara County Congestion Management Program intersection level of service standards, all study CMP intersections will operate at an acceptable level of service under project conditions.

- **Implementation of the proposed project will not result in a significant impact to any studied signalized and/or CMP intersection. (Less Than Significant Impact)**

Project Driveway Operation

Vehicular access to the site would be provided via two driveways. The northern driveway would provide right-turn in, right-turn out only. The southern driveway would

provide full access via a new traffic signal at Monterey Road and the southerly project entrance. The proposed signalized intersection was assumed to consist of: one left-turn lane and three through lanes in the northbound direction, two through lanes and one thru-shared right-turn lane in the southbound direction, and two left-turn lanes and an exclusive right-turn lane in the eastbound direction. Full access to the Raisch Asphalt Plant would be provided via this new signalized intersection.

The proposed signalized intersection would operate at LOS B during both the weekday A.M. peak hour and P.M. peak hour, respectively. This intersection of Monterey Road & Raisch Driveway would operate at LOS B during the AM Peak Hour and LOS C during the PM Peak Hour.

- **The proposed project driveways will operate at an acceptable LOS B in the AM Peak Hour and LOS C in the PM Peak Hour. (Less Than Significant Impact)**

Freeway Segment LOS Under Project Conditions

Implementation of the proposed project would cause one freeway segment currently operating at LOS E or better, US 101 between Tully Road and Story Road, to operate at LOS F during the PM peak hour. In addition, the traffic generated by the proposed project would result in an increase of more than one percent of capacity for the freeway segments listed below:

- SR 87 between Curtner Avenue and Almaden Expressway
- SR 87 between Almaden Expressway and Alma Avenue
- US 101 between Tully Road and Story Road

- **Implementation of the proposed project would cause one freeway segment to operate at LOS F during the PM peak hour and would result in an increase of more than one percent of capacity for three freeway segments. (Significant Impact)**

Transit, Bicycle, and Pedestrian Facilities

Based on observations of the capacity and occupancy rates of the public transit routes servicing the project area, it was concluded that transit trips to be generated by the proposed project would not significantly impact the public transit service. With a typical transit mode share of one to two percent, the proposed project would generate 7 to 15 peak-hour transit trips each weekday, which would not significantly increase load factors on transit vehicles.

The study intersections are currently signalized and equipped with pedestrian crossing signals and crosswalks. The expected increase in vehicular traffic volumes at these intersections would not significantly impact the pedestrian movements. New crosswalks would be provided at the new signalized intersection of Monterey Highway and the south Project Site Driveway, as well as at the unsignalized north driveway. Also, the pedestrian movements along the roadway network adjacent to the project site would

continue to be accommodated by sidewalks existing along the project frontage and, therefore, no adverse impacts are anticipated.

- **Implementation of the proposed project would have a less than significant impact on existing transit, bicycle, and pedestrian facilities in the project area. (Less Than Significant Impact)**

Internal Circulation

The site plan shows a drive aisle to the north-west corner of the project site and one aisle to the south-west corner of the site. These aisles would provide truck and emergency vehicle access to the back (western side) of the site. One aisle is located in the middle of the project site to provide access from one side of the project to the other, as well as access to the park.

The site plan also shows a cul-de-sac drive aisle to the north-west corner of the project site and one dead-end aisle to the south-west corner of the site. These aisles would provide resident vehicle, truck and emergency vehicle access to the back (western side) of the site. One drive aisle is located across the middle of the project site to provide access from one side of the project to the other, as well as access to the park (see Figure 3).

All parking stalls are shown to be 90 degrees to their respective driving aisles. Sight distance is expected to be adequate; there are no roadway configurations, natural hills, or sharp horizontal curves in the roadway that are anticipated to impede with vehicular sight distance.

The overall project internal design appears acceptable. No adverse internal circulation impacts related to the proposed project are anticipated.

- **The proposed project will not result in any interior circulation impacts and will provide acceptable access for emergency vehicles. (Less Than Significant Impact)**

Roadway Segment Capacity Analysis

The roadway segment along Tully Road between Monterey Road and Tenth Street is a 0.6 mile divided multilane-arterial. It consists of six travel lanes (3 in each direction) from Tenth Street to Seventh Street and five travel lanes from Seventh Street to Monterey Road. The roadway segment includes three signalized intersections and left-turn bays at Tenth Street, Seventh Street and Curtner Avenue, respectively. Under the existing conditions, the intersection of Tully Road & Tenth Street currently operates at LOS C+ during the AM Peak Hour and LOS C during the PM Peak Hour. The intersection of Seventh Street and Tully Road currently operates at LOS C during the AM and PM Peak Hours respectively. The intersection of Monterey Road and Tully Road-Curtner Avenue currently operates at LOS D+ during the AM Peak Hour and LOS D during the PM Peak Hour.

Vehicle progression along Tully road is often hindered by vehicles overflowing the left-turn pockets into the through lanes. This condition is prevalent in the eastbound directions during the AM Peak Hour at the intersections of Monterey Road and Curtner Avenue and Tully Road and Tenth Street and along the segment between Monterey Road and Seventh Street during the PM Peak Hour in the eastbound and westbound directions. In addition, progression along Tully Road is a function of several factors, including the number of vehicles, traffic signal timing and spacing, and the various land uses fronting Tully Road in this area. As improvements to SR 87 and US 101 come online, it is likely that Tully Road will serve less traffic traveling between these regional facilities.

Under the proposed project, a total of 164 trips would be added during the AM Peak Hour and 171 trips during the PM Peak Hour between 10th Street and Seventh Street. The effect of these additional trips would be increase to demand at deficient left-turn pockets and along Tully Road itself. The project would add between one and five vehicles during peak hours to these left-turn pockets. No changes to intersection service levels are anticipated as a result of the additional project-generated trips.

Parking Analysis

The project will provide designated parking for all residents and additional surface parking lots and on-street parking for visitors, park users, and retail customers. The City of San José has agreed to allow some of the on-street parking to count toward the project's parking requirement. A breakdown of the proposed and required parking is shown in Table 13.

TABLE 13
Proposed Parking

Land Use	Parking Proposed
Condominiums/Apartments (217 – 1BR, 364 – 2 BR, 193 – 3 BR)	1,197 (on-site garage) 170 (on-street) 1,367 (total)
Townhouses/Single-Family (100 – 2 BR, 95 – 3 BR)	390 (attached garage) 90 (open parking) 27 (on-street) 507 (total)
Retail – 18,000 square feet	90
Park – 2.0 acres	28 (on-street)
TOTAL	**1,992**

- **The proposed project will provide sufficient parking. (Less Than Significant Impact)**

3. Mitigation and Avoidance Measures for Traffic Impacts

Mitigation for freeway impacts would require adding lanes to the freeways, which is not practical for one development to implement. When project mitigation measures on CMP facilities are not feasible or fail to improve the level of service to the CMP's LOS

standard, then a CMP approved Deficiency Plan must be prepared. Pending the adoption of the Countywide Deficiency Plan, a local deficiency plan does not need to be prepared. Instead, Deficiency Plan Immediate Actions are required to be implemented as part of the project's approval.

Under these circumstances, Section 10.6 of the May 1998 CMP Guidelines requires implementation of the "Immediate Actions" identified in Appendix D of the guidelines. Implementation of the selected items from the "Immediate Implementation Action List" is therefore recommended. A copy of the list is presented in Appendix C of this EIR. The selection of the final items from the list would be determined by the City of San José. With implementation of these items, project mitigation would be in conformance with CMP guidelines:

- Provision of physical improvements, such as well-lit pedestrian/bicycle paths and bicycle racks and lockers, landscaping, and the installation of bus shelters, which would act as incentives for pedestrian, bicycle and transit modes of travel.

- Provide public information programs for carpooling and transit use.

Mitigation Measures Not Proposed by the Project

- Mitigation of significant project impacts on SR 87 and US 101 freeway segments will require roadway widening to construct additional through lanes. It is not feasible for an individual development project to be responsible for implementing such extensive transportation system improvements. (Significant Unavoidable Impact)

Conclusion: **Implementation of the proposed project will result in a less than significant impact to all City of San José and CMP study intersections. In addition, the proposed project will not impact existing transit facilities.**

Implementation of the proposed project will result in a significant unavoidable impact to three freeway segments within the City of San José. (Significant Unavoidable)

With implementation of the TDM measures described above, the vehicle trips generated by the project would be reduced and, therefore, the project's impacts on the regional roadway system would be reduced. The project would still, however, result in significant unavoidable impacts to three freeway segments. (Significant Unavoidable Impact)

I. AIR QUALITY

The information provided in this section is based on an air quality analysis prepared by *Don Ballanti, Certified Meteorologist* in November 2004 and a diesel exhaust analysis prepared by *Illingworth & Rodkin* in March 2005. The complete reports are provided in Appendix D and E, respectively.

1. Existing Setting

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

Northwest winds and northerly winds are most common in the project area, reflecting the orientation of the Bay and the San Francisco Peninsula. Winds from these directions carry pollutants released by autos and factories from upwind areas of the Peninsula toward San José, particularly during the summer months. Winds are lightest on the average in fall and winter. Every year in fall and winter there are periods of several days when winds are very light and local pollutants can build up.

Pollutants can be diluted by mixing in the atmosphere both vertically and horizontally. Vertical mixing and dilution of pollutants are often suppressed by inversion conditions, when a warm layer of air traps cooler air close to the surface. During the summer, inversions are generally elevated above ground level, but are present over 90 percent of the time in both the morning and afternoon. In winter, surface-based inversions dominate in the morning hours, but frequently dissipate by afternoon.

Topography can restrict horizontal dilution and mixing of pollutants by creating a barrier to air movement. The South Bay has significant terrain features that affect air quality. The Santa Cruz Mountains and Hayward Hills on either side of the South Bay restrict horizontal dilution, and this alignment of the terrain also channels winds from the north to south, carrying pollution from the northern Peninsula toward San José.

The combined effects of moderate ventilation, frequent inversions that restrict vertical dilution and terrain that restrict horizontal dilution give San José a relatively high atmospheric potential for pollution compared to other parts of the San Francisco Bay Air Basin and provide a high potential for transport of pollutants to the east and south.

Ambient Air Quality Standards

Both the U.S. Environmental Protection Agency and the California Air Resources Board have established ambient air quality standards for common pollutants. These ambient air quality standards are levels of contaminants which represent safe levels that avoid specific adverse health effects associated with each pollutant. The ambient air quality standards cover what are called "criteria" pollutants because the health and other effects of each pollutant are described in criteria documents. Table 14 identifies the major criteria pollutants, characteristics, health effects, and typical sources.

TABLE 14
Major Criteria Pollutants

Pollutant	Characteristics	Health Effects	Major Sources
Ozone	A highly reactive photochemical pollutant created by the action of sun light on ozone precursors. Often called photochemical smog.	- Eye Irritation - Respiratory function impairment	The major sources of ozone precursors are combustion sources such as factories and automobiles, and evaporation of solvents and fuels.
Carbon Monoxide	Carbon monoxide is an odorless, colorless gas that is highly toxic. It is formed by the incomplete combustion of fuels.	- Impairment of oxygen transport in the bloodstream - Aggravation of cardiovascular disease - Fatigue, headache, confusion, dizziness - Can be fatal in the case of very high Concentrations	Automobile exhaust, combustion of fuels, combustion of wood in wood stoves and fireplaces.
Nitrogen Dioxide	Reddish-brown gas that discolors the air, formed during combustion.	- Increased risk of acute and chronic respiratory disease	Automobile and diesel truck exhaust, industrial processes, and fossil-fueled power plants.
Sulfur Dioxide	Sulfur dioxide is a colorless gas with a pungent, irritating odor.	- Aggravation of chronic obstruction lung disease - Increased risk of acute and chronic respiratory disease	Diesel vehicle exhaust, oil-powered power plants, and industrial processes.
PM_{10}	Solid and liquid particles of dust, soot, aerosols and other matter that are small enough to remain suspended in the air for a long period of time.	- Aggravation of chronic disease and heart/lung disease symptoms	Combustion, automobiles, field burning, factories and unpaved roads. Also a result of photochemical processes.

The federal and California state ambient air quality standards are summarized in Table 15 for important pollutants. The federal and state ambient standards were developed independently with differing purposes and methods, although both processes attempted to avoid health-related effects. As a result, the federal and state standards differ in some cases. In general, the California state standards are more stringent. This is particularly true for ozone and particulate matter (PM_{10} and $PM_{2.5}$).

TABLE 15
Federal and State Ambient Air Quality Standards

Pollutant	Averaging Time	Federal Primary Standard[15]	State Standard
Ozone	1-Hour	0.12 PPM	0.09 PPM
	8-Hour	0.08 PPM	---
Carbon Dioxide	8-Hour	9.0 PPM	9.0 PPM
	1-Hour	35.0 PPM	20.0 PPM
Nitrogen Dioxide	Annual Average	0.05 PPM	---
	1-Hour	---	0.25 PPM
Sulfur Dioxide	Annual Average	0.03 PPM	---
	24-Hour	0.14 PPM	0.04 PPM
	1-Hour	----	0.25 PPM
PM_{10}	Annual Average	50 $\mu g/m^3$	20 $\mu g/m^3$
	24-Hour	150 $\mu g/m^3$	50 $\mu g/m^3$
$PM_{2.5}$	Annual	15 $\mu g/m^3$	12 $\mu g/m^3$
	24-Hour	65 $\mu g/m^3$	---
Lead	Calendar Quarter	1.5 $\mu g/m^3$	---
	30-day Average	---	1.5 $\mu g/m^3$
Sulfates	24-Hour	25 $\mu g/m^3$	---
Hydrogen Sulfide	1-Hour	0.03 PPM	---
Vinyl Chloride	24-Hour	0.01 PPM	---

The U.S. Environmental Protection Agency established new national air quality standards for ground-level ozone and for fine particulate matter in 1997. The existing 1-hour ozone standard of 0.12 PPM or less is to be phased out and replaced by an 8-hour standard of 0.08 PPM. Implementation of the 8-hour standard was delayed by litigation, but was determined to be valid and enforceable by the U. S. Supreme Court in a decision issued in February of 2001. However, the new federal ozone standard is not yet in effect pending final resolution of this litigation and adoption of implementing regulations.

Suspended particulate matter (PM) is a complex mixture of tiny particles that consists of dry solid fragments, solid cores with liquid coatings, and small droplets of liquid. These particles vary greatly in shape, size and chemical composition, and can be made up of many different materials such as metals, soot, soil, and dust. "Inhalable" PM consists of particles less than 10 microns in diameter, and is defined as "suspended particulate matter" or PM_{10}. Fine particles are less than 2.5 microns in diameter ($PM_{2.5}$). $PM_{2.5}$, by definition, is included in PM_{10}.

[15] PPM = parts per million; $\mu g/m^3$ = micrograms per cubic meter.

In 1997 new national standards for fine Particulate Matter were adopted for 24-hour and annual averaging periods. The current PM_{10} standards were to be retained, but the method and form for determining compliance with the standards were to be revised. Implementation of this standard was delayed by litigation and will not occur until the U. S. Environmental Protection Agency has issued court-approved guidance.

In addition to the criteria pollutants discussed above, Toxic Air Contaminants (TACs) are another group of pollutants of concern. TACs are injurious in small quantities and are regulated despite the absence of criteria documents. The identification, regulation and monitoring of TACs is relatively recent compared to that for criteria pollutants.

Ambient Air Quality

The Bay Area Air Quality Management District (BAAQMD) monitors air quality at several locations within the San Francisco Bay Air Basin. The closest multi-pollutant monitoring station to the project site is the San José Central monitoring station in downtown San José. Table 16 summarizes exceedences of state and federal standards at the downtown San José monitoring site during the period 2001-2003. Table 16 shows that ozone and PM_{10} exceed the state standards in the South Bay. Violations of the carbon monoxide standards had been recorded at the downtown San José site prior to 1992.

TABLE 16
Number of Ambient Air Quality Standards Violations and Highest Concentrations (2001 - 2003)

Pollutant	Standard	Days Exceeding Standard		
Ozone	Federal 1-Hour	0	0	0
Ozone	State 1-Hour	2	0	4
Ozone	Federal 8-Hour	0	0	0
Carbon Monoxide	State/Federal 8-Hour	0	0	0
Nitrogen Dioxide	State 1-Hour	0	0	0
PM_{10}	Federal 24-Hour	0	0	0
PM_{10}	State 24-Hour	4	0	3
$PM_{2.5}$	Federal 24-Hour	0	0	0

Source: California Air Resources Board, Aerometric Data Analysis and Management System, 2004

Of the three pollutants known at times to exceed the state and federal standards in the project area, two are regional pollutants. Both ozone and particulate matter (PM_{10} and $PM_{2.5}$) are considered regional pollutants because the concentrations are not determined by proximity to individual sources, but show a relative uniformity over a region. Thus, the data shown in Table 16 for ozone and PM_{10} provide a good characterization of levels of these pollutants on the project site.

Carbon monoxide is considered a local pollutant because elevated concentrations are usually only found near the source. The major source of carbon monoxide, a colorless, odorless, poisonous gas, is automobile traffic. Elevated concentrations, therefore, are usually only found near areas of high traffic volumes.

The TAC monitoring network operated by the BAAQMD includes gaseous samples collected over 24-hour periods on a 12-day sampling frequency. The analytical protocol includes the following 12 gaseous compounds: benzene, carbon tetrachloride, chloroform, ethylene dibromide, ethylene dichloride, methyl tert butyl ether (MTBE), methylene chloride, perchloroethylene, toluene, trichloroethane, trichloroethylene, and vinyl chloride. Year 2002 data from the San José Fourth Street monitoring site are shown in Appendix D.

The current inventory of Toxic Air Contaminant emissions maintained by the BAAQMD lists several sources in the project vicinity. One is the Azevedo Quarry located west of the site on the opposite side of the adjacent railroad tracks.[16] Three facilities that emit TACs are located along Umbarger Road south of the Santa Clara County Fairgrounds, and one is located south of the project site on Daylight Way. A source located on Goble Lane would be removed by the project. None of the TAC sources near the project are identified as a priority source requiring preparation of a health risk assessment or notification under the Air Toxics "Hot Spots" Information and Assessment Act.[17]

Attainment Status and Regional Air Quality Plans

Both the Federal Clean Air Act and the California Clean Air Act of 1988 require that the State Air Resources Board, based on air quality monitoring data, designate portions of the state where federal or state ambient air quality standards are not met as "nonattainment areas." Because of the differences between the national and state standards, the designation of "nonattainment areas" is different under the federal and state legislation. The Bay Area is currently a nonattainment for federal 1-hour ozone standard. However, in April 2004, U.S. EPA made a final finding that the Bay Area has attained the national 1-hour ozone standard. The finding of attainment does not mean the Bay Area has been reclassified as an attainment area for the 1-hour standard.

Under the California Clean Air Act, Santa Clara County is a nonattainment area for ozone and PM_{10}. The county is either in attainment or unclassified for other pollutants. The California Clean Air Act requires local air pollution control districts to prepare air quality attainment plans. These plans must provide for district-wide emission reductions of five percent per year averaged over consecutive three-year periods or if not, provide for adoption of "all feasible measures on an expeditious schedule."

Sensitive Receptors and Major Air Pollutant Sources

BAAQMD defines sensitive receptors as facilities where sensitive receptor population groups (i.e., children, the elderly, the acutely ill, and the chronically ill) are likely to be located. These land uses include residences, schools, playgrounds, child care centers, retirement homes, convalescent homes, hospitals, and medical clinics. The Chateau La Salle mobile home park and the project site would be considered sensitive receptors.

[16] This quarry is currently closed.

[17] Bay Area Air Quality Management District, Toxic Air Contaminant Control Program Annual Report 2002, June 2004.

2. Air Quality Impacts

Thresholds of Significance

For the purposes of this EIR, an air quality impact is considered significant if the project would:

- Conflict with or obstruct implementation of the applicable air quality plan,
- Violate any air quality standard or contribute substantially to an existing or projected air quality violation,
- 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 threshold for ozone precursors),
- Expose sensitive receptors to substantial pollutant concentrations, or
- Create objectionable odors affecting a substantial number of people.

Additionally, the document *BAAQMD CEQA Guidelines*[18] provide the following definitions of a significant air quality impact:

- A project contributing to carbon monoxide (CO) concentrations exceeding the State Ambient Air Quality Standard of 9 parts per million (ppm) averaged over 8 hours or 20 ppm for 1 hour would be considered to have a significant impact.
- A project that generates criteria air pollutant emissions in excess of the BAAQMD annual or daily thresholds would be considered to have a significant air quality impact. The current thresholds are 15 tons/year or 80 pounds/day for Reactive Organic Gases (ROG), Nitrogen Oxides (NO_x) or PM_{10}. Any proposed project that would individually have a significant air quality impact would also be considered to have a significant cumulative air quality impact.
- Any project with the potential to frequently expose members of the public to objectionable odors would be deemed to have a significant impact.
- Any project with the potential to expose sensitive receptors or the general public to substantial levels of toxic air contaminants would be deemed to have a significant impact.
- Any project that causes an incremental cancer risk of 10 cases per million or greater would be deemed to have a significant impact.

Despite the establishment of both federal and state standards for $PM_{2.5}$, the BAAQMD has not developed a threshold of significance for this pollutant. For this analysis, $PM_{2.5}$ impacts would be considered significant if project emissions of PM_{10} exceed 80 pounds per day.

Regional Impacts

Vehicle trips generated by the project would result in air pollutant emissions affecting the entire San Francisco Bay Air Basin. The incremental daily emission increase associated

[18] Bay Area Air Quality Management District, BAAQMD CEQA Guidelines, 1996 (Revised Dec. 1999).

with project land uses is identified in Table 17 for Reactive Organic Gases (ROG) and Nitrogen Oxides (NOx) (two precursors of ozone) and PM_{10}. Also shown are calculated emissions associated with existing land uses on the project site that would be removed, and the net change in emissions that would result from construction of the project.

TABLE 17
Projected Regional Emissions in Pounds Per Day (PPD)

Project Scenario	Reactive Organic Gases	Nitrogen Oxides	PM_{10}
Proposed Project	84.7	84.1	69.7
Existing Uses Removed	-5.9	-6.0	-5.0
Net Change	78.8	78.1	64.7
BAAQMD Significance Threshold	80.0	80.0	80.0

BAAQMD has established a threshold of significance for ozone precursors and PM_{10} of 80 pounds per day. Proposed project emissions shown in Table 17 would not exceed these thresholds of significance, so the proposed project would have a less than significant effect on regional air quality.

Local Impacts

On the local scale, the project would increase traffic on the local street network, changing carbon monoxide levels along roadways used by project traffic. Carbon monoxide is an odorless, colorless poisonous gas whose primary source in the Bay Area is automobiles. Concentrations of this gas are highest near intersections of major roads.

Carbon monoxide concentrations under worst-case meteorological conditions have been predicted for several signalized intersections affected by the project. PM peak traffic volumes were applied to a screening form of the CALINE-4 dispersion model to predict maximum 1-and 8-hour concentrations near these intersections. The model results were used to predict the maximum 1-and 8-hour concentrations, corresponding to the 1- and 8-hour averaging times specified in the state and federal ambient air quality standards for carbon monoxide.

Table 18 shows the results of the carbon monoxide analysis for the peak 1-hour and 8-hour traffic periods in parts per million (PPM). The 1-hour values are to be compared to the federal 1-hour standard of 35 PPM and the state standard of 20 PPM. The 8-hour values in Table 18 are to be compared to the state and federal standard of 9 PPM.

TABLE 18 Worst Case Carbon Monoxide Concentrations Near Selected Project Intersections, in PPM						
Intersection	Existing 2004		Background 2004		Project	
	1-hr	8-hr	1-hr	8-hr	1-hr	8-hr
SR 87 (E)/Curtner Ave.	8.3	6.3	8.8	6.6	9.0	6.8
SR 87 (W)/Curtner Ave.	8.0	6.1	8.4	6.4	8.6	6.5
Monterey Road/Curtner Ave.	8.9	6.7	9.2	6.9	9.6	7.2
Monterey Road/Capitol Exp. (S)	8.7	6.5	9.2	6.9	9.3	7.0
Monterey Road/Capitol Exp. (N)	8.6	6.5	9.1	6.8	9.1	6.9
Senter Road/Tully Road	9.8	7.3	10.3	7.7	10.5	7.9
Most Stringent Standards	20.0	9.0	20.0	9.0	20.0	9.0

Table 18 shows that existing predicted carbon monoxide concentrations near the study intersections meet the 1-hour and 8-hour standards. Concentrations with background traffic would increase 0.3 PPM above existing levels. Traffic from the proposed project would increase concentrations by up to 0.2 PPM; however, concentrations would remain below the most stringent state or federal standards. Since project traffic would not cause any new violations of the 8-hour standards for carbon monoxide, nor contribute substantially to an existing or projected violation, project impacts on local carbon monoxide concentrations are considered to be less than significant.

Indirect Diesel Exhaust Particulate Impacts

The California Air Resources Board has identified particulate matter from diesel-fueled engines as a toxic air contaminant (TAC). The southern edge of the project site abuts an existing private industrial road carrying substantial diesel truck traffic (approximately 100 trucks per day, round trip). The existing project site includes a mobile home park, which is a sensitive receptor. It is currently separated from the industrial road by a vacant storage yard that provides a relatively narrow buffer zone between the road and residential uses.

The proposed project would result in a substantial increase in sensitive receptors being located near the Raisch driveway that carries a high volume of diesel truck traffic (approximately 100 trips per day). As a result, a risk analysis of long term exposure to diesel exhaust was prepared.

The Environmental Protection Agency's (EPA) CAL3QHCR model was used to calculate annual average diesel particulate matter concentrations at distances of about 80 feet and 180 feet from the Raisch access road. The analysis estimated long-term cancer risks based solely on exposure to diesel exhaust at 2007 emission levels, however, Table 19 shows that diesel particulate matter emission rates from heavy-duty trucks are projected to decrease in the future due to current regulatory requirements for reduced emissions and decreased sulfur content in diesel fuel.

TABLE 19 Diesel Particulate Matter Emission Factors for Heavy-Duty Diesel Trucks	
Year	**Emission Factor (grams/mile)**
2007	0.75
2010	0.57
2015	0.37
2025	0.21

This reduction in emissions would result in a decreased cancer risk in future years.

Based on meteorological modeling data over a five year period, the average yearly concentration of particulate matter at 80 feet and 180 feet would be 0.028 micrograms per cubic meter ($\mu g/m^3$) and 0.015 $\mu g/m^3$, respectively. Based on this average concentration and assuming constant exposure over a 70 year period, the maximum cancer risk (per million) is 8.3 (at 80 feet) and 4.5 (at 180 feet).

Under the BAAQMD CEQA Guidelines, incremental cancer risks of 10 cases per million or greater would be considered a significant impact. Since the potential increase in health risk at the residences proposed adjacent to the Raisch facility is less than 10 cases per million, this is considered a less than significant impact.

- **Implementation of the proposed project would result in a substantial increase in sensitive receptors being exposed to toxic air contaminants due to the project's proximity to existing industrial development. The risk, however, does not exceed the BAAQMD threshold for long term exposure. (Less Than Significant Impact)**

Indirect Odor Impacts

The existing project site includes a mobile home park, which is a sensitive receptor. It is currently separated from the adjacent Raisch Products facility by vacant lands along its south and west boundary. The proposed project would place a high density residential development adjacent to an existing heavy industrial facility that lawfully emits pollutants and possibly odors from the on-site batch plant. The proposed project would increase the number of sensitive receptors on the project site, reduce the distance between the potentially odorous equipment and residences, and include multi-story buildings that may be affected by elevated odor plumes. While the prevailing winds would carry odors away from the project, southerly to southeasterly winds that would place the project site downwind from the asphalt batch plant can be expected roughly 15 percent of the time based on wind direction distributions measured at the Norman Y. Mineta San José International Airport.

The project could create a potential land use conflict related to odor and result in an increase in the potential for odor-related nuisance complaints would occur.

- **Placement of four-story residential buildings adjacent to the Raisch Products facility would expose residents to odors from the daily operation of the plant. (Significant Impact)**

Construction-Related Impacts

The proposed project would require demolition of existing buildings, excavation, and grading. The physical demolition of existing structures and other infrastructure, in addition to excavation of soil, are construction activities with a high potential for creating air pollutants. In addition to the dust created during demolition and excavation, substantial dust emissions could be created as debris and soil is loaded into trucks for disposal.

After removal of existing structures and excavation, construction dust would continue to affect local air quality during construction of the project. Construction activities would generate exhaust emissions from vehicles/equipment and fugitive particulate matter emissions that would affect local air quality. Construction activities are also a source of organic gas emissions. Solvents in adhesives, non-waterbase paints, thinners, some insulating materials and caulking materials would evaporate into the atmosphere and would participate in the photochemical reaction that creates urban ozone. Asphalt used in paving is also a source of organic gases for a short time after its application.

During construction various diesel-powered vehicles and equipment would be in use on the site. In 1998 the California Air Resources Board identified particulate matter from diesel-fueled engines as a toxic air contaminant (TAC). The California Air Resources Board has completed a risk management process that identified potential cancer risks for a range of activities using diesel-fueled engines.[19] High volume freeways, stationary diesel engines and facilities attracting heavy and constant diesel vehicle traffic (distribution centers, truckstop) were identified as having the highest associated risk.

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

According the *BAAQMD CEQA Guidelines*, emissions of ozone precursors (ROG and NOx) and carbon monoxide related to construction equipment are already included in the emission inventory that is the basis for regional air quality plans, and thus are not expected to impede attainment or maintenance of ozone and carbon monoxide standards in the Bay Area. Thus, the effects of construction activities would be increased dustfall and locally elevated levels of PM_{10} downwind of construction activity, which is considered a significant impact

- **Construction of the proposed project would result in short-term air quality impacts associated with dust generation. (Significant Temporary Impact)**

[19] California Air Resources Board, Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles, October 2000.

NEPA

NEPA requires compliance with *Sections 176(c), (d), and 40 CFR 6, 51, and 93, Clean Air Act*, whenever HUD financial assistance is proposed for a project that has the potential to violate air quality standards. The project proposes the development of residential and commercial land uses and will not lead to any violations of air quality standards. HUD does not consider odors a significant impact. [Sources: Air Quality Impact Analysis for the Proposed Goble Lane Planned Development Zoning Project, 2004]

3. Mitigation and Avoidance Measures for Air Quality Impacts

The following mitigation measures are proposed are part of the project to avoid or reduce significant air quality impacts:

- The following dust control measures will be implemented during demolition of existing structures:
  - Watering should be used to control dust generation during demolition of structures and break-up of pavement.
  - Cover all trucks hauling demolition debris from the site.
  - Use dust-proof chutes to load debris into trucks whenever feasible.

- The following dust control measures will be implemented during all construction phases:
  - Water all active construction areas at least twice daily.
  - Watering or covering of stockpiles of debris, soil, sand or other materials that can be blown by the wind.
  - Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
  - Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
  - Sweep daily (preferably with water sweepers) all paved access road, parking areas and staging areas at construction sites.
  - Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
  - Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
  - Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
  - Limit traffic speeds on unpaved roads to 15 mph.
  - Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
  - Replant vegetation in disturbed areas as quickly as possible.

Conclusion: **Implementation of the proposed mitigation measures would reduce temporary air quality impacts resulting from construction activities to less than significant. (Less Than Significant with Mitigation)**

The mitigation necessary to reduce the odor impacts to the project (i.e., a setback of 500 feet between the batch plant and the nearest residential buildings is not proposed by the project. As a result, implementation of the proposed project will have a significant unavoidable impact on sensitive receptors residing on the project site. (Significant Unavoidable Impact)

Section V, *Alternatives* does analyze a reduced density alternative and a site design alternative that would provide a greater setback to the adjacent land uses and reduce the identified odor impacts.

J. NOISE

The information provided in this section is based on a noise analysis prepared by *Illingworth and Rodkin* in November 2004. The complete report is provided in Appendix F.

1. Existing Setting

Fundamental Concepts of Environmental Acoustics

Noise is defined as unwanted sound. Noise is usually objectionable because it is disturbing or annoying. The objectionable nature of sound could be caused by its *pitch* or its loudness. *Pitch* is the height or depth of a tone or sound, depending on the relative rapidity (frequency) of the vibrations by which it is produced. Higher pitched signals sound louder to humans than sounds with a lower pitch. *Loudness* is intensity of sound waves combined with the reception characteristics of the ear. Intensity may be compared with the height of an ocean wave in that it is a measure of the amplitude of the sound wave.

In addition to the concepts of pitch and loudness, there are several noise measurement scales which are used to describe noise in a particular location. *A decibel (dB)* is a unit of measurement which indicates the relative amplitude of a sound. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Sound levels in decibels are calculated on a logarithmic basis. An increase of 10 decibels represents a ten-fold increase in acoustic energy, while 20 decibels is 100 times more intense, 30 decibels is 1,000 times more intense, etc. There is a relationship between the subjective noisiness or loudness of a sound and its intensity. Each 10 decibel increase in sound level is perceived as approximately a doubling of loudness over a fairly wide range of intensities. Technical terms are defined in Table 1 of Appendix F.

There are several methods of characterizing sound. The most common in California is the *A-weighted sound level or dBA.* This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Representative outdoor and indoor noise levels in units of dBA are shown in Table 20. Because sound levels can vary markedly over a short period of time, a method for describing either the average character of the sound or the statistical behavior of the variations must be utilized. Most commonly, environmental sounds are described in terms of an average level that has the same acoustical energy as the summation of all the time-varying events. This energy-equivalent sound/noise descriptor is called L_{eq}. The most common averaging period is hourly, but L_{eq} can describe any series of noise events of arbitrary duration.

The scientific instrument used to measure noise is the sound level meter. Sound level meters can accurately measure environmental noise levels to within about plus or minus 1 dBA. Various computer models are used to predict environmental noise levels from sources, such as roadways and airports. The accuracy of the predicted models depends upon the distance the receptor is from the noise source. Close to the noise source, the models are accurate to within about plus or minus 1 to 2 dBA.

In determining the daily level of environmental noise, it is important to account for the difference in responses of people to daytime and nighttime noises. During the nighttime,

exterior background noises are generally lower than the daytime levels. However, most household noise also decreases at night and exterior noise becomes very noticeable. Since the sensitivity to noise increases during the evening and at night, mainly because excessive noise interferes with the ability to sleep, 24-hour descriptors have been developed that incorporate artificial noise penalties added to quiet-time noise events. The *Community Noise Equivalent Level, CNEL,* is a measure of the cumulative noise exposure in a community, with a 5 dB penalty added to evening (7:00 pm - 10:00 pm) and a 10 dB addition to nocturnal (10:00 pm - 7:00 am) noise levels. The *Day/Night Average Sound Level, Ldn,* is essentially the same as CNEL, with the exception that the evening time period is dropped and all occurrences during this three-hour period are grouped into the daytime period.

TABLE 20
Typical Noise Levels in the Environment

Noise Source	Noise Level (dBA)
Common Outdoor Noise Sources	
Jet fly-over at 900 feet	110 – 120 dBA
Pile driver at 60 feet	100 dBA
Large truck passby at 45 feet	80 – 90 dBA
Gas lawn mower at 90 feet	70 dBA
Commercial/Urban area daytime	60 – 70 dBA
Suburban area daytime	50 – 60 dBA
Urban area nighttime	40 – 50 dBA
Suburban area nighttime	30 – 40 dBA
Common Interior Noise Sources	
Rock concert	110 – 120 dBA
Night club with live music	90 – 100 dBA
Noisy restaurant	80 dBA
Vacuum cleaner at 9 feet	70 dBA
Active office environment	50 – 60 dBA
Library	30 dBA
Quiet bedroom at night	20 – 30 dBA

Fundamentals of Groundborne Vibration

Railroad operations are potential sources of substantial ground vibration depending on distance, the type and the speed of trains, and the type of railroad track. People's response to ground vibration has been correlated best with the velocity of the ground. The velocity of the ground is expressed on the decibel scale. The reference velocity is 1×10^{-6} in./sec. RMS, which equals 0 VdB, and 1 in./sec. equals 120 VdB. Although not a universally accepted notation, the abbreviation "VdB" is used in this document for vibration decibels to reduce the potential for confusion with sound decibels.

Typical background vibration levels in residential areas are usually 50 VdB or lower, well below the threshold of perception for most humans. Perceptible vibration levels inside residences are attributed to the operation of heating and air conditioning systems, door slams and foot traffic. Construction activities, train operations, and street traffic are some of the most common external sources of vibration that can be perceptible inside

residences. Table 21 illustrates some common sources of vibration and the association to human perception or the potential for structural damage.

One of the problems with developing suitable criteria for groundborne vibration is the limited research into human response to vibration and more importantly human annoyance inside buildings. However, experience with rapid transit systems over the last few decades has developed rational vibration limits that can be used to evaluate human annoyance to groundborne vibration. These criteria are primarily based on experience with passenger train operations, such as rapid transit and commuter rail systems. The main difference between passenger and freight operations is the time duration of individual events; a passenger train lasts few seconds whereas a long freight train may last several minutes, depending on speed and length. Although these criteria are based on shorter duration events reflected by passenger trains, they are also used in this assessment to evaluate the potential of vibration annoyance on the site due to large freight trains.

TABLE 21
Typical Levels of Groundborne Vibration

Human/Structural Response	Velocity Level, VdB
Threshold, minor cosmetic damage to structures	100
Difficulty with tasks such as reading a computer screen	90
Residential annoyance, infrequent events	80
Residential annoyance, frequent events	70 – 80
Approximate human threshold of vibration perception	60 – 70

Regulatory Background – Noise

The State of California and the City of San José establish guidelines, regulations, and policies designed to limit noise exposure at noise sensitive land uses. Appendix F of the State CEQA Guidelines, the State of California Building Code, and the City of San José's Noise Element of the General Plan present the following applicable criteria:

State CEQA Guidelines. The California Environmental Quality Act (CEQA) contains guidelines to evaluate the significance of effects resulting from a proposed project. These guidelines have been used in this EIR as thresholds for establishing potentially significant noise impacts and are listed under *Thresholds of Significance.*

CEQA does not define what noise level increase would be considered substantial. Typically, project-generated noise level increases of 3 DNL or greater would be considered significant where exterior noise levels would exceed the normally acceptable noise level standard (60 DNL). Where noise levels would remain below the normally acceptable noise level standard with the project, noise level increases of 5 DNL or greater would be considered significant.

Section 1208 of the 1998 California Building Code. New multi-family housing in the State of California is subject to the environmental noise limits set forth in Chapter 1208A.8.4 of the California Building Code. The noise limit is a maximum interior noise level of 45 L_{dn} (same as DNL). Where exterior noise levels exceed 60 L_{dn}, a report must

be submitted with the building plans describing the noise control measures that have been incorporated into the design of the project to meet the noise limit.

City of San José General Plan. The Noise Element of the City of San José's 2020 Plan identifies noise and land use compatibility standards for various land uses. The City's goal is to, "...minimize the impact of noise on people through noise reduction and suppression techniques, and through appropriate land use policies."

Residential land uses are considered "satisfactory" up to 60 DNL as the short-range exterior noise quality level, and 55 DNL as the long-range exterior noise quality level. The guidelines state that where the exterior DNL is above the "satisfactory" limit (between 60 and 70 DNL), and the project requires a full EIR, an acoustical analysis should be made indicating the amount of attenuation necessary to maintain an indoor level of a DNL less than or equal to 45 dBA (consistent with the State Building Code). Noise levels exceeding 70 DNL require that new development would only be permitted if uses are entirely indoors and building design limits interior levels to less than or equal to 45 DNL. Outside activity areas should be permitted if site planning and noise barriers result in levels of 60 DNL or less.

U.S. Department of Housing and Urban Development Noise Regulations Section 24 CFR 51B. Under the HUD noise regulations, residential land uses are acceptable if the exterior day-night average sound level does not exceed 55 decibels and the interior day-night average sound level does not exceed 45 decibels. However, the exterior day-night average sound level can exceed 65 decibels, but no more than 70 decibels, if the interior day-night average sound level can be reduced by an additional five decibels or more. In addition, the exterior day-night average sound level can exceed 70 decibels, but no more that 75 decibels, if the interior day-night average sound level can be reduced by an additional 10 decibels or more.

Regulatory Background – Vibration

The City of San José has not identified quantifiable vibration limits that can be used to evaluate the compatibility of land uses with the expected vibration environment. Although there are no local standards which control the allowable vibration in a new residential development, the U.S. Department of Transportation has developed vibration impact assessment criteria for evaluating vibration impacts associated with rapid transit projects.[20] Vibration impact criteria, based on maximum overall levels for a single event, have been proposed by the Federal Transit Administration (FTA). The criteria for groundborne vibration impact are shown in Table 4 of Appendix F. Note that there are criteria for frequent events (more than 70 events per day) and infrequent events (less than 70 events per day).

Existing Noise Environment

The project site is located southwest of the Monterey Road/Goble Lane intersection in the City of San José. Land uses in the vicinity of the project site include a mobile home park

[20]U.S. Department of Transportation, Federal Transit Administration, Transit Noise and Vibration Impact Assessment, April 1995, DOT-T-95-16.

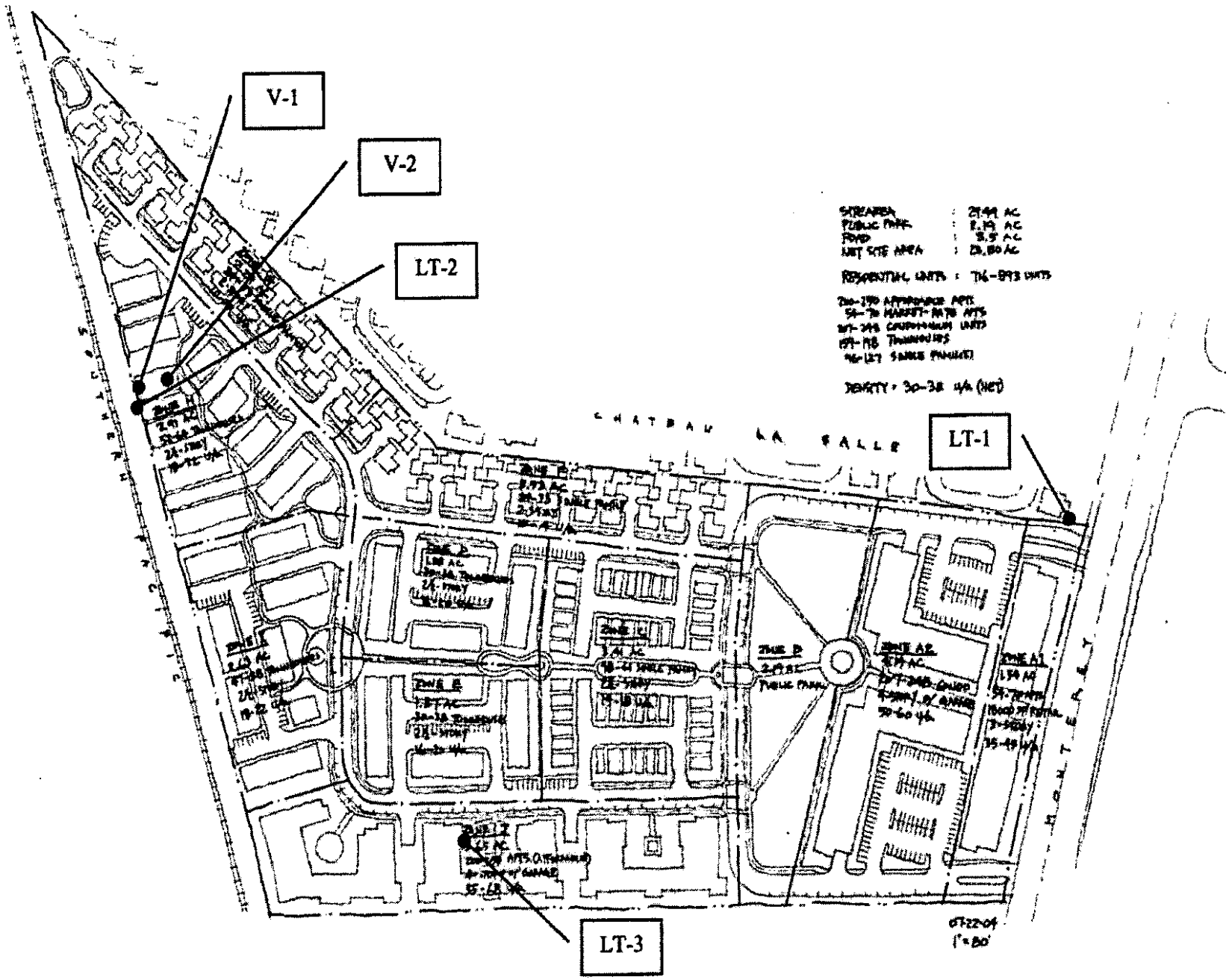
to the north, and the Raisch Company Materials Processing facility to the south. Monterey Road forms the project site's easternmost boundary, and the Union Pacific Railroad bounds the site to the west. Noise sources affecting the site include vehicular traffic on Monterey Road, freight and passenger trains on the rail line, aircraft overflights, and noise emanating from the rock crushing and asphalt batch plant operations at the Raisch facility.

The project site and adjacent land uses have been studied by Illingworth & Rodkin, Inc. several times over the last few years. The most recent field survey was conducted from October 27, 2004 to October 29, 2004 to quantify the existing noise environment. This survey included three long-term noise measurements and a series of vibration measurements during train passby events. Noise and vibration measurement locations are shown on Figure 17[21]. Previous surveys of the site were conducted in 2000 for the *Raisch Asphalt Plant and Concrete /Asphalt Recycling Facility Initial Study* (May 2000) and the *Goble Lane General Plan Amendment EIR* (June 2002). Data collected at the project site and the adjacent land uses are discussed below.

Monterey Road. Monterey Road is a six-lane arterial roadway that borders the project site to the east. Noise generated by Monterey Road was quantified from October 27, 2004 to October 29, 2004. Noise levels were measured at a distance of 75 feet from the centerline of Monterey Road (LT-1). At this distance, traffic along Monterey Road generated a DNL noise level of 76 dBA. Hourly average noise levels during daytime hours typically ranged from about 71 dBA to 77 dBA L_{eq}. Nighttime hourly average noise typically ranged from 62 dBA to 73 dBA. Noise measurements conducted in 2002 at a similar location also resulted in a traffic noise level of 76 DNL.

Union Pacific Railroad. The project site is bordered by a railroad line to the west. Freight and passenger trains often use the two sets of railroad tracks nearest the site for through traffic. The third track is used primarily for storage. Noise generated by the railroad was monitored at a distance of 40 feet from the center of the near track adjacent to the project site's westernmost property line from October 27, 2004 to October 29, 2004 (LT-2). During the monitoring period, 19 to 23 trains passed the site per day. Included in the train count were eight scheduled Caltrain passbys; four northbound trains during the morning commute period and four southbound trains during the evening commute period. Day-night averaged noise levels ranged from about 68 to 72 dBA. The variation in the DNL noise levels over the two-day period was primarily the result of a number of loud events that occurred during early morning or nighttime hours (10:00 p.m. to 7:00 a.m.). Maximum noise levels generated by trains typically ranged from about 85 to 90 dBA. During the monitoring period, there were some instances where maximum noise levels exceeded 100 dBA (10:00 a.m. – 11:00 a.m., October 28, 2004) indicating the possible sounding of a train warning whistle near the sound level meter. Based on the noise data and observations of train passages, warning whistles are not typically sounded adjacent to the project site. Noise measurements conducted in 2002 indicated a similar range of DNL noise levels depending on train activity.

[21] Please note that the noise measurements are shown on a previous site plan. Since the report was prepared the site plan has had some minor modifications. The proposed site plan is shown as Figure 3.



NOISE MEASUREMENT LOCATIONS

FIGURE 17

Aircraft Overflights. Jet aircraft on approach to the Norman Y. Mineta San José International Airport also contribute to the noise environment throughout the project site and surrounding areas. The project site is located outside of the 65 CNEL contour established for 2010 Master Plan Conditions for areas in the vicinity of the Norman Y. Mineta San José International Airport. During non-curfew hours, however, aircraft typically fly directly over the site in about four to five minute intervals, generating maximum noise levels of approximately 70 to 75 dBA. The DNL noise level resulting from aircraft is approximately 60 dBA.

Raisch Company Materials Processing Facility. Noise generated by the Raisch Company Materials Processing Facility was monitored from October 27, 2004 to October 29, 2004 at a distance of 100 feet from the southernmost property line of the project site near the asphalt batch plant (LT-3). Based on the measured noise data, it is apparent that activities at the asphalt batch plant begin at about 7:00 a.m. Hourly noise levels with the operation of the batch plant were approximately 70 dBA. During non-operational, nighttime hours, average noise levels were typically 60 dBA. The day-night average noise level at this location was 69 dBA.

The Raisch site was the subject of an extensive noise evaluation in 2000 as part of the environmental assessment for the Raisch Company's Master Plan. The study included measurements of plant noise generation along the southern boundary of the Redwood Mobile Home Park and projections of the noise associated with the implementation of the Raisch Company's plans for a modernized asphalt batch plant. The overall L_{dn} at a distance of 440 feet from the asphalt batch plant was measured to be 63 dBA. Activity at the Raisch site, including the gravel crushing plant and existing asphalt batch plant, contributed a DNL of 59 dB. The major noise source at this location was noise generated by aircraft overflights to and from the Norman Y. Mineta San José International Airport. Truck traffic to and from the Raisch facility via an access road along the southern boundary of the project site resulted in maximum noise levels of 61-71 dBA at the noise monitor.

Existing Vibration Conditions

Vibration measurements were taken on the afternoon of Friday, October 29, 2004 based on a review of the Caltrain schedule. Vibration levels measured on the site were representative of vibration levels at ground level, i.e., vibration levels that would enter the building foundation.

Ground-borne vibration measurements were made at distances of 50 feet (V-1) and 100 feet (V-2) from the centerline of the near railroad track. The use of two different setbacks was important in developing a drop-off rate for ground vibration with distance.

Three southbound Caltrain passenger trains were measured during the evening commute hours. Trains passed the site at a relatively low rate of speed (less than 30 mph), minimizing somewhat the vibration transmitted through the ground. Vibration levels during a train passby exceeded 80 VdB at a distance of 50 feet from the track and were below 80 VdB at a distance of 100 feet from the track. This maximum level occurred when the engine passed the vibration monitoring location. Maximum vibration levels

measured at each measurement site during the three passby events are summarized in Table 22.

TABLE 22 Vibration Measurements		
Train Event	**Vibration Level – 50 ft**	**Vibration Level – 100 ft**
Southbound Caltrain (4:55pm)	81 VdB	75 VdB
Southbound Caltrain (6:03pm)	79 VdB	72 VdB
Southbound Caltrain (6:25pm)	80 VdB	73 VdB

2. Noise Impacts

Thresholds of Significance

For the purposes of this EIR, a noise or vibration impact is considered significant if the project would:

- Expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or
- Expose persons to, or generate excessive groundborne vibration or groundborne noise levels; or
- Create a substantial permanent increase in ambient noise levels in the amendment vicinity above levels existing without the amendment; or
- Create a substantial temporary or periodic increase in ambient noise levels in the amendment vicinity above levels existing without the amendment; or
- For a amendment 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 amendment expose people residing or working in the amendment area to excessive noise levels; or
- For a amendment within the vicinity of a private airstrip, would the amendment expose people residing or working in the amendment area to excessive noise levels.

Noise Impacts

CEQA does not define what noise level increase would be considered substantial. Typically, in high noise environments in San José, if the project would cause the L_{dn} to increase by more than 3 dBA at noise-sensitive receptors, the impact is considered significant. Where the existing noise level is lower, a somewhat higher increase can be tolerated before the impact is considered significant.

Based on recent noise measurements taken on the project site and previous noise measurements taken on and around the project site, it has been concluded that future residents will be exposed to exterior noise levels in excess of 60 decibels. The noise environment at the project site will exceed the City's short-term noise level goal as a result of the project site's close proximity to Monterey Road, the Union Pacific Railroad, the Raisch Materials Processing Facility, and the Norman Y. Mineta San José International Airport. Specifically, open space areas along the western boundary of the site will be exposed to noise levels of up to 72 decibels with a maximum noise level of

85 – 90 decibels. Open space areas along the southern boundary of the site will be exposed to noise levels up to 70 decibels (65 with the plant alone and 70 with a combination of the plant, railroad, and aircraft flyovers), and the entire site is exposed to noise levels of 60 decibels with a maximum of 70 – 75 decibels from aircraft flyovers.

The proposed six-foot masonry wall along the west and south property lines will not effectively reduce noise on the project site due to the relative height of the noise sources. Noise levels in open space areas shielded from the Raisch plant and the railroad tracks by the proposed apartment/condominium buildings will drop approximately 10 decibels. As a result, exterior noise levels at common outdoor use areas adjacent to the railroad would be approximately 64 decibels and common outdoor use areas along the south boundary of the site would experience exterior noise levels of about 60 – 63 decibels. The proposed project would exceed the normally acceptable exterior noise limits established by HUD. However, it would meet the conditionally acceptable exterior noise limit of 65 decibels or lower if the interior noise levels in the affected buildings can be reduced to 45 decibels.

- **Future residents will be exposed to exterior noise levels in excess of 60 decibels, which exceeds the noise and land use compatibility standards established in the City's General Plan[22] and by HUD. (Significant Impact)**

The project proposes multi-story residential units throughout the project site. Exterior noise levels at the facades of residential units adjacent to Monterey Road would be expected to be about 77 decibels. Exterior noise levels at the facades of residential units immediately adjacent to the railroad and Raisch Products would be expected to range from about 65 – 72 decibels. Exterior noise levels at the facades of units within the central portion of the site would be expected to be about 60 decibels as a result of aircraft.

Where exterior day-night average noise levels are less than 70 decibels, interior noise level can typically be maintained below City and State standards (45 decibels) with the incorporation of forced air mechanical ventilation systems in residential units. Typically, standard construction with a forced air unit (allowing the occupant to control noise by keeping the windows shut) provides approximately 25 decibels of noise reduction in interior spaces. If exterior noise levels are less than 70 decibels, interior noise levels will be less than 45 decibels.

Where noise levels exceed 70 decibels, forced-air mechanical ventilation systems and sound-rated construction would be required and is proposed by the proejct. To control interior maximum noise levels and minimize the potential for activity interference and sleep disturbance, noise insulation features such as stucco-sided walls and sound-rated windows and doors would be required and is proposed for residences located near the westernmost, southernmost and easternmost boundaries of the project site. Residential units proposed in buildings adjacent to Raisch Products and the railroad tracks would be separated from the southernmost and westernmost façade of the buildings by an internal corridor. The separation of the living space from the southernmost and westernmost

[22] The City of San José General Plan acknowledges that land uses adjacent to busy streets and/or under the flight path of the Norman Y. Mineta San José International Airport may not able to achieve an exterior noise level of 60 decibels.

façade of these buildings would provide sufficient noise reduction in interior living spaces.

- **Future residents will not be exposed to interior noise levels in excess of 45 decibels with the inclusion of mechanical ventilation systems, sound-rated windows and doors, and other noise reduction design features proposed by the project. (Less Than Significant Impact)**

Project-Generated Traffic Noise Impacts

Based upon a review of the traffic study prepared by *DKS Associates*, project generated traffic would not substantially increase noise levels over existing conditions. The relative change in traffic noise levels resulting from the project were calculated at forty-one intersections in the project vicinity. Noise levels would increase by about 0 to 1 dBA on area roadway segments. A noise increase is considered substantial if it increases the ambient noise level by three decibels or more.

- **Traffic generated by the proposed residential and commercial development would not result in significantly increased traffic noise on the roadway network. (Less Than Significant Impact)**

Groundborne Vibration Impacts

Based upon existing railroad operation information, approximately 19 to 23 trains pass by the project site per day. "Infrequent Events" are defined as fewer than 70 vibration events per day. Because the project site is subjected to infrequent events, the 80 VdB limit was used in the evaluation of the project with respect to vibration compatibility. Based on the results of the vibration measurements, the calculated 80 VdB contour distance is 60 feet from the center of the nearest through-track to the property line.

The site plan indicates that the nearest proposed residential units would be located about 65 feet from the center of the nearest through-track. Vibration generated during train passbys would be approximately 79 to 80 VdB. Vibration at this level would be expected to be noticeable by at least some of the occupants of these residences, but would not exceed the 80 VdB significance threshold established for infrequent events.

- **Future residents adjacent to the western property line of the project site will not be exposed to vibration levels in excess of the established threshold. (Less Than Significant Impact)**

Construction Impacts

Construction activities associated with implementation of the proposed project would temporarily increase noise levels in the project area. Construction activities generate considerable amounts of noise, especially during the demolition phase and the construction of project infrastructure when heavy equipment is used. Typical average construction generated noise levels are about 81 – 89 decibels measured at a distance of 50 feet from the center of the site during busy construction periods (e.g., earth moving

equipment, impact tools, etc.) Construction generated noise levels drop off at a rate of about six decibels per doubling of distance between the source and receptor.

Project construction would be expected to generate worst-case average noise levels of about 60 – 65 decibels at the nearest noise-sensitive receivers when construction occurs along the northernmost portion of the project site. There is an existing eight-foot metal fence between the Chateau La Salle Mobile Home Park and the project site. This barrier will reduce noise propagation by about 10 decibels and significantly reduce construction noise impacts to the existing mobile home park. During the majority of the construction period, noise levels would be below existing background noise levels in the area. The anticipated construction noise levels at distant residential receivers would generally coincide with existing noise levels generated by transportation noise sources in the area. As construction proceeds away from the northernmost portion of the project site, construction noise would be further reduced. The construction of the project is not anticipated to adversely affect residential receivers in the immediate vicinity or those more distant.

- **Noise generating activities associated with construction of the project site would temporarily elevate noise levels in the area surrounding the site but would have a less than significant impact on sensitive receptors. (Less Than Significant Temporary Impact)**

NEPA

NEPA requires compliance with *24 CFR 51B, Noise Abatement and Control*, whenever HUD financial assistance is proposed for a project that has the potential to expose sensitive receptors to excessive noise levels. Exterior noise levels on the site will exceed the acceptable level of 55 decibels. However, exterior noise levels on the site will not exceed 65 decibels, which is conditionally acceptable if the interior noise levels can be maintained at 45 decibels. The project will develop noise sensitive land uses and, through site design, can achieve an interior noise level of 45 decibels throughout the site and is not anticipated to expose persons to excessive noise levels. [Sources: Goble Lane Mixed-Use Project EIR Environmental Noise Assessment, 2004]

3. Mitigation and Avoidance Measures for Noise Impacts

The following mitigation measures are proposed are part of the project to avoid or reduce significant noise impacts:

- Locate noise-sensitive outdoor use areas away from adjacent noise sources. Shield noise-sensitive spaces with buildings or noise barriers whenever possible. Overall noise levels would continue to exceed 60 DNL in some areas as a result of transportation noise sources and industrial sources in the project vicinity; however, the City recognizes that the exterior noise goal cannot be achieved in the environs of major roadways and the Norman Y. Mineta San José International Airport.

- Building sound insulation requirements would include the provision of forced-air mechanical ventilation for all new units, so that windows could be kept closed at the

occupant's discretion to control noise. Special building construction techniques (e.g., sound-rated windows and building facade treatments) will be included for new residential uses adjacent to the railroad. These treatments include, but are not limited to, sound rated windows and doors, sound rated wall constructions, acoustical caulking, etc. The specific determination of what treatments are necessary will be conducted on a unit-by-unit basis. Results of the unit analysis, including the description of the necessary noise control treatments, will be submitted to the City along with the building plans for approval prior to issuance of building permits.

- Construct temporary noise barriers around the perimeter of the project site before construction begins.

- Limit construction activity to daytime hours of 7:00 a.m. to 7:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. with no construction activity on Saturdays, Sundays or holidays

- Use available noise suppression devices and properly maintain and muffle loud construction equipment.

- Construct noise barriers to shield loud equipment from nearby noise-sensitive receptors.

- Avoid staging loud equipment within 200 feet of noise-sensitive receptors.

- Designate a disturbance coordinator and post the name of phone number of this person conspicuously to manage construction noise complaints. The disturbance coordinator will contact noise-sensitive receptors and advise residents of the schedule of construction.

Conclusion: **Implementation of the proposed mitigation measures would reduce noise impacts to a less than significant level. (Less Than Significant with Mitigation)**

K. UTILITIES

1. Existing Setting

Water Services

Water service in the City of San José is provided by three entities: the City of San José Municipal Water System, San José Water Company and the Great Oaks Water Company. These service providers obtain water from available sources and deliver it to individual consumers within the City.

Part of San José's drinking water is supplied via a local water supply system in which runoff is collected in reservoirs and later recharged in streams and ponds to augment the natural recharge of the ground water basin. Twelve reservoirs, with a total storage capacity of 181,548 acre-feet, store runoff from the local watersheds. Local sources are not sufficient to meet water supply needs even in normal rainfall years; therefore, Santa Clara Valley Water District (SCVWD) typically imports about one half of the County's potable water supply. This imported water is obtained from three sources: the State Water Project via the South Bay Aqueduct, the San Francisco Water Department's Hetch Hetchy Aqueduct, and the San Felipe Division of the Federal Central Valley Project. Additional imported water has been required within Santa Clara County during droughts. The SCVWD owns and operates an extensive distribution system and three water treatment plants to recharge and treat both local and imported water.

The project site is serviced by a ten-inch water line located in Monterey Road, which is maintained by San José Water Company.

The water usage of the current land uses on the project site is shown in Table 23.

TABLE 23
Water Usage by Current Land Uses

Land Use	Water Usage in GPD[23]
Mobile Homes – 54 units	27,000 gpd
Businesses – 130,000 square feet	16,250 gpd

Recycled Water

The City of San José administers the South Bay Water Recycling program, which has developed a reclaimed water system to use treated wastewater from the San José/Santa Clara Water Pollution Control Plant for irrigation and industrial purposes. Plans to further expand the system are ongoing. At this time, there are no recycled water lines located in Monterey Road that could be utilized by the project site.

[23] Gallons per day.

Water Conservation

In order to meet the water demands of future growth, the City and County must rely on conservation and reclamation of both potable and non-potable water to provide a reliable water supply. These conservation techniques include more compact development, efficient plumbing and water-conservation fixtures, and outdoor water conservation efforts and wastewater reclamation.

The City of San José has an active water conservation program. Components of the City program have included limited landscape watering hours, restrictions on the use of potable water for construction purposes, ultra-low flow toilet incentives, a showerhead retrofit program, landscape ordinances for non-residential new construction, commercial/industrial water audits, financial incentives for commercial/industrial conservation, water use prohibitions, and no cleaning of vehicles without an automatic shutoff valve.

Sanitary Sewer/Wastewater Treatment

Wastewater from the City of San José is treated at the San José/Santa Clara Water Pollution Control Plant, located near Alviso. The Water Pollution Control Plant (WPCP) is owned jointly by the two cities and operated by the City of San José's Department of Environmental Services. The WPCP provides primary, secondary, and tertiary treatment of wastewater and has the capacity to treat 167 million gallons of wastewater a day (mgd).[24]

The WPCP is currently operating under a 120 million gallon per day dry weather effluent flow constraint. This requirement is based upon the State Water Resources Control Board and the Regional Water Quality Control Board concerns over the effects of additional freshwater discharges from the WPCP on the saltwater marsh habitat, and pollutant loading to the Bay from the WPCP. Approximately ten percent of the plant's effluent is recycled for non-potable uses and the remainder flows into San Francisco Bay.

An extensive system of sanitary sewer lines is owned and maintained by the City of San José. The concept of level of service for sanitary sewers refers to the quantity of wastewater flowing through a sewer line relative to its design. The General Plan calls for a Level of Service (LOS) D for sanitary sewer lines, which represents a free flow of wastewater sufficient to prevent "back up" problems. New development is required by existing policies to avoid or minimize its impacts upon any existing or anticipated LOS E sewer lines by constructing or contributing to the construction of new lines or by waiting for completion of planned sewer line improvements.

The project site is served by a 15-inch sewer line and a 54-inch sewer line located in Monterey road.

The wastewater generated by the existing land uses is shown in Table 24.

[24] City of San José Website

TABLE 24 Wastewater Generation From Current Land Uses	
Land Use	**Wastewater in GPD**
Mobile homes – 54 units	8,100 gpd
Businesses – 130,000 square feet	6,500 gpd

Storm Drainage System

Santa Clara Valley's creeks and waterways convey storm runoff from the Santa Cruz Mountains and the Diablo Mountain Range into San Francisco Bay. The urbanized areas of the City discharge storm runoff into local storm drains, which then empties into local creeks and waterways. Overall, the existing citywide storm drainage system conveys the stormwater runoff adequately; however, minor flooding can occur when catch basins or storm lines become clogged with debris, in localized areas where the storm drainage system does not have adequate capacity, or when high water levels in creeks prevent adequate storm drainage. Storm runoff is greater and more intense where there are impervious surfaces such as buildings and pavement, as compared to vegetated or underdeveloped surfaces with permeable soil surfaces. Storm drain lines are inspected and maintained by the Department of Transportation and are installed, rehabilitated or replaced by the Department of Public Works.

The City of San José owns and maintains municipal storm drainage facilities throughout the City. The General Plan level of service policy for storm drainage in the City is to minimize flooding on public streets and to minimize property damage from storm water.

The project site is served by a 24-inch and a 42-inch storm drain line located in Monterey Road. The storm drain lines in Monterey Road are currently operating at full capacity.

Currently the project site is 83 percent impervious. During a 10-year storm event, the site drains approximately 17 cubic feet of water per second. During a 100-year storm event, the site drains approximately 27 cubic feet of water per second.

Solid Waste

Residential solid waste collection services in San José are provided by Norcal Waste Systems and the Green Team of San José. San José has a contract for disposal of residential waste with Newby Island Landfill which extends to 2019. Collection service to non-residential properties is provided by a number of non-exclusive service providers and non-residential waste may be disposed of at any of four privately owned landfills in San José, or at other landfills outside the County. According to the Source Reduction and Recycling Element prepared for the City of San José, and the County-wide Integrated Waste Management Plan, there is sufficient landfill capacity for Santa Clara County for approximately 23 more years.

Currently, the City of San José disposes approximately 250,000 tons of residential garbage per year at the Newby Island Landfill.

Assembly Bill 939 established the California Integrated Waste Management Board and required all California counties to prepare integrated waste management plans. AB 939 also required all municipalities to divert 25 percent of their solid waste from landfill disposal by January 1, 1995, and 50 percent of the waste stream must be diverted by the year 2000. The City of San José currently generates approximately 1,912,319 tons of solid waste annually, and diverts about 44 percent through a variety of waste diversion programs including curbside recycling, yard waste pick-up, and the City's Construction and Demolition Diversion Deposit Program which diverts approximately 62 percent of construction/demolition waste.

2. Utilities Impacts

Thresholds of Significance

For the purposes of the EIR, a utility and service impact is considered significant if the project would:

- Require or result in the construction of new stormwater or wastewater facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;
- Result in a determination by the wastewater treatment provider that it has inadequate capacity to serve the amendment's projected demand in addition to the provider's existing commitments;
- Need new or expanded entitlements for water supplies; or
- Be served by a landfill with insufficient permitted capacity.

Water Service

Implementation of the proposed project would increase the demand for water services in the City of San José. Currently, the project site uses approximately 43,250 gallons of potable water per day. Under the maximum build out proposed by the project (969 dwelling units), the site would use approximately 215,000 gallons of water per day. This includes approximately 2,600 gallons per day for the public park. This would be an increase of approximately 171,750 gallons per day.

In March 2005, San José Water Company (SJWC) prepared an Initial Water Supply Assessment for the proposed project (see Appendix G). Based on the available supply, current operations of the distribution system, and an estimated demand increase of 192 acre feet/year by the proposed project (without any changes to the source of the supply), SJWC will be able to adequately supply the proposed project. As a result, implementation of the proposed project will have a less than significant water supply impact.

Sanitary Sewer/Wastewater Treatment

Implementation of the proposed project would increase the demand on the sanitary sewer services provided by the City of San José. Currently, the project site generates approximately 14,600 gallons per day of wastewater. Under the maximum build out

scenario proposed by the project (969 dwelling units) the site will generate approximately 200,000 gallons per day of wastewater; an increase of approximately 185,400 gallons per day.

The General Plan Amendment EIR for the project site assumed an increase of more than 300,000 gallons per day of wastewater under full build out of the proposed land use designation *High Density Residential (25-50 DU/ACRE)*. It was concluded that the 15-inch and 54-inch lines in Monterey Road would have sufficient capacity to support the increase in development. Therefore, the proposed project would not exceed the capacity of the existing lines in Monterey Road.

The existing 6-inch line located in Goble Lane, however, is not of sufficient size to adequate covey up to 200,000 gallons of wastewater per day. As a result, the project proposes to install additional lines that will connect to the main lines in Monterey Road, to ensure satisfactory operation of the sanitary sewer system. Infrastructure improvements on private property are not considered a significant impact.

- **Implementation of the proposed project will not exceed the current capacity of the sanitary sewer system and the wastewater treatment plant. (Less than Significant Impact)**

Storm Drainage System

As stated above, the project site is currently 83 percent impervious. During a 10-year storm event, the site drains approximately 17 cubic feet of water per second. During a 100-year storm event, the site drains approximately 27 cubic feet of water per second. With implementation of the proposed project, the site will be 67 percent impervious. Under project conditions, the site will drain approximately 16 cubic feet of water per second during a 10-year storm event, and approximately 26 cubic feet of water per second during a 100-year storm event, a reduction of one to two cfs with the project.

In addition to the reduction of impervious surfaces and storm flows, the project will also implement an Urban Runoff Management Plan (see Section II.D., *Hydrology*) which will be designed to meet the California Regional Water Quality Control Board Order No. 01-119, National Pollutant Discharge Elimination System Municipal Separate Sewer System Provision C3, and the City of San José Post Construction Urban Runoff Management Policy. The proposed project will comply with City requirements to minimize pollutants and the flow of stormwater runoff into the Municipal Storm Drainage System.

The project site will regulate the amount of water entering the storm drainage system at any given time by retaining water on-site as described in Section II.D., *Hydrology*. Under project conditions, the site will also allow more water to percolate into the ground surface because of the 16 percent increase in permeable surfaces. As a result, the proposed project will not exceed the capacity of the existing storm drainage system.

- **Implementation of the proposed project will not exceed the capacity of the existing storm drainage system and will have a less than significant impact on the storm drainage system. (Less Than Significant Impact)**

Solid Waste

Implementation of the proposed project would generate an increase in solid waste associated with future growth, although this increase would be minimal compared to what is expected from implementation of the existing General Plan. Implementation of the proposed project would result in an incremental increase in residential solid waste of 2.6 tons per day[25]. This figure does not include any offset for the existing development on these sites, which are also generating waste.

The generation of solid waste resulting from future growth would continue to be minimized through implementation of the City's recycling program. The recycling program includes the following services:

- curbside collection of residential recyclables from both single family and multi-family dwellings (including aluminum, glass, tin, mixed paper, mixed plastic bottles, waste oil, and small scrap);
- collection of bulky goods from residences, city corporation yards, and city-sponsored neighborhood clean-up events for potential reuse and recycling;
- processing and marketing of recyclables at materials recovery facilities; and
- community relations/education programs;
- curbside collection of yard trimmings from single-family and multi-family dwellings.

In addition, the City's Environmental Services Department oversees programs to increase commercial and industrial recycling.

- **Development of high density residential land uses on the project site may result in incremental increases in solid waste and recyclables collected under the City contracts. These increases would not exceed either the capacity of the collection systems or landfill capacity. (Less than Significant Impact)**

3. Mitigation and Avoidance Measures for Utilities Impacts

No mitigation is required or proposed.

[25] Based on 5.4 pounds/day/dwelling unit.

III. PUBLIC FACILITIES AND SERVICES

Unlike utility services, public facility services are provided to the community as a whole, usually from a central location or from a defined set of nodes. The resources base for delivery of the services, including the physical service delivery mechanisms, is financed on a community-wide basis, usually from a unified or integrated financial system. The service delivery agency can be a city, county, service or other special district. Usually, new development will create an incremental increase in the demand for these services; the amount of demand will vary widely, depending on both the nature of the development (residential vs. commercial, for instance) and the type of services, as well as on the specific characteristics of the development (such as senior housing vs. family housing).

The impact of a particular project on public facilities services is generally a fiscal impact. By increasing the demand for a type of service, a project could cause an eventual increase in the cost of providing the service (more personnel hours to patrol an area, additional fire equipment needed to service a tall building, etc.). That is a fiscal impact, however, not an environmental one.

CEQA does not require an analysis of fiscal impacts. CEQA analysis is required if the increased demand triggers the need for a new facility (such as a school or fire station), since the new facility would have a physical impact on the environment.

For the purposes of the EIR, a public facilities and services impact is considered significant if the project would result in substantial adverse physical impacts associated with the provision or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection, police protection, schools, parks, or other public facilities.

1. Police Services

Police protection to the project site would be provided by the City of San José Police Department (SJPD). The SJPD has more than 1,393 sworn officers, all of which are dispatched from police headquarters located at 210 West Mission Street.

The City of San José has established a service goal of a response time of six minutes or less or 60 percent of all Priority 1 calls (felonies in progress and where life/safety is in danger), and a response time of 11 minutes or less for 60 percent of all Priority 2 calls (misdemeanors in progress or just occurred traumas).

The SJPD's service area consists of 83 beats. Beats are determined based on population and number of calls from the area. There are approximately 1.4 police officers per 1,000 residents. Each beat is assigned to one of 17 districts. The beats are identified with a number and the districts are identified with a letter.

The project site is located within District L, Beat 4. In 2004, the project area had a total of 355 calls for police services, including burglaries, domestic disputes, and traffic violations. The most frequent calls were for disturbances and traffic accidents.

The proposed project will not directly adversely affect the ability of the SJPD to provide service. It will, however, incrementally increase demand for police services as housing is constructed on the site. The SJPD will review the project site design, access control, landscaping, lighting and all safety concerns and make safety and security recommendations at the Planned Development Permit stage to ensure that the project is designed to maximize the department's abilities to provide service to the project site by including appropriate safety features to minimize criminal activity. The proposed project will be constructed in conformance with current codes, including appropriate safety features to minimize criminal activity.

Implementation of the proposed project will not require the construction of new police facilities to serve the project site.

2. Fire Services

Fire protection services within the City of San José are provided by the City of San José Fire Department (SJFD). The SJFD currently consists of 31 fire stations housing 188 on-duty fire fighters, one Division Chief, five Battalion Chiefs, and one Arson Investigator, totaling 195 on-duty fire protection personnel.

The City of San José participates in a mutual aid program with the Cities of Milpitas and Santa Clara that provides additional assistance to the SJFD in whatever capacity is needed (and vice versa).

The SJFD has a standard level of service for fire protection services. The level of service for first alarm calls has a total reflex time of eight minutes and a response travel time of four minutes. The second engine's total response time is six minutes with a total travel time of six minutes. These standards are set to meet most small fire and medical calls.

The SJFD receives an average of 1,915 call/year/company. Of these calls, the department is able to meet its total reflex time on 81 percent of the calls. The city-wide goal is to meet these calls 80 percent of the time.

The first response station to the project site is Station No. 26, located approximately one mile northeast of the site at 528 Tully Road, and the second response station is Station No. 18, located approximately one and one-half miles south of the site at 4430 Monterey Road.

The proposed project will incrementally increase the demand for fire protection services, which could result in incremental delays is service. The proposed project will be constructed in conformance with current codes, including features to reduce potential fire hazards, and the incremental delays is service will not require the development of new fire service facilities.

3. Schools

The project site is located within two school districts: the Franklin-McKinley School

District and the East Side Union High School District. Students in kindergarten through sixth grades would attend Captain Jason M. Dahl Elementary, seventh and eighth grade students would attend Sylvandale Middle School, both of which are in the Franklin-McKinley School District. High school students (ninth – twelfth grade) would attend Andrew Hill High School.

Currently, Jason M. Dahl Elementary has an enrollment of 707 students and a capacity for 670 students and Sylvandale Middle School has an enrollment of 961 and a capacity for 970 students.[26] Student generation rates for the school district were calculated in the Enrollment Forecast Study by sampling recently built housing units within the school district. Specifically the study took samples of units first-occupied in the last seven years in the district, as well as housing units within the Oak Grove and Berryessa School District. Both schools have a student generation rate of 0.06 students for attached family housing, 0.46 for affordable housing, and 0.31 for detached family housing.

Andrew Hill High School has an enrollment of approximately 2,074 students and has capacity for 1,755 students. The student generation rate for Andrew Hill is 0.20 for high-density housing.

Implementation of the propose project could result in approximately 188 additional students to the Franklin-McKinley School District and approximately 194 additional students to the East Side Union High School District. Based on the current capacity of the three schools that would serve the project site, these schools cannot presently accommodate the students that would be generated by the proposed project. It should be noted that the estimated number of students generated by the proposed project does not account of the loss of students (due to relocation) from the mobile home park currently located on the project site.

There are a number of methods which can be used to accommodate the increased numbers of students, and which do not require that new schools be built. These include measures such as: 1) the provision of portable or relocatable classrooms, 2) expansion of existing schools, 3) the opening of existing schools previously considered surplus, 4) adjustment of school attendance boundaries, 5) the busing of students to schools with surplus capacity, or 6) the conversion to year-round schools with a four-track schedule.

State law (Government Code Section 65996) specifies an acceptable method of offsetting a project's effect on the adequacy of school facilities as the payment of a school impact fee prior to issuance of building permit. In San José, future development project applicants can either negotiate directly with the affected school district(s), or they can make a "presumptive payment" of $1.93 per square foot for multi-family units. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code. The school impact fees and the school districts' methods of implementing measures specified by Government Code 65996 would partially offset project-related increases in student enrollment.

[26] Enrollment Projection Consultants, Enrollment Forecast Study for the Franklin-McKinley School District, November 2004.

Implementation of the proposed project will increase the number of school children that will live on the project site. This will result in significant increases in school children attending the public schools identified. State law requires that mitigation for impacts to schools be mitigated through the payment of fees. The proposed project will not result in the need to construct new schools, but may require expansion of one or more existing schools. Additions to an existing school within the City's Urban Service Area are not likely to result in significant environmental impacts.

4. Parks

The City of San José provides parklands, open space, and community facilities for public recreation and community services. Some of these facilities are provided in conjunction with or are supplemented by other public uses such as schools, County parks, and land used for flood control purposes. The City of San José has adopted a goal for neighborhood/community serving parkland. The goal is to provide 3.5 acres of parkland per 1,000 residents with equal access within three-quarters of a mile radius of residences. In addition, the City seeks to provide 7.5 acres of regionally serving parkland and 500 square feet of community center space per 1,000 residents.

Neighborhood and open space facilities closest to the project site include Jason M. Dahl Elementary School, which is approximately one-half a mile southeast of the site. There are currently no neighborhood or County parks, or regional trails to serve the project area. Additionally, pedestrian access along city streets from the project site to the closest elementary schools may be difficult, particularly for children.

The proposed project includes a 2.0-acre public park which will be accessible to all new residents, as well as residents in the adjacent Chateau La Salle Mobile Home Park and the mobile home park across Monterey Road. Implementation of the proposed project would result in an estimated increase of 2,200 residents which, even with the inclusion of a 2.0-acre park, will result in park deficient facilities. The City has adopted the Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) that requires residential development to dedicate sufficient neighborhood parkland to serve new residents or pay fees in lieu of land dedication to acquire new parkland or improve existing neighborhood parkland.

The proposed project will be required to conform to the PDO and PIO by paying fees to offset the increase in park usage. Based on the PDO parkland estimates, the project would need to provide 7.7 acres of parkland. With the inclusion of the 2.0-acre park, the project will have to pay impact fees for the 5.7-acre park deficiency created by the project. By complying with the requirements of the PDO and PIO, the project will not result in significant increases in usage or deterioration of existing or planned park facilities.

Conclusion: **Implementation of the proposed project would result in up to an additional 969 dwelling units, which would incrementally increase the demand for services in the project area. This increase, however, will be offset through existing laws and ordinances and will not result in the need to construct new police, fire, school or park facilities.**

IV. CUMULATIVE IMPACTS

Cumulative impacts, as defined by CEQA, refer to two or more individual effects, which when combined, are considerable or which compound or increase other environmental impacts. Cumulative impacts may result from individually minor, but collectively significant projects taking place over a period of time. The CEQA Guidelines state (§15130) that an EIR should discuss cumulative impacts "when the project's incremental effect is cumulatively considerable." The discussion does not need to be in as great detail as is necessary for project impacts, but is to be "guided by the standards of practicality and reasonableness." The purpose of the cumulative analysis is to allow decision makers to better understand the potential impacts which might result from approval of past, present and reasonably foreseeable future projects, in conjunction with the proposed project.

In order to meet the intent of the cumulative analysis requirement, the following discussion reflects the information available from the City of San José as of the date of circulation of this EIR. The only project within close proximity to the project site is the proposed General Electric (GE) Planned Development Zoning, which would change the designated land use of the site from Heavy Industrial to Planned Development Zoning District. This project would remove all the existing industrial buildings on the project site and construct either a 646,100 square foot shopping center or a 551,000 square foot shopping center and a 20-screen movie theater.

In addition to the GE project, the City of San José is currently considering seven major long-term projects that propose development and/or intensified redevelopment, as well as 14 other General Plan amendments that cover approximately 340 acres. The seven large projects included include the San José Downtown Strategy Plan 2000, North San José Development Policies Project, Hitachi Project, iStar Project, and the Evergreen Smart Growth Strategy and Coyote Valley Specific Plan. When compared to build out under the approved San José General Plan, approval and build out of all of the cumulative projects would result in a net increase of approximately 102,000 jobs and 45,000 dwelling units. Of these seven major projects, only the Downtown Strategy Plan 2000 is within close enough proximity to the project site to be considered in the cumulative analysis. Therefore, the cumulative analysis in this EIR is comprised of the proposed project, the General Electric Planned Development Zoning, and the Downtown Strategy Plan 2000. The Goble Lane General Plan Amendment was approved in June 2004 and was part of the existing General Plan base case for the cumulative scenario for the seven major projects.

1. Cumulative Impacts

Based on the analysis in this EIR, and on information contained in other recent environmental documents, development of the project site with other pending and approved development may have cumulatively significant impacts in the following areas:

- Land Use
- Transportation
- Air Quality

Cumulative Land Use Impacts

Implementation of the proposed project would result in the conversion of industrial land to a residential land use. This change in land use was approved under the Goble Lane General Plan Amendment (GPA) File No. GP02-07-04, which was approved by the City Council in June 2004. Development of the proposed project, in combination with development of the General Electric project site, would result in a net loss of 78.5 acres of land currently developed with industrial land uses.

Development of residential land uses on the project site could potentially pressure the adjacent Raisch facility to convert to a more compatible land use (i.e., residential). The diesel exhaust from trucks entering the Raisch facility was found to result in a less than significant Air Quality impact (see Section II.I., *Air Quality*). The Raisch facility, however, will result in unavoidable odors at the site, which could lead to complaints about the facilities operation. If Raisch were to convert from an industrial to a residential land use as a result of implementation of the proposed project, then the overall cumulative loss of industrial land in the project area would be 96.5 acres. This is considered a significant unavoidable cumulative impact.

Implementation of the proposed project will increase the overall housing supply in San José by up to 922 dwelling units. This increase in housing, combined with other housing projects (particularly project on land converted from industrial land uses), cumulatively increase the jobs/housing imbalance within the City.

Cumulative Transportation Impacts

The cumulative scenario includes background traffic, the proposed project, and traffic expected to be generated by the General Electric site project. The traffic analysis for the Hitachi and iStar project did not share any intersections with the Goble project; therefore, these projects were not included in the cumulative LOS analysis. Table 25 shows the study intersections level of service under the cumulative scenario.

TABLE 25
Cumulative LOS for Signalized Intersections

No.	Intersection	AM Peak		PM Peak	
		Avg. Delay	LOS	Avg. Delay	LOS
1	First St. & Willow St.	4.9	A	7.3	A
2	First St. & Goodyear-Keyes St.	27.7	C	28.8	C
3	Second St. & Keyes St.	22.1	C	29.4	C
4	First St & Second St	9.4	A	23.3	C
5	Monterey Hwy & Alma Ave	39.8	D	36.6	D+
6	Seventh St & Alma St	25.2	C	22.2	C+
7	Tenth St & Alma St	24.6	C	19.7	B-
8	Senter Rd & Alma St	9.9	A	11.3	B+
9	Monterey Hwy & San Jose Ave	10.2	B	11.7	B+
10	Monterey Hwy & Phelan Ave	12.7	B	17.4	B
11	Tenth St & Phelan Ave	21.2	C	18.5	B
12	Monterey Hwy & Stauffer Blvd	5.4	A	8.3	B-

TABLE 25 *Continued* Cumulative LOS for Signalized Intersections					
No.	Intersection	AM Peak		PM Peak	
		Avg. Delay	LOS	Avg. Delay	LOS
13	Lincoln Ave & Curtner Ave	44.6	D	42.7	A
14	Almaden Rd & Curtner Ave	44.0	D	66.5	E
15	Almaden Expwy & Curtner Ave	18.8	B	11.5	B+
16	Canoas Garden Ave & Curtner Ave	27.6	C	22.4	B+
17	SR 87 SB on/off ramps & Curtner Ave	18.5	B	19.9	C+
18	SR 87 NB on/off ramps & Curtner Ave	22.1	C	58.0	E+
19	Stone Ave & Curtner Ave	28.2	C	37.0	D+
20	Little Orchard St & Curtner Ave	26.0	C	37.0	D+
21	General Electric & Curtner Ave	1.0	A	9.9	D+
22	Monterey Hwy & Curtner Ave-Tully Rd	37.8	D	59.4	E+
23	Monterey Hwy & Old Tully Rd	8.6	A	21.5	D-
24	Seventh St & Tully Rd	26.3	C	32.7	C+
25	Tenth St & Tully Rd	20.3	C	27.2	C-
26	Senter Rd & Tully Rd	40.8	D	45.6	C
27	Lucretia Ave & Tully Rd	35.7	D	24.8	D
28	McLaughlin Av & Tully Rd	47.4	D	46.5	C
29	Alvin Ave & Tully Rd	29.2	C	33.9	D
30	S. King Rd & Tully Rd	43.0	D	55.2	C-
31	Quimby & Tully Rd	29.0	C	36.8	D+
32	Capitol Expwy & Tully Rd	46.3	D	45.0	D+
33	Monterey Hwy & Umbarger Rd	27.5	C	22.9	D
34	Senter Rd & Umbarger Rd	12.9	B	12.2	C+
35	Monterey Hwy & Lewis Rd	16.8	B	23.1	B
36	Senter Rd & Lewis Road	25.5	C	23.6	C
37	Monterey Hwy & Capitol Expwy WB	16.0	B	15.1	B
38	Monterey Hwy Capitol Expwy EB	25.2	C	17.2	B
39	Monterey Hwy & Senter Rd	21.6	C	28.8	C
40	Senter Rd & Capitol Expwy	48.2	D	63.6	E
41	McLaughlin Ave & Capitol Expwy	46.5	D	46.2	D

According to the City of San José intersection level of service standards, all study intersections would operate at acceptable levels of service for the cumulative condition, with the exception of the Almaden Road & Curtner Avenue, SR 87 NB on/off ramps & Curtner Avenue, Monterey Highway & Curtner Avenue – Tully Road. The intersection of Senter Road & Capitol Expressway intersection would continue to operate at LOS E during the PM Peak Hour, as it does under the existing condition.

The addition of cumulative traffic would deteriorate the intersection LOS D at Almaden Road & Curtner Avenue to LOS E during the PM Peak Hour. The LOS at the intersection of SR 87 NB on/off ramps & Curtner Avenue would deteriorate from LOS D to E+ during the PM Peak Hour. The intersection of Monterey Highway & Curtner Avenue – Tully Road would deteriorate from LOS D- under the project condition to LOS E+ during the PM Peak Hour.

The addition of cumulative traffic would exceed the significance threshold at these three intersections. This is considered a significant cumulative impact.

The Senter Road/Capital Expressway intersection operates at an unacceptable LOS E under background conditions, project conditions, and cumulative conditions. As a result, it is considered an existing condition and not a cumulative impact.

The City of San José has prepared an Environmental Impact Report for the San José Downtown Strategy 2000 project. This project consists of: 1) up to 10 million square feet of office land use; 2) 10,000 residential units; 3) 1.2 million square feet of retail land use; and 4) 2,500 hotel rooms.

This project is anticipated to cause impacts along the following corridors:

- 10th and 11th streets
- Almaden/Vine
- Bird Avenue
- Coleman Avenue

Although the Downtown Strategy 2000 project would add substantial traffic to the Monterey Road corridor, the analysis did not identify traffic-related impacts to this corridor. Based on the LOS results under the cumulative scenario, study intersections along the 10th Street corridor (which shares intersections with the proposed project) are projected to operate at acceptable levels of service with implementation of the proposed project and the San José Downtown Strategy Plan 2000.

The traffic report concluded that the proposed project would result in a significant unavoidable regional freeway impact. Because many of the freeway segments the Bay Area are at or beyond capacity, any additional development that adds trips to the impacted freeway segments is cumulatively considerable. Therefore, implementation of the proposed project, would also contribute to a significant unavoidable cumulative regional freeway impact.

Cumulative Air Quality Impacts

BAAQMD guidance for CEQA documents provides that a project's cumulative impact is based on its consistency of the project with the local general plan and the local general plan with the regional air quality plan. As discussed previously, the proposed project would not result in significant emissions of regional or localized pollutants. The project is consistent with the General Plan land use designation for the site.

The Clean Air Plan includes Transportation Control Measures (TCMs) that are intended to reduce vehicle miles traveled and associated air pollution impacts. Cities are not the only implementing agencies for these TCMs; other agencies include counties, the BAAQMD, the Metropolitan Transportation Commission, Congestion Management Agencies and school districts. The City's General Plan includes all of the measures that are consistent with a City's responsibility. Virtually of these measures are already reflected in existing General Plan policies, which are the basis of mitigations for all land use impacts in San José. The General Plan,

therefore, demonstrates reasonable efforts to implement the Transportation Control Measures (TCMs) listed in the BAAQMD Guidelines.

Since the project is consistent with the General Plan, does not result in project-specific air quality impacts, and the City's General Plan is generally consistent with the regional air quality, the project would not substantially contribute to cumulative air quality impacts.

The project would not substantially contribute to cumulative air quality impacts.

2. Cumulative Mitigation Measures

Cumulative Land Use Impacts

There is no mitigation available that would avoid or lessen the cumulative impact of loss of industrial land within the City. For this reason this impact is considered significant and unavoidable. **(Significant Unavoidable Cumulative Impact)**

Cumulative Freeway Segment Impacts

The mitigation necessary to reduce significant impacts upon freeway segments is the widening of the freeway. However, due to the extensive cost of such widening, this mitigation could not reasonably be implemented by the proposed project and other individual cumulative development, and therefore, is considered infeasible. For this reason this impact is considered significant and unavoidable. **(Significant Unavoidable Cumulative Impact)**

Cumulative Level of Service Impacts

There is no mitigation available that could reasonably be implemented by the proposed project and other individual cumulative development to reduce cumulative level of service impacts for the three identified signalized intersections. For this reason this impact is considered significant and unavoidable. **(Significant Unavoidable Cumulative Impact)**

V. ALTERNATIVES TO THE PROPOSED PROJECT

Section 15126.6 of the CEQA Guidelines requires that an EIR describe a reasonable range of alternatives to the proposed project that could feasibly attain most of the project objectives while avoiding or considerably reducing any of the significant impacts of the proposed project. In addition, the No Project Alternative must be analyzed in the document. Section 40 CFR 1502.14 of NEPA also requires a reasonable range of alternatives to the proposed project be analyzed.

In order to comply with the purposes of CEQA and NEPA, it is important to identify alternatives that reduce the significant impacts that are anticipated to occur if the project is implemented, but to try to meet as many of the project's objectives as possible. The Guidelines emphasize a common sense approach–the alternatives should be reasonable, should "foster informed decision making and public participation," and should focus on alternatives that avoid or substantially lessen the significant impacts.

An EIR is required to include a "No Project" alternative that "compares the impacts of approving the proposed project with the impacts of not approving the proposed project."

The significant impacts identified in this EIR as resulting from the proposed project include land use compatibility (i.e., incompatibility of adjacent land uses), traffic, and air quality (i.e., odors). This EIR also identifies significant cumulative impacts including traffic and land use. Since the traffic impacts are a result of the amount of traffic generated by the proposed level of development on the project site, the logical way to reduce those impacts would be to reduce the amount of development. In addition, the land use compatibility impacts could also be minimized by reducing the size of the development project, allowing for greater setbacks from the adjacent industrial and residential land uses. A lower density project would result in smaller multi-family buildings and possibly more single-family residences. A reduced density alternative is discussed in Section V.B. below.

The proposed driveway configuration assumes agreement from the adjacent property owner to design, build, and maintain a shared driveway access. At the time of preparation of this Draft EIR, it is unknown if the Raisch property owners will agree to the shared access proposed by the project. Therefore, several access alternatives were analyzed to provide an alternate signalized intersection that would meet the needs of the project and comply with Caltrans requirements. All but one of the access alternatives were analyzed and were subsequently determined to be infeasible. The first alternative was the redirection of truck traffic to Pullman Way south of the Raisch property. This alternative is not feasible because future traffic on this roadway is anticipated to increase significantly with build out of the Communications Hill Specific Plan (CHSP). In the CHSP, Pullman Way is identified as a major access road to future residential development on the hill. Truck traffic using Pullman Way would be incompatible with the CHSP access plan. The second alternative was the redirection of truck traffic through the project site to a centrally located signalized driveway. This alternative was dismissed as infeasible due to the health and safety issues associated with directing an average of 100 truck trips a day through a residential neighborhood on a two-lane roadway adjacent to a park. The third alternative was a driveway design alternative which is discussed in Section V.E. below.

A. NO PROJECT ALTERNATIVE

The CEQA Guidelines [§15126(d)4] require that an EIR specifically discuss a "no project" alternative, which should address both "the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project is not approved, based on current plans and consistent with available infrastructure and community services." Since the proposed project is redevelopment of an industrial/residential land use with a residential/mixed-use development, the alternative to the City approving the currently proposed project would be to retain the current land uses on the project site.

The impacts of the No Project alternative would ultimately be less than the impacts of the proposed project because the No Project alternative would maintain the current land uses on the project site. As a result, no new traffic would be generated and there would be no increase in local or regional air pollutants. Land use compatibility impacts would also be avoided because no housing would be located adjacent to the existing Raisch asphalt plant or the Union Pacific rail line. The majority of the residents at the mobile home park on the project site have already relocated and the mobile homes removed from the site. If the No Project Alternative were implemented, the mobile home park would need to be revitalized to make it acceptable for new residents.

The proposed project site is an infill location near the downtown area of San José that is currently underutilized. Maintaining the current land use conditions on the site under the No Project alternative does not seem to be a viable long-term use of the site. In addition, the No Project alternative would not preclude future redevelopment of the project site as a residential/mixed-use development with a housing density of 25 to 50 dwelling units per acre because of the approved General Plan Amendment in 2004. Therefore, it is likely that another residential project may be proposed at the site of equivalent density, which would result in similar traffic and traffic related air quality impacts, as well as odor and land use compatibility impacts.

Conclusion: Implementation of the "No Project" alternative would avoid all of the significant impacts identified in this EIR. This alternative, however, does not meet any of the objectives of the proposed project.

B. REDUCED DENSITY ALTERNATIVE

Implementation of the proposed project would result in significant traffic impacts, and the project would be impacted by odors from the adjacent Raisch facility. The reduced density alternative would maintain a minimum density of 25 dwelling units per acre (approximately 75 percent of the project density), but would include a 400-foot setback from the southern property line. This setback could be occupied by landscaping, surface parking, and/or the internal roadway. By requiring a 400-foot setback from the southern property line, pursuant to the recommendations of the air quality analysis, the apartments and condominiums located near the Raisch facility would not be impacted by the odors generated by daily operations of the plant or diesel exhaust from the trucks entering and leaving the plant. Lastly, the reduced density alternative would reduce the overall traffic generated by the proposed project. However, the freeway impact identified in this EIR cannot be reduced to less than significant with the density included under this alternative. Based on the traffic analysis, a project alternative could develop no more than 150 dwelling units on the project site to reduce the identified freeway impact to a less than significant level. A

reduced project consisting of only 150 total dwelling units (5.0 dwelling units per acre) would not meet the General Plan designated residential density of the project site.

Conclusion: Implementation of the reduced density alternative would avoid the significant odor impact identified in this EIR. However, development of the site at 25 dwelling units per acre would not reduce the significant freeway impacts. This alternative is feasible, from a construction standpoint, but it does not meet objectives 3, 5, and 6 of the project (see page 7, *Project Objectives*).

C. SITE DESIGN ALTERNATIVE

Under the site design alternative, the project would maintain the same number of dwelling units as the proposed project. The internal circulation road, however, would be relocated between the buildings and property lines on the north, south, and west sides of the project site. Placement of the road adjacent to the north property line would mimic the existing conditions on the site and maintain the current building setback for the residents of the Chateau La Salle mobile home park. Placement of the road between the proposed apartments/condominiums and the Raisch facility (along the southern and eastern perimeters of the site) would reduce the odor impact to the proposed apartment buildings by providing a greater setback from the asphalt plant (compared to the proposed project). In addition, this alternative would provide a setback between the proposed condominiums on the western boundary and the rail line, though no significant rail-related impact was identified.

The site design alternative would not reduce the overall traffic generated by the proposed project. As a result, the significant freeway impact identified in this EIR would still occur with implementation of this alternative. In addition, this alternative would reduce the odor impact by placing housing father away from the Raisch facility, but would not reduce the impact to a less than significant level.

Conclusion: Implementation of the site design alternative would lessen but not avoid the significant odor impact identified in this EIR. In addition, development of the site at 25+ dwelling units per acre would not reduce the significant freeway impacts. This alternative meets the objectives of the project and is feasible, from a construction standpoint. This is the environmentally superior alternative.

D. LOCATION ALTERNATIVE

The CEQA Guidelines require that an EIR identify an alternative location that "would avoid or substantially lessen any of the significant effects of the amendment" [§15126.6 (f) (2) (A)]. There is no specific site known within the City of San José whose development with 969 dwelling units and 18,000 square feet of commercial space would result in substantially fewer environmental impacts. There are other commercial or underutilized properties in San José that could be redeveloped as residential/mixed use. Some of these properties are large enough to accommodate a significant number of dwelling units. Redevelopment of these properties, particularly larger sites, would likely all result in development-related impacts similar to those identified for the site evaluated in this EIR. If the site were redeveloped industrial sites, they may result in land-use compatibility impacts similar to those of the project.

The San José Flea Market is an approximately 120 acre site located along Berryessa Road and is along a planned transit corridor. The Flea Market site is designated *Transit Corridor Residential (70 DU.AC), Combined Commercial/Industrial, Medium High Density (8-16 DU/AC), and Public Park/Open Space* and would accommodate the proposed project. However, the Flea Market site would have the same traffic and traffic related air quality impacts as the proposed project. In addition, the site would also have biological impacts (the site is adjacent to two creeks) and noise and vibration impacts from an adjacent rail line.

There may also be a number of sites in the Santa Clara County Cities north and northwest of San José that could be developed or redeveloped with a total number of dwelling units similar to what is evaluated in this EIR. Placing residential development closer to the jobs in the north County would result in shorter commute distances, less regional traffic congestion, and fewer noise and air pollution impacts than placing the same number of units at a location that is farther from the north County. However, the City of San José does not have the authority to approve development in other cities.

Conclusion: Implementation of this alternative is not viable because the project proponent does not have control over the identified alternative site. In addition, the alternative site could have more significant impacts than the proposed project site.

E. DRIVEWAY DESIGN ALTERNATIVE

As stated above, it is currently unknown if the Raisch property owners will agree to the shared access proposed by the project. Therefore, the driveway design alternative was analyzed to provide an alternate signalized intersection that would meet the needs of the project and comply with Caltrans requirements.

Under the driveway design alternative, the project would remain the same as the proposed project with the exception of the proposed driveway. The north and south driveways would be replaced with a single full access driveway located at the center of the Monterey Road frontage. The City has concluded that implementation of this alternative would require closure of the Monterey Road median immediately south of the site in front of the Raisch property. As a result, the Raisch driveway, which is currently a full access, unsignalized driveway, will be restricted to right in/right out turning movements only. Trucks traveling northbound on Monterey Road would be required to make a u-turn to enter the Raisch property. The driveway/Monterey Road intersection will be comprised of one left-turn lane and three through lanes in the northbound direction; two through lanes and one through-shared right-turn lane in the southbound direction; and two left-turn lanes and an exclusive right-turn lane in the eastbound direction (exiting project site).

The driveway at Monterey Road would include two lanes into the project site and three exiting the project site, with a landscaped median separating the entry lanes from the exit lanes. The driveway would connect to a two-lane interior loop road (one lane in each direction) with a landscape strip in the center and parallel parking on one side or both sides of the roadway.

The two mixed use buildings proposed on the Monterey Road frontage would be redesigned to accommodate the new driveway configuration, but would maintain the same number of residents and the same square footage of retail as the proposed project.

This alternative driveway configuration would not improve the operation of the project driveways, but would limit the operation of the Raisch facility driveway to right-in/right-out due to the closing of the Monterey Road median in front of the Raisch driveway. All other impacts identified under the proposed project would remain the same under this alternative.

Conclusion: Implementation of the driveway design alternative would not avoid or reduce the significant land use compatibility, odor or freeway impacts identified in this EIR. This alternative meets the objectives of the project, and is feasible, from a construction standpoint.

VI. SIGNIFICANT UNAVOIDABLE IMPACTS OF THE PROJECT

A significant unavoidable impact is an impact that cannot be mitigated to a less than significant level if the project is implemented, because no feasible mitigation has been identified. The proposed project would result in the following **significant unavoidable impacts**:

- Significant impacts associated with odors.
- Significant project and cumulative traffic impacts associates with a one percent increase in traffic on three freeway segments.
- Significant cumulative traffic impacts associated with the decrease in level of service to three signalized intersections.
- Significant cumulatively considerable contribution to the existing jobs/housing imbalance in San José.
- Significant cumulatively considerable contribution to the loss of industrial land in San José.

All other significant impacts of the proposed project would be reduced to a less than significant level with the implementation of mitigation measures identified in this EIR.

VII. IRREVERSIBLE ENVIRONMENTAL CHANGES AND IRRETRIEVABLE COMMITMENT OF RESOURCES

CEQA and the CEQA Guidelines require that an EIR address "significant irreversible environmental changes which would be involved in the proposed project, should it be implemented." [§158126(c)]

If the proposed project is implemented, new development on the project site would involve the use of non-renewable resources both during the construction phase and future operations/use of the site. Construction would include the use of building materials, including materials such as petroleum-based products and metals that cannot reasonably be re-created. Construction also involves significant consumption of energy, usually petroleum-based fuels that deplete supplies of non-renewable resources. Once the new development is complete, occupants will use non-renewable fuels to heat and light the buildings. The proposed project will also consume water at a higher rate than the current land uses. The use of petroleum based fuels generates pollutants that contribute greenhouse gases to the atmosphere.

The City of San José encourages the use of building materials that include recycled materials, and makes information available on those building materials to developers. New buildings will be built to current codes, which require insulation and design to minimize wasteful energy consumption. Development of high density residential units typically use less energy that detached units for heat and light because common walls and shared services reduce waste. In addition, the site is an infill location and is currently served by public transportation. The project site provides residential opportunities that are more reasonably proximate to existing employment centers in San José than alternative housing in the south county and other counties to the north and south. The proposed project will, therefore, facilitate a more efficient use of resources over the long term.

VIII. GROWTH INDUCING IMPACTS OF THE PROJECT

This EIR evaluates the proposed redevelopment of the project site from mobile home park and industrial uses to high density residential and commercial land uses. The site is an infill site, meaning that it is well within the City's existing urban boundaries; it is already served by existing infrastructure; it has long been planned for urban uses; and it is already developed with other urban uses.

The rezoning of any property, by definition, allows for some form of new development. Development of the property at the increased density, in conformance with the new land use designation, will be "growth". The new land use designation allows more residential units than what was previously allowed on the project site, prior to the adoption of the 2004 General Plan Amendment. This growth, however, would not be "induced" by the proposed project, it ***is*** the proposed project. The CEQA Guidelines require that an EIR identify the likelihood that a proposed amendment could "foster" or stimulate "...economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." [Section 15126.2(d)] This section of the EIR is intended to evaluate the impacts of such growth in the surrounding environment.

For the purposes of this project, a growth inducing impact is considered significant if the amendments would:

- cumulatively exceed official regional or local population projections;
- directly induce substantial growth or concentration of population. The determination of significance shall consider the following factors: the degree to which the amendment would cause growth (i.e., new housing or employment generators) or accelerate development in an undeveloped area that exceeds planned levels in local land use plans;
- indirectly induce substantial growth or concentration of population (i.e., introduction of an unplanned infrastructure amendment or expansion of a critical public facility (road or sewer line) necessitated by new development, either of which could result in the potential for new development not accounted for in local general plans).

To the extent that the proposed residential units are occupied by people who move to Santa Clara County from outside the County, this influx of residents would be considered new growth. To the extent that these units are occupied by people who are sharing dwelling units or who are commuting to Santa Clara County from elsewhere, they may not be considered economic or population growth as defined by CEQA.

Development of a residential neighborhood adjacent to an existing industrial land use could have significant land use compatibility impacts (see Section II.A., *Land Use*). Once the proposed residential project is occupied, there is the potential for the existing industrial development (Raisch) to be limited in its operations by political pressure (i.e., complaints from the adjacent residential properties). As a result, there could be economic pressure to convert the Raisch property to residential and commercial development. Therefore, development of the proposed project could induce growth on the adjacent property, which would increase the population of the City of San José and contribute to the jobs/housing imbalance.

The project by itself, however, does not propose new development where development is not already allowed and will not substantially increase the need for urban infrastructure. The use of the project site with high density residential development has been adopted into the General Plan, and the project will redevelop an underutilized parcel within the existed urban envelope. For these reasons the project, by itself, is not growth inducing.

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