

I. DESCRIPTION OF THE PROJECT

A. PROJECT LOCATION

The project site is approximately 40.9 acres, located in the North San Jose/Rincon de los Esteros Redevelopment Area, and bounded by Route 87 to the west, Skyport Drive to the north, North First Street to the east, and Sonora Avenue to the south (refer to Figure 1. *Regional Map*, and Figure 2. *Vicinity Map*). The site is comprised of five lots, which range in size from 5.2 acres to 12.4 acres. The property has been previously developed, and is located in an urban area, within the City of San Jose.

B. DESCRIPTION OF PROJECT

The proposed project consists of a zoning change from *I* Industrial to *A(PD)* Planned Development to allow office/R&D, hotel, and retail uses, a .75-acre park, and 3.95 acres of high density residential uses on an approximately 40-acre site.

The rezoning could allow redevelopment of the site with new construction of up to 1.5 million square feet of office/R&D, retail, and hotels. In addition, the zoning would allow development of up to 240 multi-family dwelling units. Specific development is currently proposed for the office/R&D, retail and hotel portions of the project. The residential use would be allowed by the zoning, but no specific development proposals for the residential portion of the project are proposed at this time.

This EIR addresses both the rezoning to *A(PD)* Planned Development, and subsequent development of the property within the parameters of the Planned Development Permit.

A preliminary site plan has been developed which envisions development of the site in two phases as outlined in Table 1 and shown in Figure 3, *Conceptual Site Plan*.

Proposed Office/R&D

The proposed project would include the construction of six 185,000 square foot office/R&D buildings, eight-stories or 120 feet in height within the central portion of the site. The closest office building to the existing residential uses located to the south would be approximately 700 feet.

Figure

1

Regional

Map

Figure 2 Vicinity Map

Figure

3

Conceptual

Site

Plan

Hotel Use

Two hotels are proposed (containing as many as 700 rooms). The larger of the two hotels would be located on the southwest corner of the property and would be eight stories in height and would accommodate approximately 400 rooms. It is expected that this would be a full service hotel with meeting space, and would include recreation amenities including a basketball court, two tennis courts and a pool.

The second hotel would be a limited service hotel accommodating up to 300 rooms located on the southeasterly corner of Skyport Drive and North First Street.

Commercial Uses

Commercial uses are proposed which could include neighborhood serving retail, such as a restaurant, deli, coffee shops such as Starbucks, convenience markets, restaurants, and a two-story 24,500 square foot athletic facility.

Residential Use

The proposed rezoning would allow high-density multi-family residential uses (25 to 65 dwelling units/acre) on approximately 3.95 acres. Therefore, between 98 to 256 units could be constructed. Although the applicant is not proposing development of the residential portion of the project at this time, it is expected that the site would likely provide approximately 240 units with podium parking. Extensive landscaping and open space (including a .75 acre neighborhood park) would be included.

Project Circulation and Parking

As shown on the site plan (Figure 3) access would be provided to the site from driveways located on North First Street, and Skyport Drive. No driveway access to the project site will be provided on Sonora Avenue. Technology Drive currently runs north to south through the middle of the project area. However, the City recently approved closure of Technology Drive at the project site's southern property line in order to eliminate through traffic to the residential neighborhood to the south. Therefore, the project proposes to construct a cul-de-sac where Technology would end.

Several three-story parking garages are proposed as well as surface parking lots which would accommodate approximately 3,911 spaces on the project site.

Pedestrian access via sidewalks will be provided throughout the site to provide access to North First Street and the LRT, Skyport Drive, and Sonora Avenue. In addition, a landscaped pedestrian/bicycle connection is proposed on the east side of the proposed park, from the southern boundary of the site, north along Technology Drive, which would connect Sonora Avenue and the existing residential community to Skyport Drive.

TABLE 1 PROPOSED USES

Use	Site Area	Building Area	Parking Required	Parking Provided
Hotel	8.8 acres	700 rooms	525	541
Office	20.43 acres	1,110,000 s.f.	3145	3210
Retail Shops and Restaurant	2 acres	30,133 s.f.	85	88
Athletic Club	2.3 acres	24,800 s.f.	70	72
Subtotal	34.58 acres	1,549,027 s.f.	3,825	3,911
Future* Housing	3.95 acres	240 units	N/A	N/A
Future Park	0.75 acre	N/A	N/A	N/A
Total	38.23 acres			

Note: * Because a specific residential development is not proposed at this time, there is no specific information regarding residential parking spaces.

Project Phasing

It is anticipated that the site would develop in three phases. Construction of the first phase east of Technology Drive near the northeast corner of Skyport and North First Street could begin in the Spring of 2000, the second phase which includes the currently occupied parcels on the western portion of the site in the Spring of 2002, and the third phase including the residential portion around the Spring of 2004. It is expected that the occupied buildings west of Technology Drive would remain during the first phase of construction.

Grading

To accommodate new development, the existing buildings, and structures would be demolished and removed. Development of the project would involve typical grading for drainage and building pad construction, and excavation for utility lines and foundation footings.

D. PROJECT OBJECTIVES

The project would support the goals of the City of San Jose including implementation of the identified General Plan land use for the project area and economic goals and policies of the City of San Jose and the recently approved Rincon South Specific Plan by

increasing the number of jobs available onsite, and provide a mix of uses that would provide commercial services, hotel, and residential uses on the site.

The project applicant proposes to redevelop the site with mixed uses to revitalize an underutilized piece of land, taking advantage of the site's location near downtown San Jose, and convenient regional access the site is afforded by proximity to Light Rail, U.S. Highway 101, and Route 87. A mix of office/R&D, retail, and housing on the site would provide services supporting the existing neighborhood and adjacent San Jose International Airport.

E. USES OF THE EIR

The City of San Jose is the lead agency under the California Environmental Quality Act (CEQA) and requires environmental review prior to considering a discretionary approval for redevelopment of the site.

This EIR will be used to provide environmental review necessary for the development of the proposed project. The EIR may be used by the City of San Jose for the approval of the rezoning, subsequent Planned Development Permits, grading permits, tree removal permits, tentative maps, and development agreements. It is the intent of this EIR to provide the City of San Jose, other responsible and trustee agencies, and the general public with the relevant environmental information for use in considering this project. At the time specific residential and hotel uses are proposed additional environmental review may be necessary including a specific noise analysis, etc.

II. CONSISTENCY WITH PLANS, GOALS & POLICIES

A. REGIONAL PLANS AND POLICIES

1982 Bay Area Air Quality Plan and 1997 Clean Air Plan ABAG/BAAQMD/MTC

The 1982 Bay Area Air Quality Plan and 1997 Clean Air Plan ('97 CAP) establish regional policies and guidelines to meet the requirements of the Clean Air Act, as amended through 1990. The Bay Area is a non-attainment area for ozone. The updated Clean Air Plan adopted on December 17, 1997, outlines measures and improvements to help the Bay Area comply with the State's ozone standard. 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 proposed project will result in an increase in traffic on the local roadway network that will, in turn, locally increase the emission of pollutants from motor vehicles. Although the increase in emissions from the project is expected to be substantial, on a regional scale the project represents land use planning that is consistent with these Plans. Specifically, this project is a redevelopment and infill project within an urbanized area (as opposed to development on the edge of a city) which would provide mixed uses, is consistent with the General Plan, and is located proximate to existing transit opportunities such as the Light Rail Transit line (LRT).

Consistency: The proposed project is generally consistent with the Clean Air Plans.

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 the Section 304(1) of the Federal Clean Water Act, which mandated that the EPA develop National Pollutant Discharge Elimination System (NPDES) Permit application requirements for various stormwater discharges, including those from municipal storm drain systems and construction sites.

The State Water Resources Control Board implemented the NPDES general construction permit for the Santa Clara Valley. For properties of five acres or greater, a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) must be prepared prior to commencement of construction.

Development of the approximately 40-acre site would be required to conform to the requirements of the NPDES permitting program. The redevelopment of the site would not substantially increase runoff from the site because a majority of the site is currently developed. However, potential impacts to the water quality could nonetheless occur during demolition and construction activities. Runoff-borne pollution and associated impacts will increase during construction activities for future development on the site.

Consistency: Standard mitigation measures to reduce runoff would be incorporated into future development of the site. Therefore, the proposed project would be consistent with the provisions of the Santa Clara Valley Urban Runoff Pollution Prevention Program.

Santa Clara Valley Congestion Management Program

The Santa Clara Valley Transportation Authority (VTA) oversees the Santa Clara County *Congestion Management Program* (CMP), which was last updated in May 1998. The relevant State legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county's share of the increased gas tax revenues. The CMP legislation requires that each CMP contain five mandatory elements: 1) a system definition and traffic level of service standard element; 2) a transit service and standards element; 3) a trip reduction and transportation demand management element; 4) a land use impact analysis program element; and 5) a capital improvement element.

The Santa Clara County CMP includes subregional roadways within north San Jose that are identified as CMP road facilities. The existing primary CMP facilities in the immediate vicinity of the project site that would be affected by future traffic generated by the project would include Interstate 880, US 101 and Brokaw Road.

Consistency: The proposed Project would not be inconsistent with the provisions of the Santa Clara Valley Congestion Management Program.

B. LOCAL PLANS AND POLICIES

San Jose 2020 General Plan

The General Plan is an adopted statement of goals and policies for the future character and quality of development of the community. Following is a summary of strategies and policies that would apply the proposed Project.

Land Use /Transportation Diagram

The site is within the Rincon South Planned Community. The San Jose 2020 General Plan Land Use/Transportation Diagram designates the site for a mix of land uses. Approximately two-thirds of the site is designated as *Industrial Park*,

a portion of the south-easterly corner of the site adjacent to the Light Rail Corridor has an *Intensification Overlay of Transit Corridor Residential 25-65 DU/AC* and a *Public Park Open Space* designation. (Refer to Figure 4, *General Plan Map*). Although the specific land use plan identifies potential public park locations and configurations that are intended to provide potential park locations that will serve new residents and other users, it does not preclude the City from considering other park locations or configurations that achieve the parkland goals and objectives of the Rincon South Specific Plan. Aspects that would influence future park locations include the ability of the City to fund parkland acquisitions; the timing, density, and location of new residential development leading to the dedication of parkland. While the Rincon South Specific Plan shows a park on the southeastern edge of the proposed development, the project proposes a park on the southern edge, west of the proposed residential use in order to provide a buffer between the proposed hotel use and future residential uses.

In addition, the site has three areas shown on Figure 4 identified in the General Plan as Preferred Hotel Sites (the northeast corner, the northwest corner, and the southwest corner). All hotel sites in this area have a base land use designation of either *Transit Corridor Residential* or *Industrial Park*. Hotels are proposed on the northeast and southwest corner of the site consistent with the General Plan.

According to the General Plan office uses as well as supportive retail sales are appropriate uses in Industrial Park designated land.

The *Transit Corridor Residential* designation is intended for high and very high density residential uses within 2,000 feet of passenger rail stations and is intended to support densities of 25 units or more per acre. Due to the site's location it could accommodate densities in the 40 to 65 dwelling unit per acre range. Light Rail (LRT) is located adjacent to the site's eastern boundary along North First Street. The General Plan also encourages neighborhood serving commercial uses within residential projects to provide commercial services. Therefore, the residential and commercial uses proposed on the site are consistent with the *Transit Corridor Residential* overlay designation.

The project proposes a rezoning to *A (PD)* in order to implement the General Plan designation and the goals of the Rincon South Specific Plan discussed below. The planned development zoning would allow for a mixture of compatible office, commercial, hotel, and residential uses consistent with the General Plan designation on the site.

Major Strategies

Economic Development Strategy

The City of San Jose's Economic Development Strategy strives to make San Jose a more "balanced community" by: 1) encouraging more commercial and industrial growth to balance the existing residential development; 2) equitably distributing jobs and housing; and 3) controlling the timing of development.

Figure

4

General

Plan

Map

Existing uses on the site currently accommodate approximately 1,500 jobs¹. Buildout of the proposed project would result in approximately 4,500 jobs. The proposed project would result in an increase of approximately 3,000 jobs available on the project site and, thus, would support the citywide effort to balance the jobs/housing imbalance.²

Sustainable City Strategy

The Sustainable City Strategy reflects San Jose's desire to become an environmentally and economically sustainable city, minimizing waste and efficiently using its natural resources.

Goals and Policies

Balanced Community Policy #1

The City should foster development patterns which will achieve a whole and complete community in San Jose, and improve the balance between jobs and economic development with housing to the greatest extent feasible.

The proposed rezoning would be compatible with the existing and planned land uses within San Jose's Urban Service Area because it would continue to encourage and contribute to the supply of jobs, as well as adding housing units in close proximity to existing and planned jobs.

Commercial Land Use Policy #1

New commercial development should be located near existing centers of employment or population or in close proximity to transit facilities.

The proposed rezoning would support this policy because it would facilitate the redevelopment of the site with commercial/retail uses located near existing centers of employment and the LRT line.

Rincon South Specific Plan

The project area is within the recently adopted 465-acre Rincon South Specific Plan area. The Rincon South Specific Plan (RSSP) boundary includes U.S. Highway 101 to the north, Interstate 880 to the southeast, the Guadalupe Parkway (Route 87) to the west, and the Rosemary Gardens neighborhood to the south. Within the RSSP the project is within the Technology Park Sub-Area. The RSSP identifies industrial park, commercial, and high density residential uses within the sub-area. In addition, three potential hotel sites are identified to support both the Airport and the industrial uses in North San Jose.

¹ Based on three jobs per 1,000 square feet.

² San Jose has a surplus of housing units in relation to the number of jobs in the City, thus creating a "jobs/housing" imbalance.

The main goals of the RSSP are to create a viable and unique transit and pedestrian oriented residential neighborhood and to support existing and new high technology development. Specifically the RSSP is intended to support the following objectives:

- Support transit use and create a pedestrian friendly environment.
- Improve the visual character of the Rincon South area including the streetscapes.
- Promote new and protect existing viable residential development.
- Add new parklands to serve new residential development.
- Promote retail development to serve area residents and Airport and transit patrons.
- Promote and maintain existing light industrial development.
- Promote and maintain high-quality office development.
- Promote economic development.
- Minimize traffic impacts and encourage transit use.

These objectives are further elaborated upon within the RSSP. Goals and objectives pertinent to the project include the following.

Create a combination of land uses that effectively support transit use, reduce dependency on the automobile, and attract pedestrian activity.

Locate the most intense uses and highest residential densities on sites in close proximity to transit facilities. Replace existing land uses near the light rail facilities with more intensive land uses as opportunities arise.

Encourage commercial and service uses at the intersection of North First Street and Skyport, oriented toward the Light Rail station.

Establish retail commercial clusters at or near the intersection of North First Street and Skyport Drive.

The Rincon South Specific Plan contains specific design guidelines to ensure that future uses are compatible with the existing neighborhood. Design guidelines relevant to the site include the following:

Maximum Building Heights-Sonora Avenue

- *The front 25 feet of buildings that face Sonora Avenue or the Sonora Avenue park should be limited in height to 35 feet (e.g., 2 and ½ stories).*
- *Beginning at a setback distance of 25 feet from the building's street façade residential building height may gradually increase to 75 feet and building elements, consisting of 20% of the building or less, may extend to 85 feet. At a setback distance of 150 feet from the street curb, building height may increase to 120 feet.*

- *Non-residential buildings should maintain a one and one-half foot separation for every foot of building height from residential properties on the south side of Sonora Avenue.*

Consistency: Consistent with the goals and objectives of the Rincon South Specific Plan the proposed project is located immediately adjacent to LRT on North Fourth Street and will replace existing low density uses with a mix of high density uses that will support the identified goals. Pedestrian access throughout the site will connect to Skyport Drive, North Fourth Street, and the LRT. All areas of the site would be within a less than ten minute walk to the nearest LRT station. The site will be redeveloped with new uses and landscaping that will improve the visual character of the Rincon South area. New residential development is proposed as part of the project. Retail will serve area residents and Airport and transit patrons. In addition, high quality office uses are proposed.

The proposed rezoning will conform to the design guidelines found in the Rincon South Specific Plan including setbacks, massing, maximum building height, and buffers. For instance, future residential uses fronting onto Sonora Avenue will be two to three stories in height based on setbacks, consistent with the Specific Plan. Structured parking below residential would be set at a half-level below grade to minimize the visual impact on the building façade and street frontage. The design guidelines will ensure that the project is compatible with the existing residential development to the south by providing adequate buffers, setbacks, and height restrictions.

The proposed project is consistent with the RSSP. The mixed-use nature of the project provides office/R&D, retail, hotel and residential opportunities that support the economic goals of the Specific Plan and would serve area residents and Airport and transit patrons.

North San Jose Area Development Policy

The proposed project is located in the Golden Triangle Area of north San Jose, an area that is recognized as having a deteriorating transportation level of service due to regionally generated traffic. The Golden Triangle area includes the North San Jose, Alviso and Berryessa Planning Areas, as well as areas encompassing five surrounding cities. In an effort to resolve or reduce the transportation problems, the North San Jose Development Policy was adopted by the City Council in March of 1988. Main elements of the policy include:

1. A Transportation Demand Management (TDM) program to reduce traffic generation and increase the efficiency of the transportation system;
2. Capital improvements funded on a cooperative basis, to bring the transportation system capacity into a closer alignment with projected need;
3. A Level of Service Policy that allows consideration of an area average instead of focusing on individual intersections; and

4. A Floor Area Ratio (FAR) policy that places a cap on the magnitude of employment and encourages housing in the impacted area. The cap provides for an average .40 FAR for vacant lands within 2000 feet of a transit station, and an average of .35 for all other vacant lands.

Specific criteria for new development in the project area, known as Subarea 1 (in the vicinity of San Jose International Airport and Freeway 101) include:

- A mix of Combined Industrial/Commercial uses is allowed
- Multi-tenant, general office uses are permitted
- Height limit of 120 feet shall be maintained for all high rise offices as per existing City policy.

The project proposes buildings up to 120 feet in height or eight stories. A mix of office, commercial and housing is proposed which is consistent with the policy.

Consistency: The proposed rezoning would encourage a mix of combined office and commercial uses including retail which is consistent with the policy. As demonstrated in the traffic analysis section of this DEIR, the proposed project also meets the level of service standard.

Hotel Policy

The City of San Jose adopted an Hotel Policy in June 1987. The Hotel Policy encourages hotel development in the Downtown area in order to support convention center activities and other Downtown redevelopment objectives. Hotel/motel development elsewhere in the City may be allowed when it would not interfere with the Downtown revitalization strategy. The Hotel Policy, as amended in 1998, states:

- New full-service hotels, or expansions of existing full-service hotels, should be limited to the Downtown Core Area.
- Limited-service hotels are limited to one restaurant and to a 150-person capacity for meeting room and banquet facilities. New limited service hotels, including “extended stay” hotels, or expansions of existing limited-service hotels by not more than 100 additional rooms, are allowed outside the Downtown area. Specifically, with not more than 200 rooms, within the North First Street Corridor.

It is anticipated that the Hotel Policy would remain in effect until there are at least 1,500 first class hotel rooms in place downtown, at which time the City Council would reconsider the policy.

Consistency: The project is located within the North First Street Corridor where limited service hotels are restricted at this time to no more than 200 rooms. As indicated, one limited service hotel with 300 rooms and one full service hotel with 400 rooms is proposed. The project is inconsistent with the Hotel Policy at this time because it proposes rooms that exceed the current 200-room limit.

Hotel uses, however, would support the intent of the policy. There is a citywide shortage of hotel rooms. The site is conveniently located adjacent to the LRT and the Downtown area. The site will be located adjacent to the main entrance to the San Jose International Airport when transportation improvements to Route 87 are completed in the near future. Because of its location next to both the LRT and the San Jose International Airport, hotel users would have easy access to the Downtown area and the convention center, supporting Downtown activities.

Hotel uses would not be implemented on the site until such time that the City's Hotel Policy is "sunsetted" or revised once 1,500 hotel rooms are located downtown.

Post-Construction Urban Runoff Management Policy

The City's Post-Construction Urban Runoff Urban Runoff Management Policy states that all new development projects proposing 5,000 square feet or more of new building rooftop or paved area, or 25 or more uncovered parking stalls should include the following: 1) install and maintain post-construction treatment control measures; 2) stencil on-site inlets in conformance with City requirements; and 3) clean on-site inlets a minimum of once per year, prior to the wet season. The Policy also identifies vegetative swales or biofilters as the preferred treatment control measures to be used wherever feasible for projects with suitable landscape areas.

Consistency: Future development projects on the site will be subject to the provisions of the Post-Construction Urban Runoff Management Policy. Conformance with the Policy and implementation of its requirements will be addressed through the project review process following the submittal of development permit applications.

III. ENVIRONMENTAL SETTING, IMPACTS & MITIGATION MEASURES

A. LAND USE

1. Existing Setting

Regional Setting

The project is located in the Santa Clara Valley, situated at the southern end of the San Francisco Bay within the City of San Jose. The valley was historically used for agricultural production. Today, the Santa Clara Valley consists largely of urban development due, in part, to the establishment and growth of the electronics industry.

Existing Land Uses of the Site and Surrounding Area

The majority of the project area has been developed with urban uses including office, industrial, and storage uses (refer to Table 2, *Existing Uses*). A temporary parking lot to serve displaced parking from the west side of the site for the Route 87 improvements was recently approved by the City for approximately three acres of a six acre parcel located on the northeast corner of Sonora Avenue and Technology Avenue. Technology Avenue has also been recently abandoned by the City through the site. Technology Avenue currently ends at the site's southern boundary, and diagonal parking is provided on both sides of the street within the project site.

TABLE 2 EXISTING USES

ADDRESS	SIZE	TENANT
1717 N. First Street	6.24 Acres	Car rental/storage
100 Skyport Drive	124,000 Square Feet	Vacant- Formerly County Office of Education
1725 Technology	145,000 Square Feet	Vacant- Formerly County Social Services Department
1717 Technology	48,000 Square Feet	SJ Civic Light Opera
1601 Technology	166,000 Square Feet	Schlumberger Technologies
Sonora/Technology	6.26 Acres	Vacant/parking lot

The project site is located at a major roadway intersection, is adjacent to the Light Rail (LRT) on North First Street, and is surrounded by industrial, commercial,

office, residential and school uses. The closest sensitive uses or receptors are the elementary school (Walter L. Bachrodt) on the southeast corner of Sonora Avenue and Technology Drive, and the single-family residential area south of the project site (Refer to Figure 5, *Surrounding Land Uses*).

Guadalupe Parkway, which is currently under construction to be upgraded to freeway status (State Route 87), is located along the western boundary of the project site. The San Jose International Airport is located west of the project site, west of SR 87. The Guadalupe River is located between SR 87 and the Airport.

Commercial uses are allowed east of the project site along North First Street. To the north of the project site are mixed industrial and commercial uses that include multi-story office buildings (two to nine stories in height), and a three story hotel located on the northwest corner of Technology and Skyport Drive.

2. Land Use Impacts

Thresholds of Significance

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

- * be incompatible with surrounding land uses or with the general character of the surrounding area, including density and building height; or
- * induce substantial growth or concentration of population.

Land Use Conflicts

Land use conflicts can arise from two basic causes: 1) a new development or land use may cause impacts to persons or the physical environment in the vicinity of the project site or elsewhere; or 2) conditions on or near the project site may have impacts on the persons or development introduced onto the site by the new project. Both of these circumstances are aspects of *land use compatibility*. Potential incompatibility may arise from placing a particular development or land use at an inappropriate location, or from some aspect of the project's design or scope. Depending on the nature of the impact and its severity, land use compatibility conflicts can range from minor irritations and nuisance to potentially significant effects on human health and safety.³ The discussion below distinguishes between potential impacts *from* the proposed project *upon* persons and the physical environment, and potential impacts *from* the project's surroundings *upon* the project itself.

³As used in this report, "nuisance" is defined to mean "annoying, unpleasant or obnoxious" and is not to be confused with the regulatory use of the word.

Figure 5 Surrounding Land Uses

Impacts to the Project

As discussed in Section III. D., *Noise*, the site experiences high noise levels associated with aircraft traffic and vehicular traffic on Route 87. Proposed land uses that would be developed on the site include research and development, professional offices, hotels and motels, residential, and commercial services. Residential uses would need to be designed with noise attenuation measures to reduce interior noise levels to acceptable levels (see Section III.D. *Noise*).

- ◆ **Future residential uses could be exposed to noise levels above City standards. (Significant Impact)**

Impacts from the Project

Land Use Compatibility

The proposed project would change the uses on the site from industrial/office uses to mixed uses that include: office/R&D, retail commercial, hotel and residential. Redevelopment of the site will increase the number of workers onsite and introduce residential uses. While the project will result in an increase in employment opportunities and residential use, it is not expected to result in a significant level of growth. The site is consistent with the land use goals identified in the General Plan and the Rincon South Specific Plan. Therefore, it will not result in growth above that is outside what the City has planned for.

The proposed planned development zoning will be more compatible with the surrounding uses than those uses allowed under a straight industrial zoning designation. The proposed project does not include the types of heavy truck traffic, manufacturing, or outdoor activities, fab plants or other heavy uses of hazardous materials that are currently allowed on the site, that would be particularly incompatible with the adjacent school or residential uses.

The residential uses and one of the hotels are proposed to be located on the south side of the site adjacent to the residential neighborhood in order to reduce potential land use compatibility impacts. Residential uses, and a park would provide a buffer between the existing residential uses and the proposed office/commercial uses on the northern part of the site. The project will be designed in conformance with the Rincon South Specific Plan design guidelines including mass, height, setback and buffers. The buildings within the first 25 feet of the frontage on Sonora Avenue would be limited to two and a half stories or 35 feet in height. Beginning at a setback distance of 25 feet from the building's street façade, residential building height may gradually increase to 75 feet and building elements, consisting of 20% of the building or less, may extend to 85 feet. At a setback distance of 150 feet from the street curb, building height may increase to 120 feet. Non-residential buildings would maintain a one and on-half foot separation for every foot of building height from residential properties on the south side of Sonora Avenue.

Further, office, and commercial uses will be precluded from accessing the site from Sonora Avenue in order to eliminate heavy auto and truck traffic in the residential neighborhood. While parking would be allowed on Sonora Avenue, main access to the residential uses would be from North First Street. No driveway access to the project would be provided off of Sonora Avenue.

Refer to Section III. J. *Visual and Aesthetics* of this EIR for a discussion of the visual impacts of the proposed project.

As discussed in greater detail in Section III.D. *Noise* of this EIR, the proposed commercial and office/R&D uses could result in noise from mechanical equipment and other on site sources, which could emanate beyond the project site boundaries.

- ◆ **The proposed project will be consistent with the Rincon South Specific Plan design guidelines to ensure that the proposed uses are compatible with the existing neighborhood. (Less Than Significant Impact)**

Construction Impacts

Short-term impacts from construction will primarily effect the residents of the single-family units to the southeast of the project site, and the elementary school south of the project site. Construction impacts would include localized traffic congestion from equipment movement, noise, and dust, and as discussed in greater detail in Section III. C. *Air Quality*, and III. D. *Noise*, of this EIR. To accommodate the redevelopment, the existing buildings would be demolished and the site would be graded which would result in noise and airborne dust which may be a nuisance to nearby residents and the school.

- ◆ **Construction activities associated with redevelopment of the site are likely to generate short-term noise and dust which may be a temporary nuisance to the residents and school located south of the site. (Significant Impact)**

3. Mitigation Measures for Land Use Impacts

Programmed Mitigation Measures

- The City of San Jose's Grading Ordinance includes provision for dust control measures to avoid or reduce potential impacts from grading.

The following measures are included in the project to reduce land use impacts:

- The project will be designed consistent with the Rincon South Specific Plan design guidelines.
- Loading docks and noise generating equipment will be located as far away as practical from Sonora Avenue.

- Landscaping including a double row of trees will be planted along Sonora Avenue to shield the uses from the existing school and residential uses and provide a visual screen.
- At the time specific residential uses are proposed, a site specific noise analysis in compliance with Title 24 will be required (at the PD Permit stage) that outlines recommendations to reduce noise impacts. The mitigation measures shall be incorporated into the project to the satisfaction of the Director of Planning, Buildings, and Code Enforcement. It is expected that noise attenuation in building construction for the proposed hotel and residential uses will be required as a result of recommendations of the specific noise analysis which could include higher noise-rated windows, forced ventilation, insulation,

Conclusion: The implementation of the Mitigation Measures will reduce land use impacts to a less than significant level. (Less Than Significant Impact with Mitigation)

B. TRANSPORTATION AND CIRCULATION

The following information is based on a traffic analysis prepared for this project by *Hexagon, Consulting Traffic Engineers*. A copy of the traffic report is contained in Appendix B of this EIR.

1. Existing Setting

Existing Roadway Network

Regional Access

Regional access to the site is provided by Guadalupe Parkway (State Route 87), U.S. Highway 101 and Interstate 880.

Guadalupe Parkway (State Route 87)

Guadalupe Parkway is a four-lane arterial along the western boundary of the site, which provides access to the site from Almaden Valley and south San Jose, downtown San Jose, and Highway 101 to the north. South of Taylor Street, Guadalupe Parkway becomes a four- to six-lane freeway that continues south to a junction with State Route 85.

There is funding to upgrade the parkway portion north of the downtown area to a 6-lane freeway in the near term and construction is underway. A portion of the subject property fronting on the Guadalupe Parkway has recently been obtained for right-of-way to complete this project. It is expected that the freeway upgrade will be completed prior to full buildout of the proposed project.

U.S. Highway 101

U.S. Highway 101 is an eight-lane regional freeway located north of the project area which provides regional access throughout California, connecting San Jose with San Francisco and points south such as Los Angeles. An interchange is provided at Guadalupe Parkway, North First Street and Trimble Road/De La Cruz Boulevard.

Interstate 880

I- 880 is a six-lane regional freeway serving north-south traffic along the east side of the San Francisco Bay. An interchange is provided approximately one half-mile south of the project area on North First Street, and at interchanges with U.S. 101, Brokaw Road, and Montague Expressway.

Local Street Network

North First Street, Brokaw Road, Airport Parkway, Technology Drive, Skyport Drive, and Sonora Avenue provide local access to the site.

North First Street

First Street is a four-lane arterial which runs in a north-south direction from State Route 237 north of the project area, and south of the project area through downtown San Jose. The Santa Clara County Light Rail Transit (LRT) system operates in the median of First Street.

Technology Drive

Technology Drive is a two-lane road that presently extends from Airport Parkway, through the middle of the project site to Sonora Avenue. Technology Drive through the project site has recently been abandoned as a City street. Through traffic to Sonora Avenue is no longer permitted. Perpendicular parking currently exists along Technology Drive on the project site. The main entrance to the project is proposed at the intersection of Technology Drive and Skyport Drive.

Sonora Avenue

Sonora Avenue is a short two-lane roadway that extends from North First Street along the south border of the project area where it ends near Guadalupe Parkway.

Skyport Drive

Skyport Drive is a two-lane roadway that extends from North First Street westward until it ends near Guadalupe Parkway. Skyport Drive runs along the northern boundary of the site and provides access to the site via the intersection at Technology Drive. Skyport will be extended westward into San Jose International Airport, widened from four to six-lanes, and will have an interchange with Route 87 as part of the Guadalupe freeway upgrades. Skyport is also planned to be extended to the east.

Brokaw Road

Brokaw Road is a six-lane arterial that connects Zanker Road and North First Street with I-880 and U.S. 101. East of I-880 Brokaw Road becomes Murphy Avenue and then becomes Hostetter Road near I-680.

Transit System

Bus Service

The study area is served directly by three bus routes with stops located near the project site.

The Valley Transportation Authority (VTA) SJC Airport Flyer shuttle (Route 10) provides service between the Metro/Airport Light Rail Transit (LRT) station, the Santa Clara CalTrain Station/Transit Center, and the San Jose International Airport via Airport Parkway, Airport Boulevard, Airport Perimeter Road, De La Cruz Boulevard, and El Camino Real. The Route 10 shuttle operates with 10-minute headways during commute hours.

The Business Park Shuttle (Route 805) provides service between the Metro/Airport LRT station and the Gateway Office Park, the Santa Clara County Social Services office on Skyport Drive, and The Concourse parking lot on Skyport Drive. The Route 805 shuttle operates with approximately 10-minute headways during commute hours and runs on Gateway Place, Airport Parkway, Old Bayshore Highway, North First Street, Technology Drive, and Skyport Drive.

Route 11 provides service between the Gish LRT station and the San Jose Diridon CalTrain Station via North First Street, Fourth Street, Seventh Street, and San Fernando Street. The Route 11 bus operates with 1-hour headways during commute hours.

Light Rail Transit (LRT) Service

There are two LRT stations located near the project site. The Guadalupe Corridor LRT line operates in the median of North First Street. The Metro/Airport LRT station is located at Metro Drive approximately 1,500 feet from the project site. The Gish LRT station is located at Gish Road approximately 1,900 feet from the project site. The Guadalupe Corridor LRT provides service on 10-minute headways during commute and midday hours. It runs between Great America in Santa Clara, and Santa Teresa/Almaden in San Jose.

CalTrain

The CalTrain station nearest the project is the Santa Clara station located approximately 2 miles to the west. Bus service to the Santa Clara station is provided directly via Route 65.

Study Methodology

The traffic analysis was conducted for the purpose of identifying potential transportation impacts related to the proposed development. The impacts of the

project on intersections and freeways were identified related to the following criteria: (1) the City of San Jose (CSJ) level of service standards, (2) the City of San Jose Golden Triangle level of service standard, (3) the North San Jose Deficiency Plan level of service standard, (4) the Congestion Management Program (CMP) level of service standards, and (5) the City of San Jose operations guidelines, based on vehicle-storage requirements at intersections. The traffic analysis is based on peak-hour levels of service for signalized intersections and freeway segments. The study intersections and freeway segments are shown in Figure 6.

Traffic conditions at the study intersections were evaluated using level of service (LOS). *Level of Service* is a qualitative description of operating conditions ranging from LOS A, or free-flow conditions with little or no delay, to LOS F, or jammed conditions with excessive delays. The various analysis methods are described below.

Golden Triangle Intersections

Twelve of the study intersections are located within the North San Jose Development Policy Area, also known as the Golden Triangle, which is generally bounded by US 101, I-880, and SR 237. As such, these study intersections are evaluated using the Golden Triangle method, explained in more detail in Appendix B. The Golden Triangle method estimates the level of service based on the critical volume-to-capacity (V/C) ratio calculated by the TRAFFIX computer model. The V/C ratio is correlated to a level of service (See Table 3). According to the Golden Triangle method, the weighted average level of service is calculated for all Golden Triangle intersections to which the project adds greater than one percent to the critical volume. An acceptable weighted average level of service for the Golden Triangle intersections is LOS D or better.

North San Jose Deficiency Plan Intersections

The goal of the North San Jose Deficiency Plan (NSJDP) is to allow new development in North San Jose while maintaining a system wide level of service standard in the area. One of the policies of the NSJDP requires the average delay for the 22 NSJDP intersections to be maintained at 83 seconds or less with the addition of project traffic as calculated by TRAFFIX. In addition to participating in the NSJDP, all new development in North San Jose is required to analyze the average delay for these 22 intersections (under project conditions during the PM peak hour) and propose mitigation measures when necessary in order to maintain CMP conformance standards.

Figure 6 Site Location and Study Intersections

**TABLE 3
INTERSECTION LEVEL OF SERVICE DEFINITIONS
BASED ON VOLUME-TO-CAPACITY RATIO**

Level of Service	Description	V/C Ratio
A	Uncongested operations; all queues clear in a single signal cycle.	Less than 0.600
B	Very light congestion; an occasional approach phase is fully utilized.	0.600-0.699
C	Light congestion; occasional backups on critical approaches.	0.700-0.799
D	Significant congestion on critical approaches, but intersection functional. Cars required to wait through more than one cycle during short peaks. No long-standing queues formed.	0.800-0.899
E	Severe congestion with some long-standing queues on critical approaches. Blockage of intersection may occur if traffic signal does not provide for protected turning movements. Traffic queue may block nearby intersections upstream of critical approach (es).	0.900-0.999
F	Total breakdown, stop-and-go operation.	1.000 and greater

City of San Jose Intersections

The City of San Jose study intersections that are not in the North San Jose Development Policy area are subject to the City of San Jose level of service standards. There are seven such study intersections. The City of San Jose level of service methodology is TRAFFIX, which is based on the Highway Capacity Manual (HCM) method for signalized intersections. TRAFFIX evaluates signalized intersection operations on the basis of average delay time for all vehicles at the intersection. The City of San Jose level of service standard for signalized intersections is LOS D or better. The correlation between delay and level of service is shown in Table 4.

CMP Intersections

Seven of the study intersections are Congestion Management Program (CMP) intersections. The CMP level of service methodology is the same as that used by the City of San Jose. The CMP level of service standard for signalized intersections is LOS E or better.

TABLE 4
INTERSECTION LEVEL OF SERVICE BASED ON AVERAGE STOPPED DELAY

Level of Service	Description	Average Stopped Delay Per Vehicle (Sec.)
A	Operations with very low delay occurring with favorable progression and/or short cycle lengths.	Less than 5.0
B	Operations with low delay occurring with good progression and/or short cycle lengths.	5.1-15.0
C	Operations with average delays resulting from fair progression and/or longer cycle lengths. Individual cycle failures begin to appear.	15.1-25.0
D	Operations with longer delays due to a combination of unfavorable progression, long cycle lengths, or high V/C ratios. Many vehicles stop and individual cycle failures are noticeable.	25.1-40.0
E	Operations with high delay values indicating poor progression, long cycle lengths, and high V/C ratios. Individual cycle failures are frequent occurrences. This is considered to be the limit of acceptable delay.	40.1-60.0
F	Operation with delays unacceptable to most drivers occurring due to oversaturation, poor progression, or very long cycle lengths.	Greater than 60.0

Source: Transportation Research Board, Highway Capacity Manual, Special Report 209 (Washington, D.C., 1985).

Freeway Segments

Study area basic freeway segments are also evaluated for morning and evening peak hour traffic conditions using the methodology of the CMP technical guidelines. With this methodology, freeway service levels are based on vehicular density of the segment in question. Table 5 presents level of service definitions for study area basic freeway segments. The CMP defines an acceptable level of service for freeway segments as LOS E or better.

TABLE 5

FREEWAY LEVEL OF SERVICE DEFINITIONS BASED ON DENSITY

Level of Service	Density (vehicles/mile/lane)
A	<10.0
B	10.1-16.0
C	16.1-24.0
D	24.1-46.0
E	46.1-55.0
F	>55

Existing Traffic conditions

The study included the analysis of 20 intersections: 18 signalized intersections, one unsignalized intersection where signalization is planned, and one future intersection that will be signalized.

1. US 101 NB off-ramp and Brokaw Road*⁴
2. North First Street and I-880 (N)*
3. North First Street and I-880 (S)*
4. North First Street and Brokaw Road*
5. Technology Drive and Airport Parkway
6. North First Street and Old Bayshore Highway
7. North First Street and Rosemary Street
8. North First Street and Gish Road
9. North First Street and Metro Drive
10. North First Street and Skyport Drive
11. North First Street and Sonora Avenue
12. Fourth Street and Gish Road
13. Bering Drive and Brokaw Road
14. Zanker Road and Brokaw Road*
15. Junction Avenue and Brokaw Road
16. I-880 SB off-ramp (W) and Brokaw Road*
17. I-880 NB ramps (E) and Brokaw Road*

⁴ CMP intersections are denoted with an asterisk (*).

18. Airport Parkway and Old Bayshore Highway
19. SR 87 ramps and Skyport Drive (Future Signalized Intersection)
20. Technology Drive and Skyport Drive (Signalization Planned)

All of the study intersections are within the City of San Jose. The 20 study intersections include 12 Golden Triangle intersections and 7 CMP intersections. In addition, the 22 NSJDP intersections, which include 7 study intersections and 15 intersections outside the study area, were analyzed for the PM peak hour.

In addition, a series of freeway segments were selected and have been evaluated within this analysis. The operations of the following freeway segments were evaluated for project impacts:

1. U.S. 101, Lawrence Expressway to Bowers/Great America Parkway
2. U.S. 101, Bowers/Great America Parkway to Montague Expressway
3. U.S. 101, Montague to De La Cruz/Trimble Road
4. U.S. 101, De La Cruz Boulevard /Trimble Road to SR 87
5. U.S. 101, SR 87 to Brokaw Road
6. U.S. 101, Brokaw Road to Old Bayshore
7. U.S. 101, Old Bayshore to I-880
8. U.S. 101, I-880 to Old Oakland
9. U.S. 101, Old Oakland to McKee
10. SR 87, US 101 to Skyport Avenue
11. SR 87, Skyport to Taylor Street
12. SR 87, Taylor Street to Coleman Avenue
13. SR 87, Coleman Avenue to Julian Street
14. I-880, SR 237 to Great Mall Parkway/Tasman
15. I-880, Great Mall Parkway/Tasman to Montague Expressway
16. I-880, Montague Expressway to Brokaw Road
17. I-880, Brokaw Road to U.S. 101
18. I-880, U.S. 101 to North First Street
19. I-880, North First to SR 87
20. I-880, SR 87 to Coleman Avenue
21. I-880, Coleman to The Alameda
22. I-880, The Alameda to Bascom Avenue

It should be noted that Guadalupe Parkway (SR 87) between US 101 and Taylor Street is being upgraded to a six lane freeway. Because of this, the project impacts were analyzed assuming this upgrade to be completed.

In summary, the study includes an analysis of 20 intersections and 22 freeway segments in the vicinity of the project site. The seven CMP signalized intersections were evaluated against the standards of both the North San Jose Deficiency Plan and the County CMP.

Traffic conditions at the intersections and on the freeway segments were analyzed for the weekday AM and PM peak hours of traffic. The AM peak hour of traffic is generally between 7:00 and 9:00 AM, and the PM peak hour is typically between

4:00 and 6:00 PM. It is during these periods that the most congested traffic conditions occur on an average day.

Traffic conditions were evaluated for the following scenarios:

- *Existing Conditions.* Existing conditions were represented by existing peak-hour traffic volumes on the existing roadway network. Existing traffic volumes were obtained from recent traffic counts.
- *Background Conditions.* Background conditions were represented by background traffic volumes on the near-term future roadway network. Initial background traffic volumes were estimated by adding to existing peak-hour volumes the projected volumes from approved but not yet completed developments. The latter component is contained in the City of San Jose Approved Trips Inventory (ATI). The initial background traffic volumes were then redistributed to reflect the near-term future roadway network, which varies considerably from the existing roadway network.

Existing Intersection Levels of Service

Golden Triangle Intersections

The results of the level of service analysis under existing conditions are summarized in Table 6. The following three Golden Triangle study intersections currently operate below City of San Jose level of service standards (LOS E or worse) during at least one of the peak hours:

- North First Street and Brokaw Road
- North First Street and Old Bayshore Highway
- Zanker Road and Brokaw Road

**TABLE 6
EXISTING LEVELS OF SERVICE**

Intersection	Peak Hour	Count Date	Average Delay	LOS
Golden Triangle Intersections				
Technology Drive and Skyport Drive	AM	9/8/99	17.4	C
	PM	9/8/99	21.2	C
North First Street and Brokaw Road*	AM	9/30/98	32.4	D
	PM	9/30/98	41.3	E
Technology Drive and Airport Parkway	AM	1/7/99	24.5	C
	PM	1/7/99	23.1	C
North First Street and Old Bayshore Highway	AM	1/7/99	39.8	D
	PM	1/7/99	45.7	E
North First Street and Rosemary Street	AM	1/7/99	9.5	B
	PM	1/7/99	8.3	B
North First Street and Gish Road	AM	1/7/99	14.7	B
	PM	1/7/99	15.5	C
North First Street and Metro Drive	AM	1/6/99	10.8	B
	PM	1/6/99	19.8	C
North First Street and Skyport Drive	AM	9/8/99	14.0	B
	PM	9/8/99	22.9	C
North First Street and Sonora Drive	AM	9/8/99	9.2	B
	PM	9/8/99	12.5	B
Bering Road and Brokaw Road	AM	9/7/99	13.5	B
	PM	9/7/99	17.5	C
Zanker Road and Brokaw Road*	AM	9/22/98	37.7	D
	PM	9/22/98	40.3	E
Junction Avenue and Brokaw Road	AM	9/7/99	22.7	C
	PM	9/7/99	27.5	D
Other City of San Jose Intersections				
US 101 NB off-ramp and Brokaw Road*	AM	9/10/98	29.8	D
	PM	9/10/98	25.0	C
North First Street and I-880 (N)*	AM	9/22/98	N/A	N/A
	PM	9/22/98	N/A	N/A
North First Street and I-880 (S)*	AM	9/22/98	15.4	C
	PM	9/22/98	11.1	B
Fourth Street and Gish Road	AM	1/7/99	11.8	B
	PM	1/7/99	18.1	C
I-880 SB off-ramp (W) and Brokaw Road*	AM	9/22/98	25.1	D
	PM	11/17/98	23.8	C
I-880 NB ramps (E) and Brokaw Road*	AM	9/22/98	19.1	C
	PM	9/22/98	15.3	C
Airport Parkway and Old Bayshore Highway	AM	N/A	21.0	C
	PM	N/A	20.7	C

* Denotes CMP Intersection

Other City of San Jose Intersections

Measured against the City of San Jose level of service standards, all seven of the existing study intersections not in the Golden Triangle currently operate at an acceptable level, LOS D or better.

CMP Intersections

All seven of the CMP study intersections evaluated currently operate at LOS E or better.

Existing Freeway Levels of Service

Traffic volumes for the subject freeway segments were obtained from the CMP Annual Monitoring Report. The results of the analysis are summarized in Table 7. The results show that the following 18 freeway segments currently operate at LOS F during at least one of the peak hours:

1. SR 87, Coleman to Julian, (northbound AM)
2. US 101, Lawrence to Bowers/Great America Pkwy, (southbound AM)
3. US 101, Bowers/Great America Pkwy to Montague, (southbound PM)
4. US 101, Montague to De La Cruz/Trimble (southbound PM)
5. US 101, De La Cruz/Trimble to SR 87, (southbound PM & northbound AM)
6. US 101, SR 87 to Brokaw, (southbound PM & northbound AM)
7. US 101, Brokaw to Old Bayshore, (southbound PM & northbound AM)
8. US 101, I-880 to Old Oakland, (southbound PM, northbound AM, HOV northbound AM)
9. US 101, Old Oakland to McKee, (northbound AM)
10. I-880, SR 237 to Great Mall Pkwy/Tasman, (northbound PM)
11. I-880, Great Mall Pkwy/Tasman to Montague, (southbound PM & northbound PM)
12. I-880, Montague to Brokaw, (southbound PM)
13. I-880, Brokaw to US 101, (southbound PM, northbound AM & PM)
14. I-880, US 101 to North First, (southbound PM & northbound AM)
15. I-880, North First to SR 87, (southbound PM & northbound AM)
16. I-880, SR 87 to Coleman, (southbound PM & northbound AM)
17. I-880, Coleman to The Alameda, (southbound PM & northbound AM)
18. I-880, The Alameda to Bascom, (southbound PM)

All other analyzed freeway segments operate at LOS E or better during the AM and PM peak hours.

Table 7
Existing Freeway Levels of Service

Table 6 continued

Background Roadway Network

Traffic volumes for background conditions comprise volumes from existing traffic counts plus traffic generated by other approved developments in the vicinity of the site. For this analysis, it was assumed that the roadway improvements that are part of the Route 87 Freeway Upgrade Project would be completed prior to the development of the project. Because of this, the roadway network under project conditions will be much different from the existing roadway network. In order to make a meaningful comparison between background and project conditions it was also assumed that the roadway and intersection improvements that are part of the Route 87 Freeway Upgrade Project were in place in the background scenario. In addition to these improvements, other minor intersection and roadway improvements are planned under background conditions. These improvements are either part of the City of San Jose Capital Improvement Program (CIP) or have been mandated by the City as a condition of future development to be funded by the development of approved projects. The improvements are described below.

Route 87 Freeway Upgrade Project

The Route 87 Freeway upgrade project is a conversion of 3.1 miles of Guadalupe Parkway (SR 87), north of Julian Street, from a four-lane expressway to a six-lane freeway. Two of the lanes (one in each direction) are planned to be High Occupancy Vehicle (HOV) lanes. The freeway upgrade project also involves several improvements to the surrounding roadway network. The existing at-grade signalized intersections at Guadalupe Parkway and Airport Parkway, and Guadalupe Parkway and Hedding Street will be replaced with grade separations. Interchanges will be built at Skyport Drive and at Taylor Street. Skyport Drive will be upgraded to a six-lane divided major arterial between Technology Drive and North First Street including the addition of a raised center median. In addition to the construction of an interchange with SR 87, Skyport Drive will be extended west to the San Jose International Airport. It is expected that the proposed project would make necessary improvements to Skyport Drive to allow it to complement the Route 87 freeway project. If the project lags behind the freeway completion, the City would need to make improvements to Skyport Drive to make it a fully functioning street (i.e. median improvements, add additional lanes, and left turn pockets, etc.).

Background Intersection Levels of Service

Background Traffic Volumes

The traffic flow patterns in the vicinity of the project site will change considerably as a result of the roadway improvements that are part of the Route 87 Freeway Upgrade Project. Consequently, existing traffic volumes at various intersections must be redistributed accordingly to account for the change in traffic flow. A description of the traffic redistribution is found in Appendix B.

Golden Triangle Intersections

The results of the intersection level of service analysis under background conditions are summarized in Table 8. The results show that the following three Golden Triangle study intersections would operate at LOS E or worse during at least one of the peak hours under background conditions:

- North First Street and Brokaw Road
- North First Street and Old Bayshore Highway.
- Zanker Road and Brokaw Road

All other Golden Triangle study intersections would operate at an acceptable level, LOS D or better.

City of San Jose Intersection Analysis

All eight of the study intersections not in the Golden Triangle would operate at LOS D or better, under background conditions.

CMP Intersection Analysis

The following two CMP study intersections would operate at LOS F during at least one of the peak hours under background conditions:

- North First Street and Brokaw Road
- Zanker Road and Brokaw Road

All other CMP study intersections would operate at LOS E or better.

**TABLE 8
BACKGROUND LEVEL OF SERVICE**

Intersection	Peak Hour	Count Date	Existing		Background	
			Average Delay	LOS	Average Delay	LOS
Golden Triangle Intersections						
Technology Drive and Skyport Drive ¹	AM	9/8/99	17.4	C	20.4	C
	PM	9/8/99	21.2	C	22.9	C
North First Street and Brokaw Road*	AM	9/30/98	32.4	D	47.6	E
	PM	9/30/98	41.3	E	168.3	F
Technology Drive and Airport Parkway	AM	1/7/99	24.5	C	24.8	C
	PM	1/7/99	23.1	C	26.0	D
North First Street and Old Bayshore Highway	AM	1/7/99	39.8	D	46.5	E
	PM	1/7/99	45.7	E	149.7	F
North First Street and Rosemary Street	AM	1/7/99	9.5	B	10.3	B
	PM	1/7/99	8.3	B	7.7	B
North First Street and Gish Road	AM	1/7/99	14.7	B	15.3	C
	PM	1/7/99	15.5	C	16	C
North First Street and Metro Drive	AM	1/6/99	10.8	B	10.9	B
	PM	1/6/99	19.8	C	19.8	C
North First Street and Skyport Drive ¹	AM	9/8/99	14.0	B	24.9	C
	PM	9/8/99	22.9	C	34.2	D
North First Street and Sonora Drive	AM	9/8/99	9.2	B	10.0	B
	PM	9/8/99	12.5	B	12.4	B
Bering Road and Brokaw Road	AM	9/7/99	13.5	B	12.9	B
	PM	9/7/99	17.5	C	14.6	B
Zanker Road and Brokaw Road*	AM	9/22/98	37.7	D	51.2	E
	PM	9/22/98	40.3	E	39.9	D
Junction Avenue and Brokaw Road	AM	9/7/99	22.7	C	22.5	C
	PM	9/7/99	27.5	D	27.8	D
Other City of San Jose Intersections						
US 101 NB off-ramp and Brokaw Road*	AM	9/10/98	29.8	D	37.0	D
	PM	9/10/98	25.0	C	25.4	D
North First Street and I-880 (N)*	AM	9/22/98	N/A	N/A	25.3	D
	PM	9/22/98	N/A	N/A	7.4	B
North First Street and I-880 (S)*	AM	9/22/98	15.4	C	15.5	C
	PM	9/22/98	11.1	B	11.7	B
Fourth Street and Gish Road	AM	1/7/99	11.8	B	11.9	B
	PM	1/7/99	18.1	C	18.3	C

**TABLE 8 CONTINUED
BACKGROUND LEVEL OF SERVICE**

Intersection	Peak Hour	Count Date	Existing		Background	
			Average Delay	LOS	Average Delay	LOS
SR 87 ramps and Skyport Drive ¹	AM	N/A	--	--	34.7	D
	PM	N/A			15.7	C
I-880 SB off-ramp (W) & Brokaw Road* ¹	AM	9/22/98	25.1	D	28.9	D
	PM	11/17/98	23.8	C	24.5	C
I-880 NB ramps (E) and Brokaw Road*	AM	9/22/98	19.1	C	18.9	C
	PM	9/22/98	15.3	C	14.8	B
Airport Parkway and Old Bayshore Hwy	AM	N/A	21.0	C	25.7	D
	PM	N/A	20.7	C	22.5	C

¹ Background conditions include planned improvements.

* Denotes CMP intersection

2. Traffic Impacts

Thresholds of Significance

For the purposes of this project, a transportation impact is considered significant if the project will:

- Cause a local intersection to deteriorate below LOS D; or if the intersection is already operating below D, cause an
- Cause a regional intersection to deteriorate below LOS E or, if the intersection is already operating below LOS E under background conditions, cause an increase in delay of more than four seconds and the volume-to-capacity ratio (V/C) to increase by .01 or more; or
- Cause the weighted average for Golden Triangle intersections to deteriorate to LOS E or F. The weighted average level of service is calculated for all Golden Triangle intersections to which the project adds greater than one percent to the critical volume.
- Cause the level of service on a freeway segment to degrades from an acceptable LOS E or better under existing conditions to LOS F under project conditions or,
- Add one percent of capacity to a freeway segment already operating at LOS F.

Project Trip Generation

The magnitude of traffic generated by the proposed project was estimated by applying the applicable trip generation rates recommended by the City of San Jose. The traffic generated by existing uses on the site was subtracted to yield net generated trips. Due to the project site's proximity to LRT, a three-percent reduction

was applied to the net generated trips. Some trip reductions were also assumed due to the mixed-use nature of the project.

It is estimated that the project would add 21,725 daily trips, with 2,183 trips occurring during the AM peak hour and 2,446 occurring during the PM peak hour. Using the inbound/outbound splits recommended by the City of San Jose, the project would produce 1,779 inbound trips and 405 outbound trips during the AM peak hour and 790 inbound and 1,656 outbound trips during the PM peak hour. The trip distribution pattern for the proposed project was estimated based on existing travel patterns in the area and the locations of complementary land uses. The project trip generation estimates are presented in Table 9.

Project Trip Assignment

The peak-hour trips generated by the proposed development were assigned to the roadway system in accordance with the trip distribution pattern shown in Figure 7, *Trip Distribution*.

Golden Triangle Intersections

The results of the level of service analysis under project conditions are summarized in Table 10. The following four Golden Triangle study intersections would operate at an unacceptable LOS E or worse under project conditions:

- North First Street and Brokaw Road
- North First Street and Old Bayshore Hwy.
- North First Street and Skyport Drive
- Zanker Road and Brokaw Road

All other Golden Triangle study intersections would operate at an acceptable level, LOS D or better.

According to the North San Jose Development Policy, a project is defined as causing a significant impact if the weighted average level of service is LOS E or F. The weighted average level of service is calculated for all Golden Triangle intersections to which the project adds greater than one percent to the critical volume. Table 10 shows the weighted average levels of service for the Golden Triangle intersections under project conditions.

The proposed project is estimated to add greater than one percent to the critical volume at 10 of the study intersections during the AM peak hour and at 12 of the study intersections during the PM peak hour. The weighted average level of service at the critical intersections was found to be LOS C ($V/C = 0.716$) during the AM peak hour and LOS E ($V/C = 0.901$) during the PM peak hour. The project will therefore, have a significant impact on the Golden Triangle intersections during the PM peak hour.

- ◆ **The Golden Triangle weighted average would be LOS E under project conditions during the PM peak hour. (Significant Impact)**

Table 9 Project trip generation table

Figure

7

Trip

Distribution

**TABLE 10
PROJECT LEVEL OF SERVICE**

Intersections	Peak Hour	Count Date	Background		Project			
			Avg. Delay	LOS	Avg. Delay	LOS	Inc. in Crit. Delay	Inc. in C V/C
Golden Triangle Intersections								
Technology Drive and Skyport Drive ¹	AM	9/8/99	20.4	C	29.9	D	15.1	0.403
	PM	9/8/99	22.9	C	32.0	D	16.7	0.383
North First Street and Brokaw Road*	AM	9/30/98	47.6	E	60.0	F	24.8	0.064
	PM	9/30/98	168.3	F	192.7	F	47.7	0.044
Technology Drive and Airport Parkway	AM	1/7/99	24.8	C	31.4	D	9.2	0.155
	PM	1/7/99	26.0	D	28.3	D	4.1	0.070
North First Street and Old Bayshore Highway	AM	1/7/99	46.5	E	45.8	E	1.1	0.011
	PM	1/7/99	149.7	F	170.9	F	35.4	0.040
North First Street and Rosemary Street	AM	1/7/99	10.3	B	9.7	B	0.0	0.081
	PM	1/7/99	7.7	B	7.1	B	5.0	0.075
North First Street and Gish Road	AM	1/7/99	15.3	C	19.1	C	5.4	0.144
	PM	1/7/99	16.0	C	16.8	C	2.0	0.114
North First Street and Metro Drive	AM	1/6/99	10.9	B	12.0	B	9.0	0.102
	PM	1/6/99	19.8	C	22.4	C	1.6	0.104
North First Street and Skyport Drive ¹	AM	9/8/99	24.9	C	54.3	E	70.5	0.326
	PM	9/8/99	34.2	D	84.5	F	80.5	0.275
North First Street and Sonora Drive	AM	9/8/99	10.0	B	13.2	B	4.5	0.134
	PM	9/8/99	12.4	B	13.1	B	0.0	0.123
Bering Road and Brokaw Road	AM	9/7/99	12.9	B	12.4	B	-1.2	0.035
	PM	9/7/99	14.6	B	14.2	B	-0.4	0.015
Zanker Road and Brokaw Road*	AM	9/22/98	51.2	E	54.9	E	0.0	0.000
	PM	9/22/98	39.9	D	40.3	E	0.2	0.015
Junction Avenue and Brokaw Road	AM	9/7/99	22.5	C	22.1	C	-8.6	0.020
	PM	9/7/99	27.8	D	27.6	D	-0.3	0.032
Other City of San Jose Intersections								
US 101 NB off-ramp and Brokaw Road*	AM	9/10/98	37.0	D	40.9	E	8.7	0.036
	PM	9/10/98	25.4	D	26.0	D	0.1	0.016
North First Street and I-880 (N)*	AM	9/22/98	25.3	D	62.7	F	57.0	0.169
	PM	9/22/98	7.4	B	8.6	B	1.7	0.113
North First Street and I-880 (S)*	AM	9/22/98	15.5	C	16.2	C	0.7	0.088
	PM	9/22/98	11.7	B	13.0	B	1.5	0.046
Fourth Street and Gish Road	AM	1/7/99	11.9	B	12.1	B	0.4	0.005
	PM	1/7/99	18.3	C	19.4	C	1.7	0.027

**TABLE 10 CONTINUED
PROJECT LEVEL OF SERVICE**

Intersections	Peak Hour	Count Date	Background		Project			
			Avg. Delay	LOS	Avg. Delay	LOS	Inc. in Crit. Delay	Inc. in C V/C
SR 87 ramps and Skyport Drive ¹	AM	N/A	34.7	D	161.6	F	173.8	0.294
	PM	N/A	15.7	C	17.1	C	3.9	0.195
I-880 SB off-ramp (W) & Brokaw Road* ¹	AM	9/22/98	28.9	D	33.6	D	7.0	0.080
	PM	11/17/98	24.5	C	26.7	D	3.8	0.061
I-880 NB ramps (E) and Brokaw Road*	AM	9/22/98	18.9	C	18.8	C	00.1	0.015
	PM	9/22/98	14.8	B	14.7	B	-0.2	0.014
Airport Parkway and Old Bayshore Hwy	AM	N/A	25.7	D	32.7	D	11.7	0.072
	PM	N/A	22.5	C	22.2	C	0.0	0.000

¹ Background conditions include planned improvements.

Bolding indicates significant impact according to the City of San Jose and/or CMP level service standards.

* Denotes CMP intersection

**TABLE 11
GOLDEN TRIANGLE WEIGHTED AVERAGE LEVELS OF SERVICE
UNDER PROJECT CONDITIONS**

Intersection	Crit. Volume % Increase	Project Conds. V/C	Back-ground Critical Volume	Project Critical Volume	Project Conds. VxV/C
AM Peak Hour					
North First Street and Brokaw Road	6.49%	1.094	3,390	3,610	3,949
Technology Drive and Airport Parkway ¹	16.34%	0.906	1,469	1,709	1,548
North First Street and Old Bayshore Highway	1.63%	0.909	2,451	2,491	2,264
North First Street and Rosemary Street	18.79%	0.589	2,251	2,674	1,575
North First Street and Gish Road	20.72%	0.896	2,080	2,511	2,250
North First Street and Metro Drive	-8.80%	0.499	1,318	1,202	600
North First Street and Skyport Drive ¹	-10.80%	1.106	2,065	1,842	2,037
North First Street and Sonora Drive	21.22%	0.821	2,144	2,599	2,134
Bering Road and Brokaw Road	11.90%	0.476	1,563	1,749	833
Zanker Road and Brokaw Road ¹	0.00%	1.004	2,267	2,267	N/A
Junction Avenue and Brokaw Road	150.05%	0.609	993	2,483	1,512
Technology Drive and Skyport Drive ¹	88.24%	0.873	986	1,856	1,620
Total				24,726	20,323
<i>Weighted Average V/C</i>				0.822	D

TABLE 11 CONTINUED

**GOLDEN TRIANGLE WEIGHTED AVERAGE LEVELS OF SERVICE
UNDER PROJECT CONDITIONS**

Intersection	Crit. Volume % Increase	Project Conds. V/C	Back-ground Critical Volume	Project Critical Volume	Project Conds. VxV/C
AM Peak Hour					
PM Peak Hour					
North First Street and Brokaw Road	3.26%	1.343	4,421	4,565	6,131
Technology Drive and Airport Parkway ¹	7.27%	0.819	1,471	1,578	1,292
North First Street and Old Bayshore Highway	4.84%	1.266	2,957	3,100	3,925
North First Street and Rosemary Street	18.40%	0.578	2,119	2,509	1,450
North First Street and Gish Road	18.63%	0.804	2,093	2,483	1,996
North First Street and Metro Drive	17.36%	0.727	1,596	1,873	1,362
North First Street and Skyport Drive ¹	12.67%	1.140	2,155	2,428	2,768
North First Street and Sonora Drive	21.99%	0.812	1,910	2,330	1,892
Bering Road and Brokaw Road	5.04%	0.438	1,626	1,708	748
Zanker Road and Brokaw Road ¹	3.38%	0.796	2,423	2,505	1,994
Junction Avenue and Brokaw Road	7.41%	0.714	2,307	2,478	1,769
Technology Drive and Skyport Drive ¹	74.23%	0.919	970	1,690	1,553
Total				29,247	26,880
Weighted Average V/C				0.919	E

¹ Background and Project conditions include planned improvements.

² Project adds less than one percent to the critical volume, therefore this intersection is not included in the weighted average level of service.

City of San Jose Intersection Analysis

The project would have a significant impact on one study intersection: SR87 ramps and Skyport Drive.

- ◆ **The proposed project would cause a significant impact to one intersection outside of the Golden Triangle area. (Significant Impact)**

CMP Intersection Analysis

The project will have a significant impact on two regional intersections: North First Street and Brokaw Road, and North First Street and I-880 (N), which would operate at LOS F, during at least one of the peak hours under project conditions.

- ◆ **The proposed project would cause a significant impact to North First Street and Brokaw Road and North First Street and I-880. (Significant Impact)**

Project Freeway Segment Levels of Service

Because of the Route 87 freeway upgrade, traffic volumes on all of the study freeway segments would be much different than under existing conditions. Therefore, the City's TRANPLAN model was used to forecast the traffic volumes on all of the study freeway segments with the Route 87 Freeway Upgrade in place. Details of the analysis are found in Appendix B.

The results of the analysis are summarized in Table 12. The results show that 15 of the freeway segments analyzed would operate at an unacceptable LOS F during at least one of the peak hours under project conditions. The project will add more than 1% of segment capacity to the following 10 freeway segments which will operate at an unacceptable LOS F during at least one of the peak hours under project conditions:

1. US 101, Montague to De La Cruz/Trimble, (southbound PM)
 2. US 101, De La Cruz/Trimble to SR 87, (southbound PM*)
 3. US 101, Brokaw to Old Bayshore, (northbound AM)
 4. US 101, I-880 to Old Oakland, (northbound AM HOV only, southbound PM)
 5. I-880, Great Mall Pkwy/Tasman to Montague, (northbound PM)
 6. I-880, Montague to Brokaw, (southbound PM)
 7. I-880, Brokaw to US 101, (southbound PM)
 8. I-880, North First to SR 87, (northbound PM & southbound PM)
 9. I-880, SR 87 to Coleman, (northbound PM & southbound PM)
 10. I-880, Coleman to The Alameda, (northbound PM & southbound PM)
- (An asterisk (*) denotes an impact on the HOV lane for that freeway segment.)

All other analyzed freeway segments would operate at an acceptable LOS E or better during the AM and PM peak hours.

- ◆ **Redevelopment of the site under the proposed project would have significant adverse impacts on 10 segments of U.S. 101 and Highway 880 which are also anticipated to operate at unacceptable levels in the background condition. (Significant Impact)**

Golden Triangle Intersections

North First Street and Skyport Drive

The addition of a second eastbound right-turn lane would be necessary to accommodate project traffic. This intersection is adjacent to the project site and currently is not fully developed. The addition of the second eastbound right-turn lane may require additional project frontage be made available for this lane. The resulting eastbound lane geometry will be two left-turn lanes, one through lane, and two right

Table 12 Project Freeway Impacts

turn lanes. This intersection will function at LOS C in the AM peak hour, and LOS E in the PM, with this improvement.

North First Street and Brokaw Road

The intersection of North First Street and Brokaw Road will operate at level of service F during the PM peak hour under background conditions, and with the addition of project traffic the average critical delay would increase by 47.7 seconds and the critical volume-to-capacity ratio would increase by .044. This is a significant impact. This intersection is one of the 22 regional intersections in North San Jose that is addressed by the North San Jose Deficiency Plan (NSJDP).

North First Street and I-880 (N)

The intersection of North First Street and I-880 (N) will operate at LOS D during the AM peak hour under background conditions. With the addition of project traffic this intersection will operate at LOS F which is a significant impact. This is a significant impact. This intersection is one of the 22 regional intersections in North San Jose that is addressed by the North San Jose Deficiency Plan (NSJDP).

The goal of the NSJDP is to allow new development in North San Jose while maintaining a system wide level of service standard in the area. One of the policies of the NSJDP requires the average delay for the 22 intersections to be maintained at 88 seconds or less with the addition of project traffic. All new developments in North San Jose are required to analyze the average delay for these 22 intersections and propose mitigation measures when necessary in order to meet this standard. The level of service calculations are shown in Appendix B. The project will generate traffic at seven of the 22 NSJDP intersections. The average delay under project conditions is estimated to be 85 seconds (see Table 13). Therefore, the project is not required to construct any additional mitigation measures.

- ◆ **The project will generate traffic at seven of the 22 North San Jose Deficiency Plan intersections. However, the average delay caused by the proposed project would be 85 seconds, which is below the CMP threshold of 88 seconds. Therefore, the project would not cause a significant impact. (Less Than Significant Impact)**

TABLE 13
NORTH SAN JOSE DEFICIENCY PLAN INTERSECTION
LEVELS OF SERVICE (PM PEAK HOUR)

Intersection	Background		Project	
	Average Delay¹	LOS	Average Delay¹	LOS
SR 237/ North First Street (N)	84	F	84	F
SR 237/ North First Street (S) ²	50	E	50	E
North First Street/ Trimble Road	190	F	190	F
North First Street/Brokaw Road	168	F	193	F
I-880/ North First Street (N)	7	B	9	B
I-880/ North First Street (S)	12	B	13	B
SR 237/ Zanker Road (N)	6	B	6	B
SR 237/ Zanker Road (S)	19	C	19	C
Zanker Road/ Trimble Road ²	63	F	63	F
Zanker Road/ Brokaw Road ²	40	D	40	E
Montague Expressway/ North First Street	300*	F	300*	F
Montague Expressway/ Zanker Road ²	172	F	172	F
Montague Expressway/ Trimble Road ²	285*	F	285*	F
Montague Expressway/ McCarthy Boulevard	78	F	78	F
Montague Expressway/ Old Oakland Road	91	F	91	F
Montague Expressway/ Trade Zone Boulevard	85	F	85	F
Trimble Road/ De La Cruz Boulevard ²	58	E	58	E
U.S. 101/ Brokaw Road	25	D	26	D
I-880/ Brokaw Road (W) ²	25	C	27	D
I-880/ Brokaw Road (E)	15	B	15	B
Brokaw Road/ Old Oakland Road	31	D	31	D
Murphy Avenue/ Lundy Avenue	31	D	31	D
<i>Average</i>	83	F	85	F

* Denotes delay capped at 150% of signal cycle length (per Deficiency Plan for NSJ)

¹ Whole intersection weighted average stopped delay expressed in seconds per vehicle

² With planned improvements included under background and project scenarios

3. Mitigation Measures to reduce Transportation and Circulation Impacts

The following measures are proposed by the project to reduce identified traffic impacts:

North First Street and Skyport Drive

- The addition of a second eastbound left-turn lane will be necessary to accommodate project traffic.

Technology Drive and Skyport Drive

- The addition of a second northbound left-turn lane will be necessary to accommodate project-generated traffic.

With the implementation of the above described improvements, the Golden Triangle weighted average would be restored to LOS D ($V/C = 0.887$) in the PM peak hour (see Table 14).

SR 87 and Skyport Drive

- Add a second northbound right-turn lane.

With implementation of the above listed improvement the intersection of SR 87 and Skyport Drive would operate at an acceptable LOS D.

Freeway Mitigation Measures

Mitigation of freeway impacts would require adding lanes to the freeways. This is not practical for one development to implement. When project mitigation measures on CMP facilities are not feasible or fail to improve level of service to the CMP's LOS standard, then a CMP approved Deficiency Plan must be prepared. However, pending the adoption of the Countywide Deficiency Plan, a local deficiency plan does not need to be prepared, instead, *Deficiency Plan Immediate Actions* (see Appendix B) are required to be implemented as part of the projects approval. The following Immediate Implementation Actions are proposed by the project:

- Bike Lockers, Racks, and Facilities
- Bus Stop and Transit Improvements
- Public Information Programs for carpooling and transit use
- HOV Parking Preference Program
- Bike Storage at Residential Development Sites
- Shuttle Service to transit
- An onsite TDM Program

◆ **The mitigation measures listed above will reduce but not eliminate impacts to freeway segments. (Significant Unavoidable Impact with Mitigation)**

TABLE 14

**GOLDEN TRIANGLE WEIGHTED AVERAGE
LEVELS OF SERVICE WITH MITIGATION**

Intersection	Crit. Volume % Increase	Project Conds. V/C	Back-ground Critical Volume	Project Critical Volume	Project Conds. VxV/C
<i>AM Peak Hour</i>					
North First Street and Brokaw Road	6.49%	1.094	3,390	3,610	3,949
Technology Drive and Airport Parkway ¹	16.34%	0.906	1,469	1,709	1,548
North First Street and Old Bayshore Highway	1.63%	0.909	2,451	2,491	2,264
North First Street and Rosemary Street	18.79%	0.589	2,251	2,674	1,575
North First Street and Gish Road	20.72%	0.896	2,080	2,511	2,250
North First Street and Metro Drive	-8.80%	0.499	1,318	1,202	600
North First Street and Skyport Drive ¹	-6.26%	1.007	1,965	1,842	1,855
North First Street and Sonora Drive	21.22%	0.821	2,144	2,599	2,134
Bering Road and Brokaw Road	11.90%	0.476	1,563	1,749	833
Zanker Road and Brokaw Road ¹	0.00%	1.004	2,267	2,267	N/A
Junction Avenue and Brokaw Road	150.05%	0.609	993	2,483	1,512
Technology Drive and Skyport Drive ¹	88.24%	0.822	986	1,856	1,526
Total				24,726	20,046
Weighted Average V/C				0.811	D
<i>PM Peak Hour</i>					
North First Street and Brokaw Road	3.26%	1.343	4,421	4,565	6,131
Technology Drive and Airport Parkway ¹	7.27%	0.819	1,471	1,578	1,292
North First Street and Old Bayshore Highway	4.84%	1.266	2,957	3,100	3,925
North First Street and Rosemary Street	18.40%	0.578	2,119	2,509	1,450
North First Street and Gish Road	18.63%	0.804	2,093	2,483	1,996
North First Street and Metro Drive	17.36%	0.727	1,596	1,873	1,362
North First Street and Skyport Drive ¹	20.74%	1.017	2,155	2,602	2,646
North First Street and Sonora Drive	21.99%	0.812	1,910	2,330	1,892
Bering Road and Brokaw Road	5.04%	0.438	1,626	1,708	748
Zanker Road and Brokaw Road ¹	3.38%	0.796	2,423	2,505	1,994
Junction Avenue and Brokaw Road	7.41%	0.714	2,307	2,478	1,769
Technology Drive and Skyport Drive ¹	74.23%	0.719	970	1,690	1,215
Total				29,421	26,421
Weighted Average V/C				0.898	D

C. AIR QUALITY

The following discussion is based upon an air quality analysis conducted for the project by *Don Ballanti, Certified Meteorologist*. This analysis calculated the project's air quality impacts using the assumptions included in the project traffic analysis prepared by Hexagon. A copy of the air quality analysis is presented in Appendix C of this EIR.

1. Existing Setting

Air Pollution Climatology

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, sunshine.

Northwesterly 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 Jose, particularly during the summer months. Winds are lightest on the average in fall and winter. Every year during the fall and winter there are periods when winds are very light and local pollutants build up in the atmosphere.

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 both the morning and afternoon hours. 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 the Diablo Range 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 air pollution from the northern Peninsula toward San Jose.

The combined effects of moderate ventilation, frequent inversions that restrict vertical dilution, and terrain that restricts horizontal dilution give San Jose a relatively high atmospheric potential for air pollution compared to other parts of the San Francisco Bay Air Basin.

Ambient Air Quality Standards

Both the U. S. Environmental Protection Agency (EPA) 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. The Federal and California State ambient air quality standards are summarized in Table 15 for important pollutants. Table 17 identifies the major criteria pollutants, characteristics, health effects and typical sources. 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 particulates (PM-10)⁵.

**TABLE 15
FEDERAL AND STATE AMBIENT AIR QUALITY STANDARDS**

Pollutant	Averaging Time	Federal Primary Standard	State Standard
Ozone	1-Hour	0.12 PPM	0.09 PPM
	8-Hour	0.08 PPM	--
Carbon Monoxide	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	0.05 PPM
	1-Hour	--	0.25 PPM
PM-10	Annual Average	50 µg/m ³	30 µg/m ³
	24-Hour	150 µg/m ³	50 µg/m ³
PM 2.5	Annual	15 µg/m ³	--
	24-Hour	65 µg/m ³	--

PPM = Parts per Million

µg/m³ = Micrograms per Cubic Meter

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 monitoring site closest to the project site is in downtown San Jose, about two miles south of the project site. Table 16 summarizes exceedances of State and Federal standards at the downtown San Jose monitoring site during the period 1995-1997. Table 16 also

⁵PM-10 refers to particulate matter less than ten microns in diameter.

shows that ozone and PM-10 exceed the State standards in the project area. Violations of the carbon monoxide standards had been recorded at the downtown San Jose site prior to 1992.

Of the three pollutants known to at times exceed the State and Federal standards in the project area, two are regional pollutants. Both ozone and PM-10 are considered regional pollutants in that 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 a local pollutant, i.e., high concentrations are normally only found very near sources. 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 data shown in Table 16 for carbon monoxide are not necessarily representative of concentrations that would be found near the proposed project site. For this reason, concentrations of carbon monoxide have been estimated using a computer simulation model that predicts concentrations based on information on roadway locations, traffic volumes and traffic conditions. The results of this analysis are described in the following discussion of air quality impacts.

Attainment Status and Regional Air Quality Plans

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

Federal Air Quality Program

Up until recently the Bay Area had attained all Federal standards. In June of 1998 the US EPA reclassified the Bay Area from “maintenance area” to nonattainment for ozone based on violations of the Federal standards at several locations within the air basin. This reversed the air basin’s reclassification to “maintenance area” for ozone in 1995. Reclassification requires an update to the regions Federal air quality plan.

The County is an attainment area or is unclassified for all other national ambient air quality standards.

TABLE 16
SUMMARY OF AIR QUALITY DATA FOR DOWNTOWN SAN JOSE⁶

Pollutant	Standard	Days Exceeding Standard in:		
		1995	1996	1997
Ozone	Federal 1-Hour	1	0	0
Ozone	State 1-Hour	14	5	0
Carbon Monoxide	State/Federal 8-Hour	0	0	0
PM-10	Federal 24-Hour	0	0	0
PM-10	State 24-Hour	4	2	3

The national ambient standards for ozone and Particulate Matter have no immediate effect on nonattainment planning. Existing ozone and Particulate Matter designations will remain in effect until the EPA establishes new designations based on any new ozone or particulate matter standard based on data from 1997, 1998, and 1999. No new controls will be required to the new standards until after the year 2002.

State Air Quality Program

Under the California Clean Air Act, Santa Clara County is a nonattainment area for ozone and PM-10. The County is either attainment or unclassified for other pollutants.

The California Clean Air Act requires local air pollution control districts to prepare air quality attainment plans. These plans must provide for district-wide emission reductions of five percent per year averaged over consecutive three-year periods or if not, provide for adoption of "all feasible measures on an expeditious schedule".

The current area-wide plan required by the California Clean Air Act was adopted in October 1994.⁷ The Plan proposes the imposition of controls on stationary sources (factories, power plants, industrial sources, etc.) and Transportation Control Measures designed to reduce emissions from automobiles, and proposes the adoption of "all feasible measures on an expeditious schedule".

⁶Bay Area Air Quality Management District, Air Currents, June 1998.

⁷Bay Area Air Quality Management District, *Bay Area '94 Clean Air Plan (CAP)*, 1994.

Sensitive Receptors and Major Air Pollutant Sources

The BAAQMD defines sensitive receptors as facilities where sensitive receptor population groups (children, elderly, acutely and/or 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 nearest sensitive receptors to the project site include the existing residential neighborhood and elementary school located adjacent to the south boundary of the site, south of Sonora Avenue.

The site is currently occupied by several indirect sources of pollution. Existing office, warehouse and research/development uses generate vehicle trips that create pollution within the San Francisco Bay air basin.

**TABLE 17
POLLUTANT CHARACTERISTICS**

Pollutant	Characteristics	Health Effects	Major Sources
Ozone	A highly reactive photochemical pollutant created by the action of sunshine on ozone precursors (primarily reactive hydrocarbons and oxides of nitrogen. Often called photochemical smog.	<ul style="list-style-type: none"> • 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.	<ul style="list-style-type: none"> • 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 woodstoves and fireplaces.
Nitrogen Dioxide	Reddish-brown gas that discolors the air, formed during combustion.	<ul style="list-style-type: none"> • Increased risk of acute and chronic respiratory disease. 	Automobile and diesel truck exhaust, industrial processes, fossil-fueled power plants.
Sulfur Dioxide	Sulfur Dioxide is a colorless gas with a pungent, irritating odor.	<ul style="list-style-type: none"> • Aggravation of chronic obstruction lung disease. • Increased risk of acute and chronic respiratory disease. 	Diesel vehicle exhaust, oil-powered power plants, industrial processes.
PM-10	Solid and liquid particles of dust, soot, aerosols and other matter which are small enough to remain suspended in the air for a long period of time.	<ul style="list-style-type: none"> • Aggravation of chronic disease and heart/lung disease symptoms. 	Combustion, automobiles, field burning, factories and unpaved roads. Also a result of photochemical processes.

2. Air Quality Impacts

Thresholds of Significance

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

- violate any ambient air quality standard, contribute substantially to an existing or projected air quality violation, or expose sensitive receptors to substantial pollutant concentrations;
- result in substantial emissions or deterioration of ambient air quality. The significance thresholds recommended by the BAAQMD are considered to represent “substantial” emissions. These thresholds are 80 pounds per day for all regional air quality pollutants except carbon monoxide. The significance threshold for carbon monoxide is 550 pounds per day, although exceedances of this threshold only triggers the need for estimates of carbon monoxide “hot spot” concentrations. A substantial contribution to an existing carbon monoxide exceedance is defined as greater than 0.1 parts per million, based on the accuracy of monitoring instruments; or
- create objectionable odors.

Local Impacts

On the local scale, the project would change traffic on the local street network, changing carbon monoxide levels along roadways used by project traffic. The CALINE-4 computer model was applied to six intersections near the project site. 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. The CALINE -4 model and the assumptions made in its use for this project are described in Appendix C of this EIR.

Table 18 shows the results of the air quality analysis for the peak 1-hour and 8-hour traffic period in parts per million (PPM). The existing concentrations do not exceed the State/Federal 8-hour standard at the six intersections studied. By the year 2004 even with background traffic increases, carbon monoxide concentrations are expected to decrease at all intersections. No exceedances of the State/Federal standards are expected to exist at any of the intersections studied.

The addition of project traffic would increase carbon monoxide concentrations by up to 0.7 PPM for the 1-hour averaging time and 0.5 for the 8-hour averaging time. Since no violations of the State/Federal standards are predicted project impacts on local carbon monoxide concentrations are considered to be less than significant.

**TABLE 18
WORST CASE CARBON MONOXIDE CONCENTRATIONS PPM**

Intersection	Existing (1999)		Background (2004)		Background + Project	
	1-Hr	8-Hr	1-Hr	8-Hr	1-Hr	8-Hr
N. First Street/ Brokaw Road	13.3	8.5	12.9	8.5	13.1	8.6
N. First Street/ Old Bayshore	11.8	7.6	10.9	7.1	11.2	7.3
N. First Street/ Skyport	11.1	7.1	9.9	6.4	10.6	6.9
Zanker Road/ Brokaw Road	13.0	8.4	11.6	7.6	11.6	7.6
US 101 NB/ Brokaw Road	11.1	7.8	10.6	6.9	10.8	7.0
I-880 SB/ Brokaw	12.8	8.3	11.5	7.5	11.5	7.5
Most Stringent standard	20.0	9.0	20.0	9.0	20.0	9.0

- ◆ **Implementation of the project would not result in a significant increase in carbon monoxide impacts (Less Than Significant Impact)**

Regional Impacts

Trips to and from the site associated with the project would result in air pollutant emissions affecting the entire San Francisco Bay air basin. Regional emissions associated with project vehicle use has been calculated using the URBEMIS7G computer program. The URBEMIS7G program and the assumptions made in its use are described in the air quality analysis found in Appendix C. The incremental daily emission increase associated with the project is identified in Table 19 for reactive organic gases and oxides of nitrogen (two precursors of ozone) and PM-10.

The Bay Area Air Quality Management District has established thresholds of significance for ozone precursors and PM 10 of 80 pounds per day. The increase in emissions resulting from the project shown in Table 19 would substantially exceed this criterion for all three pollutants. Therefore, it is expected that the project would have a significant effect on regional air quality.

TABLE 19
PROJECT-RELATED VEHICULAR EMISSIONS (Pounds/Day)

Project Site Development	Reactive Organic Gases	Nitrogen Oxides	PM 10 Particulates
Proposed Project	381.6	671.2	257.1
Existing Uses Removed	84.5	148.4	57.0
Net Change*	297.1	522.8	200.1

*BAAQMD Significance Threshold is 80 lbs./day

- ◆ **Development of the project would result in a significant impact on regional air quality. (Significant Impact)**

Construction Impacts

Construction equipment would be the source of exhaust emissions during construction on the entire site. More importantly, during construction the potential for fugitive dust impacts would exist. Fugitive dust can be emitted by the action of equipment and vehicles and as a result of wind erosion over exposed earth surfaces. Clearing, grading and earthmoving activities comprise the major source of construction dust emissions, but traffic and general disturbance of the soil also generate significant dust emissions. In addition, demolition of existing buildings and pavement, and removing demolition debris from the site, will also generate dust.

Construction dust impacts are extremely variable, being dependent on windspeed, soil type, soil moisture, the type of construction activity and acreage affected by construction activity. A rough estimate of uncontrolled construction PM-10 emissions is 0.77 tons per month per acre of active construction.⁸

The local effects of construction activities would include increased dustfall and locally elevated levels of PM-10 downwind of construction activity. Depending on the weather, soil conditions, the amount of activity taking place and nature of dust control efforts, these impacts could extend downwind from the site, affecting neighboring residential properties or previously-completed portions of the project site. This short-term impact is considered to be potentially significant.

- ◆ **Construction activities related to redevelopment of the site would result in significant short-term air quality impacts. (Significant Impact)**

⁸Bay Area Air Quality Management District, BAAQMD CEQA Guidelines, 1996.

3. Mitigation Measures for Air Quality Impacts

Construction Mitigation

Programmed Mitigation Measures

- Any future development would be subject to the City's Grading Ordinance; all earth moving activities would include provisions to control fugitive dust, including regular watering of the ground surface, cleaning nearby streets, damp sweeping, and planting any areas left vacant for extensive periods of time.

The following mitigation measures are included in the project to reduce construction related air quality impacts:

- Water all active construction areas at least twice daily.
- Water or cover 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, or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, stockpiles, and staging areas at construction sites.
- Damp sweep daily if visible soil material is carried onto adjacent public streets.
- 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 as quickly as possible.

- ◆ **Implementation of the construction related mitigation measures would reduce short-term construction related air quality impacts to a less than significant level. (Less Than Significant Impact with Mitigation)**

Operational Mitigation to Reduce Regional Impacts

The following mitigation measures are included in the project to reduce air quality impacts:

- Use of site planning to orient development towards the rail transit station.
- Provision of physical improvements, such as sidewalks, pedestrian links, landscaping, the installation of bus shelters, and bicycle parking, would act as incentives for pedestrian, bicycle and transit modes of travel.
- Provide showers and lockers for employees bicycling or walking to work.
- Implement a vehicle-trip reduction (or TDM) program and provide employees with incentives to carpool and/or utilize transit. The program should include a ride-matching program, guaranteed ride home programs, coordination with regional ridesharing organizations, and transit incentives.

The adoption of the above measures would have the potential to reduce the regional impacts of the project by approximately five to 15 percent. While this would reduce air quality impacts it would not be sufficient to reduce the project's regional air quality impacts to a less than significant level.

Conclusion: Short-term construction air quality impacts would be reduced to a less than significant level with mitigation, however, the project would result in significant unavoidable regional air quality impacts after mitigation. (Significant Unavoidable Impact with Mitigation)

D. NOISE

The following discussion is based upon a noise analysis that was conducted for the project by *Illingworth and Rodkin, Inc., Noise Consultants*. This analysis calculated the project's noise impacts using the assumptions included in the project traffic report prepared by Hexagon. A copy of the noise analysis is presented in Appendix D of this EIR.

1. Existing Setting

Background Information

Several factors affect noise, as it is perceived by the human ear, including the actual level of sound (or noise), the period of exposure to the sound, the frequencies involved, and the fluctuation in the noise levels during the exposure. Noise intensity is customarily measured on a "decibel" scale which serves as an index of loudness. Since the human ear cannot perceive all pitches and frequencies equally well, measured sound levels are adjusted or weighted to correspond to human hearing. This adjustment is known as the "A-weighted" decibel, or dBA. On this scale, noise at zero decibels is barely audible, while noise at 120-140 decibels is painful and may cause hearing damage with all but a brief exposure. These extremes are not encountered in commonplace environments.

Although the A-weighted noise level may adequately indicate the level of environmental noise at any instant in time, community noise levels vary continuously. Most environmental noise includes a mixture of noise from distant sources which create a relatively steady background noise in which no particular source is identifiable. The term L_{eq} is called the "equivalent" noise level. This is the decibel level which represents the time average of the energy content (or intensity) of the environmental noise. The L_{dn} resembles the L_{eq} in that it is basically a kind of average of sound intensity, but it is a 24-hour average that incorporates a 10-decibel penalty for noise occurring during the hours between 10:00 PM and 7:00 AM. This is to account for the fact that ambient noise levels are less at night and, therefore, additional noise emissions are then more intrusive and more likely to result in sleep disturbance. Another descriptor of noise is the CNEL (for Community Noise Equivalent Level). The CNEL is similar to the (L_{dn}), except that it contains an additional 5-decibel penalty for noise occurring between the hours of 7 PM and 10 PM.

Noise Guidelines

The Noise Element of the City of San Jose's 2020 General Plan contains noise guidelines for various land uses within the City, and identifies acceptable noise exposure levels for those uses in terms of the Day-Night Level (L_{dn}) 24-hour descriptor. An exterior level of 60 dBA L_{dn} is considered acceptable for commercial land uses (including office) and below 60 L_{dn} for residential uses. The guidelines state that where exterior L_{dn} is between 60 and 75 dBA L_{dn} , and the project requires an EIR, an acoustical analysis should be made indicating the amount of attenuation

necessary to maintain a 45 L_{dn} interior noise level. Title 24 of the State Building Code also establishes 45 dBA L_{dn} as the interior noise limit in new multi-family housing. The General Plan establishes a limit of 55 dBA L_{dn} at the property line separating residential and non-residential uses.

The City's exterior noise level objectives are 55 dBA as the long-range noise quality level, 60 dBA as the short-range noise level, and 76 dBA as the maximum exterior noise level to avoid significant adverse health effects. These objectives have been established by the City recognizing that attainment of exterior noise levels in the environs of the San Jose International Airport, the Downtown Core Area, and along major roadways may not be achieved in the time frame of the current General Plan.

Noise Environment

The project site is located in an urban area and is, therefore, influenced by several surrounding noise sources. Primary noise sources which affect the baseline noise level of the area include:

- vehicle traffic on Route 87 (Guadalupe Parkway), a north/south expressway on the western boundary of the site proposed for upgrade to freeway status in the near-term (year 2001); and
- aircraft noise from the San Jose International Airport (SJIA).

Noise measurements were taken on the site at three locations. Location 1 was at the west end of Sonora Avenue near SR 87 in the single-family residential neighborhood. SR 87 dominated the noise environment. The existing noise levels at this area is 67 to 70 dBA L_{dn}. Location 2 was on the front lawn of the Bachrodt Elementary School about 50 feet from the centerline of Sonora Avenue. The average noise level was 62 dBA L_{dn}. Location 3 was located on the northwest corner of the intersection of Technology Drive and Skyport Drive on the corner of a hotel property. The average noise level was 60 dBA L_{dn}.

Aircraft Overflights

SJIA is located to the west of the project site. Noise exposure information is developed for SJIA operations by the City of San Jose on a quarterly basis based on a computer model which uses current airport operations data and continuously measured noise levels. Aircraft noise exposure on the project site along the western site boundary is approximately between 60 to 65 CNEL as shown by the noise contours on the Aircraft Noise Exposure Map, Figure 6.

Single-event aircraft noise measurements were conducted on May 15, 1997, to determine the contribution from individual aircraft events, including departure backblast and arrival reverse thrust. The single-event aircraft noise levels range from approximately 76.7 dB to 95.6 dB.

Takeoffs and landings usually occur between the hours of 6:30 AM and 11:30 PM, with as many as 24 flights in an hour. According to recent noise projections by the City of San Jose, noise levels from the Airport are not expected to increase in the future, despite the Airport's proposed expansion, because all of the older, noisier planes in the air carriers' fleets will be replaced with quieter aircraft, as mandated by Federal law⁹.

Vehicular Traffic

Vehicles on Guadalupe Parkway dominate the noise environment according to previous noise measurements that have been taken on the site. Noise levels of 67 to 70 dBA L_{dn} have been measured at the west end of Sonora Avenue near Guadalupe Parkway in the single-family residential neighborhood adjacent to the site. Vehicle traffic on Sonora Avenue, 50 feet from the centerline at the elementary school generated noise levels of about 62 dBA L_{dn}.

2. Noise Impacts

Thresholds of Significance

For the purposes of this project, a noise impact is considered significant if the project will:

- result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; or
- expose persons to or generation of noise levels in excess of standards established in the local General Plan or noise ordinance, or applicable standards of other agencies; or
- for a project located within an airport land use plan would the project expose people residing or working in the project area to excessive noise levels.

Future expected average noise levels for the project are shown in Figure 9. These projected noise levels include noise from the proposed project as well as noise from ongoing operations of the San Jose International Airport and traffic associated with the upgraded SR 87. As shown in Figure 9, average future noise levels with the project are not expected to increase substantially over existing noise levels. This is because traffic and aircraft noise will continue to dominate the noise environment.

Project Traffic

The percentage of traffic related noise contributed by the project would be incremental and will not result in a substantial increase in ambient noise levels. Therefore, the proposed project would not result in a significant increase in traffic generated noise. With the project, noise levels for the residential property to the

⁹ San Jose International Airport Mater Plan Update EIR/EIS, 1998.

Figure

8

noise

contours

Figure 9 Day-night Average Noise Levels for the Proposed Project

south, located near SR 87 will remain similar to existing noise levels. This area is dominated by noise from SR 87. The existing Ldn ranges from 67 to 70 dBA and are expected to remain in this range in the future. The traffic on Sonora from the project will not effect the ambient noise levels experienced in this area.

Noise levels resulting from the project on Skyport and North First Street would not increase significantly. Noise levels at the hotel located north of the project site will remain unchanged as noise would continue to be dominated by SR 87.

- ◆ **The proposed project would not significantly increase traffic noise in the area. (Less Than Significant Impact)**

On-Site Noise Generation

The proposed commercial and office/R&D uses could result in noise from mechanical equipment and other on site sources, which could emanate beyond the project site boundaries. Noise control treatments will be incorporated into the commercial/office uses to reduce noise levels to those mandated by Policy 11 of the City of San Jose Noise Element (55 dBA Ldn).

In addition, the hotel use is of concern if outdoor recreational facilities are proposed along the site's southern boundary, such as tennis and basketball courts. Such use would not increase the average noise levels in the neighborhood to the south because existing noise levels are well above established guidelines for residential areas, however, recreation uses could be disturbing during the evening hours.

- ◆ **While ongoing operation of the proposed project would not increase average noise levels in the area, there is a potential that the proposed development could cause noise disturbance to the adjacent residential area and school as a result of mechanical equipment and other onsite uses. (Significant Impact)**

Onsite Residential

Residential and two hotels are proposed on the project site. The future residential uses would be exposed to noise levels similar to the existing noise levels at the elementary school due to setbacks and shielding provided by proposed buildings. The future noise levels (from both auto and aircraft activity) for the residential portion of the site are estimated to be 60-65 dBA Ldn.

The residential noise exposure levels will require a 15 to 20 dBA reduction to comply with City standards for indoor noise exposure. The noise exposure for the hotels are such that 25-30 dBA of noise reduction would be necessary in order to achieve the Compatibility Guidelines for Community Noise required 45 Ldn interior noise level.

- ◆ **Future residential uses on the site would be exposed to noise levels above City and Title 24 standards if measures are not incorporated to reduce noise exposure levels. (Significant Impact)**

Aircraft Noise

Although the project is located adjacent to the San Jose International Airport, the site is located outside the 65 CNEL contour and outside the Airport Land Use Commission referral boundary. Therefore, it is not expected that ongoing airport operations would significantly impact future uses on the site.

- ◆ **The project site is outside the 65 CNEL noise contour for the San Jose International Airport, therefore, future occupants residing or working on the site are not expected to be exposed to excessive noise levels from the airport. (Less Than Significant Impact)**

Demolition and Construction Impacts

Construction activities related to redevelopment of the site including demolition of the existing facilities, and construction of new buildings and infrastructure would temporarily increase noise levels in the area. Construction equipment including bulldozers would be used to demolish the buildings. Pile driving may also be utilized to construct foundation footings. Noise levels during construction would occur in phases, including demolition, grading and excavation, foundations, construction of the new buildings, and paving and finishing. Typical hourly average construction noise levels are in the range of 75 to 85 dBA at a distance of 100 feet from the construction site during busy construction periods. Such noise levels would substantially exceed the significance threshold at the school and residences during construction adjacent to Sonora Avenue.

The project itself will be built in phases. It is expected that the hotel use and residential use along the southern boundary of the site would be developed in the last phases. Existing tenants occupy the office building adjacent to Sonora Avenue. This use is expected to continue while the first phase of the office/commercial uses are developed on the north portion of the site. The existing office building would provide some shielding to the residential neighborhood during the early stages of construction. However, construction noise would nonetheless result in significant short-term noise impacts especially when the hotel and residential uses are developed.

- ◆ **Construction activities would result in potentially significant short-term noise impacts to the residential and school uses located across Sonora Avenue south of the site. (Significant Impact)**

3. Mitigation Measures for Noise Impacts

The following mitigation measures are proposed as part of the project to reduce potential noise impacts to a less-than-significant level:

Construction Mitigation Measures

- Demolition and construction activities will be limited to daytime hours (7:00 a.m. to 7:00 p.m. weekdays) and (8:00 a.m. to 5:00 p.m. Saturdays)
- All internal combustion engines for construction equipment used on the site will be properly muffled and maintained.
- Unnecessary idling of internal combustion engines will be strictly prohibited.
- All stationary noise generating construction equipment, such as air compressors and portable power generators, will be located as far as practical from existing residences and businesses.
- Neighbors in the project vicinity will be notified of the construction schedule in writing.
- Designate a "disturbance coordinator" for construction sites adjacent to Sonora Avenue. Post his/her phone number conspicuously at the site. The disturbance coordinator would respond to complaints about construction noise and take actions necessary to alleviate problems.
- Consult with the school to determine those times of day and times of year that would have the least impact on the school facility. To the extent possible, concentrate noise generating activities during those periods identified by the school as being least likely to have an adverse affect.
- Consult with the school about the possibility of erecting temporary plywood barriers in front of the school classrooms that have windows directly facing the construction site. Such barriers would be constructed air-tight and be of sufficient height to block the line-of-sight from the windows to the construction site.
- Erect standard plywood construction barriers (minimum height 8 feet) around the construction sites adjacent to Sonora Avenue.
- Route all construction traffic to and from the project site via North First Street to Skyport Drive and Technology Drive. Prohibit heavy construction related truck traffic on Sonora Avenue.

Project Related Mitigation Measures

- Loading docks and noise generating equipment such as HVAC units will not be allowed to face onto Sonora Avenue.
- Building interfaces and entrances will be oriented away from Sonora Avenue.
- Truck traffic will be precluded from accessing the site from Sonora Avenue.
- Design the site to provide maximize protection for outdoor use areas.
- At the time specific residential/hotel uses are proposed, a site specific noise analysis in compliance with Title 24 will be required (at the PD Permit stage) that outlines recommendations to reduce noise impacts. The mitigation measures shall be incorporated into the project to the satisfaction of the Director of Planning, Buildings, and Code Enforcement. It is expected that noise attenuation in building construction for the proposed hotel and residential uses will be required as a result of recommendations of the specific noise analysis which could include higher noise-rated windows, forced ventilation, insulation,

acoustically shielded outdoor use areas, etc., to ensure that interior spaces do not exceed 45 dB Ldn. Typical new buildings with fixed windows provide a minimum of 30 dBA in noise reduction indoors. Therefore, it is likely that standard design measures will reduce interior noise levels to a less than significant level.

- Limit onsite outdoor activity to acoustically protected areas.
- Limit use of recreational facilities adjacent to the residential area to day-light hours only, or locate recreational uses away from the property line (on the north side of the hotel) to reduce noise intrusion.

Conclusion: Implementation of the above listed mitigation measures will ensure that potentially significant noise impacts will be reduced to a less than significant level. (Less Than Significant Impact with Mitigation)

E. GEOLOGY

1. Existing Setting

Geology and Topography

The project site is located in the Santa Clara Valley, an alluvial basin, bounded by the Santa Cruz Mountains to the southwest and west, the Mt. Hamilton Diablo Mountain Range to the east, and the San Francisco Bay to the north. Bedrock in this area is made up of the Franciscan Complex, a diverse group of igneous, sedimentary and metamorphic rocks of Upper Jurassic to Cretaceous age (70 to 140 million years old). These rocks are part of a northwesterly-trending belt of material that lies along the east side of the San Andreas Fault system. Overlaying the bedrock at substantial depths are marine and terrestrial sedimentary rocks of Tertiary and Quaternary age. 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 inland sea that had previously inundated this area. Today the Guadalupe River and Coyote Creek are major drainages that continue to deposit sediments into the southern San Francisco Bay from the Santa Cruz Mountains and Mt. Hamilton-Diablo range respectively. The project site area is primarily flat. There are no significant topographical features that exist on the site.

Seismicity and Seismic Hazards

The project site is located within the seismically active San Francisco Bay region. The Uniform Building Code designates the entire South Bay as Seismic Activity Zone 4, the most seismically active zone in the United States. The faults in the region are capable of generating earthquakes of at least 7.0 in magnitude, therefore, it can be expected that earthquakes could produce very strong ground shaking at the subject site during the life of structures built there. The major earthquake faults in the project area are the Hayward Fault and Calaveras Fault, located approximately 6.5 miles and 8.5 miles respectively to the east, and the San Andreas, approximately 14 miles to the west (refer to Figure 8). A moderate to major earthquake on the Hayward Fault is most likely to generate the strongest ground shaking at the site.

The Association of Bay Area Governments (ABAG) has reported that the Working Group on California Earthquake Probabilities (1990) has estimated that there is a 67% probability that one or more major earthquakes will occur in the San Francisco Bay Area within the next 30 years (see Table 20).

Figure 10 Fault Map

TABLE 20
EARTHQUAKE PROBABILITY OF NEARBY FAULTS

Fault	Probability	Magnitude
Peninsula segment of San Andreas	23%	7 (±)
Southern segment of the Hayward	23%	7
Northern Segment of the Hayward	28%	7

Liquefaction

Liquefaction results in the transformation of loose water-saturated soils from a solid state to a liquid state during groundshaking. Many elements influence the potential for liquefaction including the soil type, soil cohesion, and groundwater level. The potential for liquefaction on the project site is relatively high: approximately 60% of the site area has a high liquefaction potential, while 40% of the site area has a moderately high liquefaction potential. In addition, 10% of the project site is in a high expansive soil zone.¹⁰

Soils

The project site is underlain by four types of alluvial soils. The four specific soil types identified at the site include: Cropley clay loam, covering approximately 35% of the site; Campbell silty clay, covering approximately 30% of the site; Campbell silty clay loam, covering approximately 25% of the site; and Willows clay, slightly alkali, covering about 10% of the project site.

¹⁰ Geomatrix Consultants, Evaluation of Liquefaction Potential in San Jose, May, 1992.

TABLE 21
SOIL TYPES & CONDITIONS

Category	Cropley clay loam (0 to 2% slopes) (CsA)	Campbell silty clay (Cd)	Campbell silty clay loam (Ca)	Willows clay, slightly alkali (Wb)
Percent Coverage of Site	35	30	25	10
Surface Layer	Brown, massive, hard, moderately alkaline	Dark gray, granular, hard, mildly alkaline	Dark gray, granular, hard, mildly alkaline	Dark gray, granular, very hard, slightly calcareous
Effective Depth	60 inches	60 inches	60 inches	60 inches
Drainage	Good	Somewhat poor	Somewhat poor	Poor
Permeability	Slow	Slow	Moderately slow	Slow
Surface Runoff	Very slow	Very slow	Very slow	Ponded
Erosion Hazard	None	None	None	None
Shrink/Swell	High	Moderate	Moderate	High

Source: U.S. Department of Agricultural “Soils of Santa Clara County”, June 1968.

2. Geology and Soils Impacts

Thresholds of Significance

For the purposes of this EIR, a geology and soils impact is considered significant if the project:

- is located on a site with geologic features which pose a substantial hazard to property and/ or human life (i.e., an active fault, active landslide etc.); or
- will expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death due to seismic shaking, ground failure or liquefaction; or
- be located on expansive soils that could create substantial risks to life or property.

Soils

The project site is underlain by expansive soils, which may shrink or swell as a result of seasonal or man-made soil moisture content changes. The potentially expansive soil conditions could damage proposed structures and improvements on the site which would represent a significant impact. Damage to structures and improvements from this soil hazard would be avoided or minimized through proper design, including the use of selected grading and deep building foundations.

Future development is not expected to be exposed to slope instability, erosion or landslide related hazards due to the flat topography of the site.

Liquefaction

The project site is underlain by alluvial soils. According to the U.S. Department of Agriculture Soil Conservation Service, the project site consists of weak soil layers and lenses occurring at random locations and depths. The site contains expansive soils and a potential for liquefaction, however, there are no notable geologic constraints on the site or in the immediate area which would preclude development.

Seismic Shaking

As indicated above, the project site is located in a seismically active region, and as such, strong ground shaking would be expected during the life-time of any construction projects. Groundshaking on the site could damage buildings and other proposed structures and threaten residents and occupants of the proposed development. All portions of the project would be designed and constructed in accordance with the Uniform Building Code guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking on the site.

- ◆ **The proposed project would result in increased development on the site which could be exposed to seismic hazards, including the expansive soils, potential for ground shaking, liquefaction and vertical movement. (Significant Impact)**

3. Mitigation for Geology and Soils Impacts

The following mitigation measures are proposed as part of the project to reduce potential geology and soils impacts to a less-than-significant level:

- A site specific geotechnical analysis will be required which outlines recommended measures to reduce geotechnical hazards.
- Seismic hazards to the proposed project would be mitigated by implementation of construction practices in accordance with Seismic Zone 4 building criteria as described in the Uniform Building Code.

***Conclusion:* Implementation of the identified mitigation measures will avoid or mitigate potential soils, geological, and seismic hazards to a less than significant level. (Less Than Significant Impact with Mitigation)**

F. HYDROLOGY AND FLOODING

1. Existing Setting

Hydrology, Flooding, and Water Quality

There are no waterways present on the project site. However, the Guadalupe River is located approximately 1/8 mile from the project site on the west side of the Guadalupe Expressway (Route 87). Runoff from the site flows over land and through City storm drain systems, eventually draining into the nearby Guadalupe River. The Guadalupe River originates as Guadalupe Creek, at Guadalupe Reservoir in southern San Jose and flows approximately 17 miles, in a northerly direction, draining into Alviso Slough, and the San Francisco Bay.

According to the Federal Emergency Management Agency's Flood Insurance Rate Maps, 75% of the area is within Zone D: "Areas of undetermined, but possible, flood hazards." The other 25% is located within Zone AO "Areas of 100-year shallow flooding where depths are between one and three feet; average depths of inundation are shown, but no flood hazard factors are determined." A portion of the site along North First Street is located in Zone A, an area subject to possible flood hazards in the event of a 100-year flood.

Storm Drainage Facilities

The City of San Jose maintains the storm drainage facilities in the project vicinity. Storm drain lines exist along North First Street, and Skyport Drive. The storm lines were sized to accommodate runoff from buildout of the property.

Under existing conditions, most of the site is developed with buildings and paved surfaces. A small portion of the site is vacant and unpaved. Little or no apparent erosion occurs under existing conditions because the site is relatively flat.

Water Quality

The water quality of the Guadalupe River is directly affected by pollutants contained in stormwater runoff from a variety of urban and non-urban uses. Stormwater from urban uses contains metals, pesticides, herbicides, and other contaminants, including oil, grease, asbestos, lead, animal wastes, etc. Runoff from the site may currently contain oil and grease from parked vehicles, fertilizer and pesticides from landscaping, and heavy metals.

2. Hydrologic Impacts

Thresholds of Significance

For the purposes of this project, a hydrology and flooding impact is considered significant if the project will:

- violate any water quality standards or waste discharge requirements; or
- 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; or
- 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; or
- place within a 100-year flood hazard area structures which would impede or redirect flood flows.

Hydrology and Flooding

Future redevelopment on the property would not result in a significant increase in storm water runoff from the site because most of the site is already developed. It is expected that development under the proposed project would result in an incremental increase in the amount of impervious surfaces as compared to the existing condition. According to the City of San Jose existing stormwater lines in adjacent public streets were designed to handle flows from buildout of this site.

In conformance with the City's Flood Hazards ordinance and to comply with Federal Flood Insurance regulations, the first floor and highest adjacent grade of any building will be constructed above the one percent water surface elevation. The site will also be designed so that structures do not impede or substantially redirect flood flows. Therefore, the proposed project will not expose future occupants or residents to substantial risk from flooding.

- ◆ **Redevelopment of the site under the proposed project would not significantly increase stormwater runoff beyond the capacity of the existing stormwater infrastructure or expose occupants of the site to significant flooding impacts. (Less Than Significant Impact)**

Water Quality

Implementation of the project is expected to result in the demolition of the existing buildings, and construction of parking garages, buildings and infrastructure. Such redevelopment could result in non-point source pollution from grading, oil and grease from parked cars, and asphalt. Ongoing operations associated with the project would also result in non-point source pollution. Increased landscaping areas could result in an incremental increase in surface water contamination if additional pesticides, herbicides or chemical fertilizers are introduced.

- ◆ **Construction activities such as demolition and grading activities and long-term operational activities of the project could cause temporary water quality impacts. (Short-term Significant Impact)**

3. Mitigation Measures for Hydrology and Water Quality Impacts

The following measures are included in the project to reduce hydrology, water quality, and flooding impacts:

The proposed project will be required to conform to the current non-point source programs and would include the following mitigation:

- a) The project will obtain and conform to the requirements of the General NPDES Construction Activity Stormwater Permit administered by the Regional Water Quality Control Board. Best management practices would be included in the project to limit urban runoff contaminants from entering storm drains.

Prior to construction grading the applicant would file a Notice of Intent (NOI) to comply with the General Permit and prepare a Storm Water Pollution Prevention Plan (SWPPP) which addresses measures that will be included in the project to minimize and control construction and post-construction runoff. The SWPPP will be reviewed and approved by the City of San Jose Department of Environmental Services. The following measures would be included in the SWPPP:

- ▶ Preclude non-storm water discharges to the storm water system.
 - ▶ Perform monitoring of discharges to the storm water system.
 - ▶ Construction practices will include use of stabilized construction entrances and/or wash racks, street sweeping, use of erosion control devices including straw bales and/or silt fences, and storm drain inlet protection to minimize contamination of storm water runoff. The project will comply with the City of San Jose Grading Ordinance, including erosion- and dust-control during site preparation and with the City of San Jose zoning ordinance requirement for keeping adjacent streets free of dirt and mud during construction.
- b) The project grading plans will conform to the drainage and erosion control standards adopted by the City of San Jose and would be approved by the City Public Works Department. The following specific measures, or their equivalent, will be implemented to prevent storm water pollution and minimize potential sedimentation during construction:
 - restricting grading to the dry season (April - October) or using Best Management Practices for wet season erosion control;

- damp sweeping;
 - using silt fencing to retain sediment on the project site;
 - providing temporary cover of disturbed surfaces to help control erosion during construction;
 - providing permanent cover to stabilize the disturbed surfaces after construction has been completed;
- c) As part of the mitigation for post-construction runoff impacts addressed in the SWPPP, the project will implement regular maintenance activities (*i.e.*, damp sweeping, cleaning storm water inlets, litter control) at the site to prevent soil, grease, and litter from accumulating on the project site and contaminating surface runoff. Storm water catch basins will be stenciled to discourage illegal dumping.
- d) The site will also be required to comply with the City's post-construction storm water runoff requirements. Measures such as storm drain inlet filters (oil/water filter, fossil filter, etc.) will be used to limit contamination of urban runoff.
- e) Street sweeping by the applicant will remove post construction soil buildup on local public streets, reducing the potential for increased amounts of dust and sediments to enter the storm drain system.
- f) The project's drainage system shall include storm water prevention measures such as swales or filter inlets.
- The project will be designed in accordance with the City's Flood Hazards Ordinance.
 - The first floor and highest adjacent grade of any building will be constructed above the one percent water surface elevation.
 - Onsite wells, if no longer needed will be closed according to the Santa Clara Valley Water District and Regional Water Quality Board standards.

Conclusion: Implementation of the above identified mitigation measures will ensure that flooding and water quality impacts from the future redevelopment of the site are avoided or reduced to a level of nonsignificance. (Less Than Significant Impact with Mitigation)

G. VEGETATION AND WILDLIFE

1. Existing Setting

Biotic Resources on the Project Site

The majority of the project area is urban in nature and includes ornamental landscaping, trees, shrubs and groundcover. The vegetation provides marginal habitat for animal species adapted to human encroachment such as blue jays, robins, and ground squirrels.

Developed Habitat

Developed habitat on the site occupies approximately 40 acres. Buildings and pavement cover a majority of the developed habitat on the site. Landscaping is present adjacent to buildings and parking lots on the site. Planted tree species include, coastal redwoods, raywood ash, Chinese elm, liquid amber and flowering plum.

The developed, landscaped habitat within the project site supports wildlife species typically associated with disturbed or urban areas. Wildlife observed or expected to occur on this portion of the site include mourning dove (*Zenaida macroura*), Brewer's blackbird (*Euphagus cyanocephalus*), American crow (*Corvus brachyrhynchos*), European starling (*Sturnus vulgaris*), house sparrow (*Passer domesticus*), American robin (*Turdus migratorius*), Western fence lizard (*Sceloporus occidentalis*), Botta's pocket gopher (*Thomomys bottae*) and house mouse (*Mus musculus*). The taller trees on site could provide nesting habitat for raptors.

Special Status Plants and Animals

Special status plant and animal species include Federal and State of California listed threatened and endangered species, Federal and State proposed or candidate threatened or endangered species, State of California fully protected species, and species that may be considered endangered or rare under Section 15380(d) of the California Environmental Quality Act (CEQA).

Special-status plant and animal species, their status and potential occurrence within the project site are listed in Table 22. Information regarding special status species in the project area was obtained from several sources including records in the California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California (Skinner and Pavlik, 1994).

Special Status Plant Species

Special-status plant species reported in the San Jose area are found in natural communities associated with serpentine grasslands and valley foothill grasslands. These natural communities are not found on the project site. No special status plants or potential suitable habitat for these species were observed on the developed project site.

Special Status Animal Species

Several special-status animals have been identified as historically or currently occurring in the vicinity of the project. The majority of special-status animal species occurring in the South Bay area breed and forage in habitat types that are not present within or adjacent to the project site. Habitats absent from the site include various raptors, fresh water marsh, fresh water ponds with emergent vegetation, salt marsh, and serpentine soils. The project site does not provide suitable habitat for vernal pool tadpole shrimp, California red-legged frog, California tiger salamander, or the California clapper rail.

Burrowing Owls

The Burrowing Owl is a California Species of Special Concern. Nesting owls are protected under the Migratory Bird Treaty Act and the State of California Fish and Game Code. The Burrowing Owl is a small, terrestrial owl that occurs in annual and perennial grasslands, deserts, and scrublands with low-growing vegetation. Burrows, which provide protection, shelter, and nests for Burrowing Owls, represent an essential component of this species' habitat. Burrowing Owls typically use burrows made by burrowing mammals, such as ground squirrels or badgers, but they will also use man-made structures such as culverts, or openings beneath cement, asphalt paving, or debris piles. Burrowing Owls use such sites for breeding, wintering, foraging, and migration stopovers.

The vast majority of the project site has been previously developed. Approximately three acres remain vacant. According to previous surveys conducted on the site by *H.T. Harvey & Associates, Consulting Biologists*, no Burrowing Owls, nor evidence of occupation have been observed on the site. However, California ground squirrels and their burrows were found, which provide potential Burrowing Owl habitat.

Ordinance Sized Trees

The City of San Jose Tree Removal Controls¹¹ protect all trees having a trunk measuring 56 inches or more in circumference (18 inches in diameter) at the height of 24 inches above the natural grade of slope. A tree survey was conducted to

¹¹ San Jose Civil Code Section 13.32.020.

Figure 11 tree location map

determine the number, species, size and location of trees on the site (see Figure 11). A copy of the tree survey is located in Appendix E. Approximately 430 mature ornamental trees are scattered throughout the site as shown in Table 22, including coastal redwoods, Monterey pine, raywood ash, Chines elm, Japanese zelkova, liquid amber, and flowering plum. Depending on their location on the site, and recent care, the trees range from excellent to poor in condition.

**TABLE 22
TREE SPECIES**

Scientific Name	Common Name	1-12"	13-17"	18" +	Total
<i>Betula pendula</i>	European white birch	38	1	0	39
<i>Ceratonia siliqua</i>	Carob	0	0	4	4
<i>Cinnamomum camphora</i>	Camphor tree	1	0	1	2
<i>Eucalyptus sideroxylon</i>	red ironbark	5	3	15	23
<i>Eucalyptus sp.</i>	Eucalyptus	0	0	5	5
<i>Fraxinus sp</i>	Ash	3	4	0	7
<i>Fraxinus valutina</i>	Arizona ash	2	0	2	4
<i>Geijera parviflora</i>	Australian willow	9	0	0	9
<i>Liquidambar styraciflua</i>	liquid ambar	46	2	0	48
<i>Malus sylvestris</i>	apple tree	1	0	0	1
<i>Pinus radiata</i>	Monterey pine	15	9	36	60
<i>Populus fremonti</i>	Fremont cottonwood	1	0	0	1
<i>Populus nigra var. italica</i>	Lombardi poplar	0	0	3	3
<i>Prunus cerasifera</i>	purple-leaf plum	39	0	0	39
<i>Prunus sp</i>	Flowering cherry	13	0	0	13
<i>Pyrus calleryana</i>	Flowering pear	19	0	0	19
<i>Quercus ilex</i>	holly oak	1	0	0	1
<i>Robinia sp.</i>	Locust	5	0	0	5
<i>Schinus molle</i>	California pepper tree	1	0	0	1
<i>Sequoia semperivrens</i>	coast redwood	19	18	52	89
<i>Ulmus parvifolia</i>	Chines elm	12	11	7	30
<i>Washingtonia filifera</i>	California fan palm	0	0	2	2
<i>Wahingtonia robusta</i>	Mexican fan palm	0	0	3	3
<i>Zelkova serrata</i>	Japanese zelkova	19	2	1	22
Total		249	50	131	430

Note: Trees were measured 24 inches above grade.

There are approximately 131 ordinance size trees located on the project site.

2. Impacts

Thresholds of Significance

For the purposes of this project, impacts to vegetation and wildlife are considered significant if the project would:

- directly affect or indirectly affect (i.e., through habitat loss) a candidate or listed threatened or endangered species; or
- substantially reduce the habitat of a fish, wildlife, or plant species or cause a species to drop below self-sustaining levels; or
- conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Impacts to Developed Habitat

Buildout of the proposed project would alter the existing vegetation and wildlife habitat of the project site. Existing development and landscaping would be replaced with new buildings, paved areas, and new landscaping. Species currently adapted to urban habitats, such as the Mourning Dove, Starling, and American Robin, would likely continue to use the project site. Impacts to the urban habitat on the site is not considered a significant impact since this habitat is not considered sensitive.

- ◆ **Redevelopment of the project site would not result in a significant impact to the existing onsite urban habitat. (Less Than Significant Impact)**

Impacts to Special Status Plant and Animal Species

Disturbance of Raptor Nests

Raptors (e.g., eagles, hawks, and owls) and their nests are protected under both Federal and State laws and regulations. The Federal Migratory Bird Treaty Act (16 U.S.C. § 703, Supp. I, 1989) prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs. Birds of prey are protected in California under California Fish and Game Code section 3503.5. Section 3503.5 states that it is "unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto." Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered a "taking" by the CDFG. Any loss of fertile raptor eggs or nesting raptors, or any activities resulting in raptor nest abandonment, would constitute a significant impact. Construction activities such as tree removal, site grading, etc., that disturb a nesting raptor on-site

or immediately adjacent to the site (to the construction zone only) constitute a significant impact.

- ◆ **If construction activities occur during the nesting season (roughly February through September) which would require the removal of mature trees, there is a potential that raptor nests could be destroyed. (Significant Impact)**

Loss of Burrowing Owl Habitat

The site contains three acres of ruderal/disturbed grassland habitat. This habitat is surrounded by urban development, and is highly disturbed. No Burrowing Owls are known to occupy the site. However, should owls occupy the site, the project could result in the loss of three acres of potential habitat.

There is no widely accepted, scientific estimate as to what constitutes a minimum amount of habitat that will support one or more Burrowing Owls. When Owls must be relocated, the State Department of Fish and Game typically stipulates that a relocation site provide a minimum of six and one-half acres of habitat per bird or pair of birds. Burrowing Owls have been found living in locations with less natural habitat available, but there are no studies on whether such sub-optimal environments are conducive to successful breeding.

While the proposed project would most likely preclude the possibility of Burrowing Owls breeding on the property in the future, the loss of three acres of potential habitat would not create a significant impact on the species as a whole, does not represent a significant loss of habitat available to the species, and will not effect the success of the species' survival in the region.

- ◆ **Redevelopment of the project site would not result in a significant loss of habitat. (Less Than Significant Impact)**

Impacts to Individual Birds

If Burrowing Owls are located on the property prior to proposed grading of the three acre site, the construction activities could result in harm to the birds. If Burrowing Owls are breeding, grading could result in the destruction of the nest and its occupants.

The project includes the implementation of preconstruction surveys for Owls that conform to the California Department of Fish and Game (CDFG) protocols (see discussion of Mitigation Measures at the end of this section). If Owls are found to be present on the property at the time of construction is scheduled to begin, the property owner will enter into a Memorandum of Understanding (MOU) with the CDFG to relocate the remaining birds.

- ◆ **Should Burrowing Owls be present on the site prior to the start of grading, individual birds and/or their eggs could be destroyed. (Significant Impact)**

Impacts to Mature Trees

Ordinance size trees are defined by the City of San Jose as all non-orchard trees having a trunk measuring 56 inches or more in circumference (18 inches in diameter) at the height of 24 inches above the natural grade of slope. Based upon an updated tree survey in October 1999, approximately 131 ordinance size trees potentially could be removed during site development. Many of the ordinance size trees are planted along landscape berms. It is possible that some of these trees could be retained as part of landscaping for any proposed new development.

The health of mature trees can be impacted by construction activities such as grading and trenching. Changes in grade and drainage and direct impacts to tree roots could impact trees to be retained.

- ◆ **Removal of up to 131 ordinance size trees would constitute a significant impact. (Significant Impact)**

Impacts to Riparian Habitat

The Guadalupe River is located west of the site and is currently separated from the site by the Guadalupe Expressway (Route 87). Route 87 is currently under construction to be upgraded to a full freeway. Given the distance from the river (over 300 feet), and the major infrastructure that will separate the site, including the new entrance to the San Jose International Airport and interchange at the intersection of Skyport Drive and Route 87, redevelopment of the site will not impact the Guadalupe River. In addition, the freeway will include lighting, therefore, proposed future lighting of the project site will not cause a substantial new source of lighting to the river corridor.

- ◆ **The proposed project will not impact the Guadalupe River corridor. (Less Than Significant Impact)**

3. Mitigation for Vegetation and Wildlife Impacts

The following measures are included in the project to reduce or minimize impacts to biological resources:

Mature Trees

- Loss of ordinance size trees would be mitigated by implementation of landscaping plans approved by the City of San Jose, in conformance with the City of San Jose landscaping guidelines and City of San Jose Planning Department specifications. Tree replacement ratios typically required by the City of San Jose include:

**TABLE 23
TREE REPLACEMENT RATIOS**

Diameter (inches)	Replacement Ratio	Replacement Tree Size
2-11"	1:1	15 gallon
12-17"	2:1	15 gallon-24 inch box
18"+	4:1	15 gallon-24 inch-box

Mitigation for Raptors

- If any tree removal or grading occurs during the nesting season (February through August) these activities would be preceded by pre-construction surveys for nesting raptors by a qualified ornithologist no more than 30 days prior to construction. If nesting raptors are found, no disturbance to the tree would be allowed until after the young are fledged and fully independent. The ornithologist would determine the appropriate construction-free zone. The California Department of Fish and Game would be notified of any active nests in the construction area.

◆ **Implementation of the above listed mitigation would reduce impacts to trees and raptors to a less than significant level. (Less Than Significant Impact with Mitigation)**

Burrowing Owls

- Preconstruction surveys would be completed by a qualified ornithologist no more than 30 days prior to the start of construction and/or grading to verify the presence/absence of owls.
- Relocation of Owls: If owls are present, given the size and configuration of the site and project objectives, it is unlikely that the project could avoid the Burrowing Owls should they be present on the site. Therefore, avoidance measures may not be feasible.
- Should any owls be present, relocation of Burrowing Owls must be completed in conformance with a site-specific memorandum of understanding approved by the California Department of Fish and Game. Monitoring of Burrowing Owl relocation efforts consistent with techniques described in the California Department of Fish and Game's Staff Report on Burrowing Owl Mitigation would be required. Once resident owls are relocated, preconstruction surveys should be completed by a qualified ornithologist no more than 30 days prior to site grading to determine whether Burrowing Owls have reoccupied the site. No construction activities would proceed that would disturb breeding owls. If Burrowing Owls are present, they will be relocated outside of the breeding season, as described previously. If breeding owls are located on or immediately adjacent to the site, a construction-free buffer zone around the active burrow

would be established as determined by the ornithologist in consultation with the CDFG.

***Conclusion:* Implementation of the above listed mitigation measures would vegetation and wildlife impacts to a less than significant level. (Less Than Significant Impact with Mitigation)**

H. HAZARDOUS MATERIALS

The following is based on Phase I Site Assessments prepared for the site by *Golder Associates* and *Lowney Associates, Hazardous Materials Consultants*. A copy of the Site Assessments, closure letters, and summary report is found in Appendix F, Volume II of this EIR.

1. Existing Setting

Hazardous materials are commonly used by large institutions, commercial and industrial businesses. Hazardous materials include a broad range of common substances such as motor oil and fuel, pesticides, cleaners, paint, and solvents. Due to its chemical and physical properties, a substance may be considered hazardous if it poses a substantial hazard to human health or the environment. Substances can present a potential hazard when they are improperly treated, stored, transported, disposed of, or released into the atmosphere in the event of an accident.

Past use of the site by commercial and industrial businesses included the use of hazardous materials. Specific activities, such as vehicle maintenance and repair, use and generate hazardous wastes. General maintenance operations, such as painting and metal working, involve hazardous materials. Several underground storage tanks were located at various locations on the property, near North First Street. A gas station was previously located at the corner of North First Street and Skypoint Drive.

**TABLE 24
LAND USES AND COMMONLY ASSOCIATED
HAZARDOUS MATERIALS**

Land Use	Potential Hazardous Material
Auto Repair	Fuels, oils, solvents, heavy metals, fuel oils
Painting	Paints, solvents, heavy metals
Light ballasts/Transformers	Oils, polychlorinated biphenyl's (PCBs)
Circuit Board Manufacturing	Acids, solvents, halogenated organics, heavy metals, cyanides.
Gas Stations/storage	Fuels, oils, solvents

The following provides an overview of hazardous materials use and status of various parcels on the site. The parcels have been divided by address as shown in Figure 11.

1601 Technology Drive

Prior to 1980 this parcel was undeveloped and was formerly an orchard. The building was constructed for the current tenant Schlumberger. Schlumberger has used the facility for research and development of automatic test equipment for printed circuit boards. The facility also performs repair on test equipment.

Figure 12 Hazardous Materials Monitoring Wells

Schlumberger uses small quantities of solvents, oils and gases for research and development and repair. An aboveground double contained Freon solvent tank is in use at the facility.

A former acid neutralization and cooling system sump was removed from the outdoor area on the north side of the building. Soil samples collected following removal contained no detected concentrations of volatile organic compounds and metals were within ranges acceptable to the SCVWD. No further action was recommended.

Two shallow groundwater monitoring wells are present in the northwest and northeast corners of this parcel.

1717 North First Street

Prior to 1961 the site was used for agriculture. In 1961 the site was developed with the 100 Skyport Drive parcel as a retail store. The 1717 North First Street building was used as an automotive fueling and tire center. Five underground storage tanks (USTs) were located on the site, and subsequently removed. Several investigations were performed to evaluate potential impacts to soil and ground water. According to the Santa Clara Valley Water District, adequate natural degradation and bioremediation was occurring on the site, therefore, no additional remediation was required. No petroleum hydrocarbons were detected in groundwater samples collected from the well located north of the 1717 north First Street property.

An UST and two hydraulic lifts are currently located at 1717 North First Street. Removal of these features in conformance with local and State laws, will occur prior to redevelopment of the property.

100 Skyport Drive

Prior to 1961 the site was used for primarily for orchards. In 1961 the site was developed as a retail store in conjunction with the 1717 North First Street parcel. From 1974 to 1996 the building was leased to the Santa Clara county Office of Education. KTEH public television leased the northern portion of the buildings. Three USTs used for the storage of gasoline and diesel fuel were removed. Three groundwater monitoring wells were installed to monitor groundwater within ten feet of each of the former USTs.

The SCVWD has issued a case closure letter for the site.

Although the site has a history of storage of small quantities of hazardous materials, there has been no indication of a significant release of hazardous materials.

1717/1725 Technology Drive

Prior to development in 1974, the parcel was in agricultural use as an orchard. The property was developed for use as a semiconductor manufacturing facility for Fairchild Camera (now Schlumberger). In 1991, the facility was renovated for the

Santa Clara County Department of Social Services (1725 Technology) and the American Musical Theater (1717 Technology).

Three shallow groundwater monitoring wells (two at 1601 Technology Drive) were installed in 1991 to assess whether groundwater was affected by use of hazardous materials at the property. No volatile organics were detected.

Ten Acre Sonora Avenue Parcel

The ten acre parcel proposed for residential development was examined by Lowney Associates in October, 1999 to determine if residual pesticides are present. Ten soil samples were taken randomly from the surface to a depth of three to four feet. The soil samples were analyzed for chlorinated pesticides, arsenic, lead and mercury.

The soil sampling indicates that pesticides are present on the site, including DDT and chlordane. Two of the ten samples revealed chlordane at levels of 0.005 to 0.174 ppm. These levels are below EPA's Preliminary Remedial Goal (PRG) for residential uses of 1.3 ppm. Four of the ten soil samples contained total DDT above either the residential PRG (1.3 ppm) or California's hazardous waste level or TTLC of 1.0 ppm for total DDT. According to Lowney Associates the concentrations detected in the soil appear to be due to normal application of past pesticide use and not due to leaks or spills.

Arsenic

Arsenic concentrations ranging up to 55 ppm were detected across the site. Typical background concentrations tend to range up to ten ppm. The average arsenic levels on the site of 19 ppm exceeds the 0.38 ppm cancer PRG for residential sites, but is beneath California's hazardous waste criteria (TTLC) of 500 ppm. Based on the sporadic distribution of arsenic across the site, it appears that the arsenic detected is due to previous agricultural activities.

Asbestos/Lead-based Paint

The majority of the site was developed during an era (prior to the 1970's) when the use of asbestos in building material and lead-based paint was common. Some of the buildings contain lead-based paint and asbestos. Both asbestos and lead cause human health problems. The presence of lead in surface paint, and asbestos commonly found in floor tiles, building material, and insulation, is a potential human health hazard especially during demolition and/or construction activities when workers could be exposed to lead and asbestos particulates.

Concentrations of total lead above typical background concentrations (greater than 30 ppm) were detected in five of the ten samples on the ten acre residential parcel. Naturally occurring lead concentrations for northern Santa Clara County soils are generally in the range of ten ppm to 30 ppm. The lead levels detected in the soil are below the 400 ppm PRG for residential sites and California's hazardous waste level (TTLC) of 1,000 ppm.

In addition, other hazardous materials have been identified on the site; light ballasts contain polychlorinated biphenyls (PCBs), light tubes contain mercury, and chlorofluorocarbons (CFCs) are present in heating, ventilation and air conditioning units. All three substances are hazardous to humans and/or the environment.

Restrictions on the Use of Hazardous Materials

State regulations, locally administered by Santa Clara County and the Bay Area Air Quality Management District, limit siting or require special plans for facilities which store, handle and emit certain hazardous materials in quantities which exceed thresholds set in Section 25536 of the State of California Health and Safety Code. The Public Resources Code (Section 21151.4) requires written notification and consultation with a school district before approval of an EIR or Negative Declaration for construction or alteration of a facility involving reasonable anticipation of air emissions or handling of acutely hazardous materials within one-quarter mile of a school. Industrial users may also be required to notify local school districts prior to obtaining a Hazardous Air Emission Permit under the Health and Safety Code (Section 42301.7). This code requires an applicant for a hazardous air emission permit to distribute a public notice of the permit application to parents or guardians of children enrolled in any school (K-12) within one-quarter mile, and to each address within a radius of 1,000 feet.

2. Hazardous Materials Impacts

Threshold of Significance

For the purposes of this project hazardous materials impacts are considered significant if the project will:

- create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or
- be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.

Potential Sources of Onsite Impacts

Materials of concern that could be present on the project site include petroleum hydrocarbons, solvents, lead based paint, asbestos, polychlorinated biphenyls (PCBs), metals and residual concentrations of pesticides and/or herbicides. Past use of the site has resulted in some localized soil contamination from fuel storage tanks. The presence of hazardous materials could result in potential for exposure to construction workers during redevelopment and could affect future occupants of the site.

Concentrations of DDT for four of ten samples are above either EPA's Preliminary Remedial Goal (PRG) or California's hazardous waste level or TTLC for residential uses. Concentrations of the four samples ranged from 1.053 to 3.115 ppm. The

TTLIC standard is 1.0 ppm and the Residential PRG is 1.7. However, based on the results of the Phase I Site Assessments, no hazardous materials are present in concentrations that would pose a significant risk to future occupants of the office/R&D, park, residential, or commercial portions of the site. A below ground parking garage is proposed beneath the residential uses which is expected to result in the removal of soil with residual pesticides. In addition, the remainder of the site will be capped with fill and/or structures that would further ensure that the risk of hazardous materials exposure is minimized.

Hazardous Materials Use, Transport, and Disposal During Construction

Site construction activities may involve the use and transport of hazardous materials. These materials could include building demolition debris containing lead and asbestos, chlorofluorocarbons, mercury, PCBs, fuel, oils, and other chemicals used during development proposed for the property. Removal/relocation and transportation of hazardous materials at the site could result in an accidental release potentially posing health risks to workers, the public, and the environment.

State regulations require that air monitoring be performed during and following renovation or demolition activities at sites containing lead-based paint or asbestos. Appropriate modifications to renovation/demolition activities would be required if airborne lead levels exceed the current Federal OSHA action levels.

- ◆ **Future redevelopment of the site could expose construction workers and/or the public including future residential uses to hazardous materials during and/or following redevelopment. (Significant Impact)**

Impacts Due to Potential Use and Storage of Hazardous Materials by the Proposed Project

Hazardous materials use is currently allowed on the site. Redevelopment of the site would result in the discontinuation of hazardous materials use. No hazardous materials are proposed to be utilized by the office/R&D uses on the site other than cleaning and janitorial supplies and fuel for emergency generators. It is expected, given the mixed-use nature of the proposed project and the fact that it is adjacent to an existing school that hazardous materials use would be restricted.

- ◆ **The proposed project would result in a decrease in the likelihood of incidents associated with the use and storage of hazardous materials. The development project does not propose to store or use hazardous materials other than cleaning and janitorial supplies and fuel for emergency generators. This would not create a substantial hazard for nearby existing residential or school uses. (Less Than Significant Impact)**

3. Mitigation Measures for Hazardous Materials Impacts

The following mitigation measures included in the project would reduce hazardous materials impacts:

- All demolition activities would be undertaken according to OSHA, and EPA standards to protect workers, and offsite occupants from exposure to asbestos and lead based paint.
- A human health risk assessment shall be performed at the time specific residential uses are proposed to ensure that hazardous materials impacts are reduced to an acceptable level. A work plan would be submitted to the overseeing regulatory agency. A site health and safety plan would be prepared that documents the appropriate protocol for construction personnel working in soil containing residual pesticides.
- If loose or peeling lead-based paint is identified at the building(s) it will be removed by a qualified lead abatement contractor and disposed of in accordance with hazardous waste regulations.
- If friable asbestos-containing materials are present, the materials will be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the BAAQMD.
- Building materials classified as hazardous materials would be disposed of in conformance with Federal, State and local laws.
- Hazardous materials are currently used at 1601 and 1717 Technology Drive. Prior to the current tenants vacating these properties, appropriate facility closures shall be performed under the oversight of the San Jose Fire Department.
- Cleanup and remediation of the site would be required to meet all Federal, State and local regulations. All storage tanks will be properly closed and removed according to City of San Jose Fire Department standards prior to development.
- The existing ground water monitoring wells onsite will be abandoned properly according to Regional Water Quality Control Board (RWQCB) and the Santa Clara Valley Water District regulations, if no longer needed.

Conclusion: Incorporation of all appropriate mitigation measures reflected in State, and Federal laws and City Ordinances, and inclusion of additional mitigation as identified here, will reduce all potential adverse impacts associated with hazardous materials to a non-significant level. (Less Than Significant Impact with Mitigation)

I. CULTURAL RESOURCES

The project is located in a known archaeologically sensitive area. A recorded prehistoric site is located within the project area boundary. Therefore, an archaeology study was performed previously for the site by *Miley Holman and Associates, Consulting Archaeologists* which included an archival search and reconnaissance level surface survey. The purpose of the surface reconnaissance survey was to relocate the previously recorded site, and to look for surface indicators of other prehistoric or historic archaeological resources.

1. Existing Setting

Prehistoric Period

Native Americans occupied areas adjacent to the Guadalupe River in the Santa Clara Valley for hundreds of years. The project area is located in proximity to the Guadalupe River, therefore, it is likely that the site provided a favorable environment for aboriginal populations. Occupation in the area dates from the Early Horizon (3000-500 B.C.) to Late Horizon (A.D. 1800) with many of the sites having multiple occupations through time. Numerous prehistoric recorded sites within several miles of the project site are associated with small and large villages, some of which have yielded Native American burials. Little is known about these early villages because the aboriginal population quickly declined by 1810 due to introduced diseases, a declining birthrate, and the impact of the mission system as European settlers moved into the region.

Although much of the project area is developed, a possibility exists that subsurface remains could be present.

Historic Period

The potential exists for the discovery of subsurface historic resources. Located within the project area were two rural homesteads/ranch structures that were constructed in the mid- to late 1800's. They were verified in the 1899 USGS survey map of the area and were located at the intersection of two dirt access roads. One access road followed the approximate alignment of Technology Drive, and the other access road was off the Alviso-San Jose Road (present day North First Street). It is thought that the ranch structures were in ruin and were subsequently removed from the site in the mid-1970s prior to the development of the existing complex of buildings within the project boundaries. The surface reconnaissance located a sparse scatter of white china fragments that may have been from the ranch complex.

2. Cultural Resources Impacts

Thresholds of Significance

For the purposes of this project, a cultural resources impact is considered significant if the project will:

- cause a substantial adverse change in the significance of an archaeological resource; or
- disturb any human remains, including those interred outside of formal cemeteries.

Cultural Resource Impacts

Although the site has been highly disturbed by urban development, future redevelopment of the site has the potential to impact previously undiscovered prehistoric and/or historic archaeological resources. To accommodate new development subsurface excavation will be required for grading, building pad construction, utilities and roads. Such disturbance could uncover previously unidentified artifacts, prehistoric human burials, and historic debris from the previous ranch/homestead structures.

- ◆ **The potential exists that subsurface prehistoric and/or historic cultural resources could be disturbed by redevelopment allowed by the project. (Significant Impact)**

3. Mitigation for Cultural Resources Impacts

The following mitigation measures are proposed as part of the project to reduce potential cultural resource impacts:

- a) An archaeological monitoring program conducted by a qualified archaeologist would be established to monitor all subsurface work.
- b) In the event of an inadvertent discovery of human remains and cultural items during project construction the Construction Manager shall take immediate steps if necessary to secure and protect any remains and cultural materials. This shall include but is not limited to such measures as: temporary avoidance until the remains and items can be removed; posting of security; placement of a security fence around the area of concern; or some combination of these measures. Any such measures will depend upon the nature and the particular circumstances of the discovery.
- c) The County Medical Examiner (Coroner) shall be notified by the Project Archaeologist and informed of the find and of any efforts made to identify the remains as Native American. If the remains are determined to be from a prehistoric Native American, the Medical Examine is responsible for contacting the NAHC within 24 hours of notification. The NAHC then designates and notifies a Most Likely Descendant (MLD). The MLD has 24 hours to consult and provide recommendations for the treatment or

disposition with proper dignity of the human remains and grave goods. Other Native Americans may be consulted during the process and the Project may have to provide notices on the circumstances of discovery and information on the remains.

- d) Preservation *in situ* of the human remains and any associated cultural items is usually the preferred method. If the remains and cultural items will not be subject to further disturbance, the MLD will usually recommend no further action. The remains and artifacts should be documented archaeologically and the find location carefully backfilled to avoid further disturbance.
- e) Human remains or cultural items exposed during Project construction and which are subject to further disturbance will be exhumed archaeologically at the discretion of the MLD and reburied with the concurrence of the MLD in a place mutually agreed upon by all parties.
- f) Each burial and associated cultural item will be stored as a unit in a secure facility which shall be accessible to the MLD and other Native American representative(s) or their designated alternates upon prior arrangement.
- g) The remains and associated cultural items shall be reburied in a secure location as near as possible to the area of their discovery or at an offsite location acceptable to the MLD that has minimal potential for future disturbance. The reburial shall be done in a manner that shall discourage or deter future disturbance. The reburial shall be conducted by persons designated by the MLD, with the assistance if requested by the Construction Manager. The location shall be fully documented, filed with the NAHC and the California Historical Resources Information System, Northwest Information Center California State University, Sonoma, and treated as confidential information.
- h) If the NAHC is unable to identify a MLD, or the MLD fails to make a recommendation or the landowner or his/her authorized representative rejects the recommendation of the MLD and mediation (as per Section 5097.94 subdivision (k)) of the Public Resources Code fails, reinterment of the human remains and associated cultural items associated shall take place with appropriate dignity on the property in a location not subject to further subsurface disturbance.
- i) Any disputes that arise among the MLD and representatives of affected Native American groups and/or between the developer and its representatives and the MLD concerning cultural affiliation or the ultimate disposition of Native American human remains and associated funerary objects and unassociated funerary objects shall be resolved according to the dispute resolution procedures in Section 5097.94 of the State of California Public Resources Code.
- j) Objects not associated with the human remains and recovered from private land shall either be transferred to the developer or City of San Jose. If curation of any objects is required, curation will be at an approved repository.

Conclusion: Implementation of the above listed mitigation measures would reduce potential cultural resource impacts from the proposed project to a less than significant level. (Less Than Significant with Mitigation)

J. VISUAL AND AESTHETICS

1. Existing Setting

The project site is urban in nature surrounded by urban development as indicated in Section III. A., *Land Use* of this EIR. Building height on the site ranges from one to two stories. Portions of the site are currently vacant or underutilized.

2. Visual Impacts

Thresholds of Significance

For the purposes of this project, an aesthetic or visual impact is considered significant if the project will:

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

Aesthetic values are very subjective. Particular viewpoints as to what constitutes an adverse visual impact will differ among individuals. The discussion below, therefore, focuses on change in the visual perception and views, without placing value on aesthetic quality of a particular condition.

Alterations to Visual Character from the Proposed Development

The proposed development will introduce large new structures (buildings up to 120 feet in height or eight stories), parking structures, internal streets and infrastructure. Because of the flat topography and surrounding development (Guadalupe Expressway and tall development to the north) no substantial view corridors are present from or surrounding the site.

The existing low-rise industrial buildings would be demolished and replaced with a mix of higher density, taller buildings. It is expected that the project would be particularly visible from Route 87 and the residential neighborhood to the south.

The tallest buildings on the site would be located along the frontage with Skyport, near the Technology Drive intersection. These buildings would be compatible in height, mass and scale to the development located north of Skyport Boulevard.

One of the hotels, the park, and the residential use are proposed to be located along the southern boundary of the site, adjacent to the existing residential neighborhood and school use. These uses are proposed along the southern boundary of the site in order to provide a transition between the office and commercial uses that would be located on the site to the north. The future residential use would be setback from the

nearest existing residential use and from the existing school. The future residential uses would be two to three stories in height fronting onto Sonora Avenue. The site will be designed to meet the City's Commercial, Industrial, and Residential Design Guidelines and with the Rincon South Specific Plan.

As landscaping matures and newly planted trees grow to their full size, the developed site's appearance will partially soften, particularly as seen from public streets.

- ◆ **The visual character of the site will change by introducing higher density uses, as viewed from the Route 87 and the residential neighborhood to the south. However, the project will not block existing scenic vistas or degrade the existing visual character of the area therefore, visual impacts are not expected to be significant. (Less Than Significant Impact)**

Light and Glare

Redevelopment of the site will result in increased development, which will introduce taller buildings, and additional parking lots on the site. Depending on the design of the proposed development and the location of nighttime lighting there could be an increase in light and glare on the neighborhood to the south. In addition, the hotel that is proposed along the southerly boundary of the site includes recreation facilities such as tennis courts, basketball courts, and a swimming pool. If these uses are available to hotel patrons during the evening hours, the facilities would be lighted and such lighting could spill over into the residential neighborhood.

Specific building designs have not been identified at this time. Therefore, depending on the architecture and the types of materials used, the project could result in daytime light and glare.

- ◆ **The project will introduce tall buildings and additional parking lots which could have the potential to increase light and glare. In addition, if nighttime use of outdoor recreation facilities associated with the southerly hotel is proposed, lighting for those facilities could spill over and create increased light in the residential neighborhood directly to the south. (Significant Impact)**

2. Mitigation Measures for Visual Impacts

Programmed Measures

- Use of Low-Pressure sodium lighting for outdoor uses in compliance with Council Policy 4-3. No light source will be directed skyward.

The following measures are included in the project to reduce visual and aesthetic impacts.

- The proposed building elevations and landscape coverage will conform with the City's Industrial, Commercial, and Residential Design Guidelines, and the

Rincon South Specific Plan These guidelines are intended to assure that development within the City maintains a high level of aesthetic quality.

- Use of muted or compatible architectural materials and colors to reduce the potential for light and glare.
- Outdoor lighting will be placed, designed and directed so as to avoid light spillover into the existing residential neighborhood.
- Landscaping including a double row of trees will be planted along Sonora Avenue to shield the uses from the existing school and residential uses and provide a visual screen.

◆ **Implementation of the above listed mitigation measures would reduce visual and aesthetic impacts. (Less Than Significant Impact with Mitigation)**

K. UTILITIES AND SERVICE SYSTEMS

1. Existing Setting

The project is located within the City of San Jose Urban Service Area.

Electricity, Natural Gas, and Telephone Service

The Pacific Gas and Electric Company (PG&E) will provide electricity and natural gas to the project site. It is anticipated that adequate electricity and natural gas services are available to serve the site.

The Pacific Bell Corporation provides communication services to the project area.

Water Service

The San Jose Water Company provides water service to the project site. The water supply system in the project area consists of a 16/12-inch line in North First Street, extending from Sonora Avenue to Skyport Drive and beyond, and a 16/12-inch line in Technology Drive, also extending from Sonora Avenue to Skyport Drive and beyond. There is an existing 12-inch line running the length of Skyport Drive, and a 10-inch line running the length of Sonora Avenue

Sanitary Sewer Service/Wastewater Treatment

The City of San Jose provides wastewater treatment service for the area. The San Jose/Santa Clara Wastewater Pollution and Control Plant (WPCP) is located in Alviso, northeast of the site. The existing capacity of the WPCP is 167 million gallons per day (mgd). The WPCP is now processing an estimated 134-mgd of effluent (dry weather peak). There is no anticipated increase in capacity planned for the next 10 to 15 years.

The treated water is discharged to the San Francisco Bay. The WPCP is currently operating under a 120 million gallon per day (dry weather) flow trigger. This requirement is based upon the State Water Resources Board and the Regional Water Quality Control Board (RWQCB) concerns over the effects of additional freshwater discharges from the WPCP such as degrading the saltwater marsh habitat, and pollutant loading in the South San Francisco. In response to these issues, a South Bay Action Plan was prepared and implemented to prevent degradation of the salt water marshland habitat and study the discharge of metals from the WPCP in excess of RWQCB standards. The South Bay Action Plan describes in some detail the conservation, reuse and diversion activities designed to reduce the effluent flow from the WPCP to below 120 mgd.

In addition, a Clean Bay Strategy has been developed, to address water conservation and the pollutant loading to the Bay. The proposed control strategy is intended to

reduce WPCP effluent discharges to the South San Francisco Bay as required by its National Discharge Elimination System (NPDES) permit. The Clean Bay Strategy promotes an integrated watershed protection approach and considers all factors influencing water quality in the South Bay, including point and non-point sources of pollution, water supply issues, and improving in-plant metals removal. The Clean Bay Strategy has identified numerous programs and projects in the areas of increased education and awareness, pollutant source detection, and greater regulatory requirements to reduce pollutant levels. The imposition of additional regulatory requirements as a result of the flow triggers has not yet occurred due to the WPCP's good faith efforts in implementing the Clean Bay Strategy. However, the RWQCB may require additional control measures to be implemented at any time it deems necessary.

The existing sanitary collection system consists of 8-inch lines in Technology Drive, Sonora Avenue, and Skyport Drive, and a 10-inch line in North First Street. New sewer lines to be constructed within the project site would connect to the existing sanitary sewer system.

Solid Waste Service

Industrial and commercial solid waste collection in San Jose is provided by a number of non-exclusive service providers and the waste may be disposed at any of the four privately owned landfills in San Jose. The existing disposal facilities in San Jose include the Newby Island Sanitary Landfill, Guadalupe Mines Rubbish Disposal Site, Kirby Canyon Sanitary Landfill, and Zanker Road Disposal and Recycling Center. Residential garbage would be disposed at the Newby Island Landfill.

Recycling services are available to most businesses from private recyclers. The City of San Jose Environmental Services Department also offers information and assistance to businesses wishing to recycle, or to expand their recycling activities.

2. Impacts to Utilities and Service Systems

Thresholds of Significance

For purposes of this project, a utilities and service system impact is considered significant if the project will:

- exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board;
- require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;
- result in a determination by the wastewater treatment provider that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments; or
- be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.

Sanitary Sewer/Wastewater Treatment

At buildout the proposed development would result in an estimate wastewater flow of approximately 232,955 gallons per day¹². This would result in less than one percent of the City's existing peak wastewater flow. This increased flow can be accommodated at the WPCP.

The project proposes to build all of the onsite system lines and necessary improvements in the public streets to serve the project. Lines would be connected from the site to the main lines located in North First Street and Skyport.

Water Supply

The project would result in a demand for approximately 361,675 gallons per day of water.¹³ According to the San Jose Water Company adequate water capacity is available to serve the proposed development. New lines to be constructed within the project site would connect to the existing water line system.

The City of San Jose has constructed a reclaimed water pipeline that distributes treated water from the WPCP for use in landscape irrigation throughout portions of the City. Use of reclaimed water to irrigate landscaping would reduce the demand for potable water on the site.

Solid Waste

According to the Source Reduction and Recycling Element prepared for the City of San Jose and the Countywide Integrated Waste Management Plan, there is sufficient landfill capacity for Santa Clara County needs for at least 30 more years.

Consistent with City policy the recycling of construction and demolition debris should take place and all new buildings should be designed to include recycling services.

- ◆ **The site has been previously developed with urban uses and according to the City of San Jose adequate infrastructure is available to serve the site. Therefore, development of land uses proposed by the project is not expected to significantly increase the demand for utility services including sewer, storm drainage, and water, to the site. (Less Than Significant Impact)**

3. Utility and Service Systems Mitigation Measures

No Mitigation Required.

¹² The sewage rate was estimated based on 121 gallons per day (GPD) per dwelling unit; .140 GPD per square foot for office uses; .073 GPD/square foot for retail; and .480 GPD/square foot for hotel use.

¹³ The water rate was estimated based on 2000 + [number of units per acre x 80]/GPD for residential; .15 GPD/square foot for office; .073 GPD/square foot for retail, and .480 GPD/square foot for hotel use.

Conclusion: Implementation of the proposed project would not result in a significant increase in demand for urban services compared to the existing condition. (Less Than Significant Impact)

K. ENERGY

1. Energy Implications

Section 15126(c) of the CEQA Guidelines requires that EIRs include information regarding mitigation to reduce energy impacts. Energy is currently consumed on the site by ongoing operations of the buildings and associated uses. Development of the project in conformance with the proposed rezoning would result in the increased consumption of energy in three forms: 1) the fuel energy consumed by demolition activities and construction vehicles; 2) bound energy in construction materials such as asphalt, steel, concrete, pipes, and manufactured or processed materials such as lumber and glass; and 3) ongoing operational use of energy by future occupants of the site for transportation, and utilities.

Development on the site with higher density mix uses will increase the energy needs on the site.

- ◆ **Redevelopment of the site under the proposed project would contribute incrementally to the use of energy for development and ongoing maintenance. (Significant Impact)**

2. Energy Mitigation Measures

Mitigation Included in the Project

- Development on the site will be designed and built in conformance with the provisions of Title 24 of the California Administrative Code, which sets energy efficient design standards, and regulate energy consumed for heating, cooling and with the City of San Jose Building Code.
- Buildings will be oriented to have glazed surfaces face north and south to the extent feasible.
- Buildings will be designed to reduce glazing area to the minimum necessary for the building function or to achieve optimum daylighting.
- For the residential portion of the site, the long axis of the buildings should be oriented so that the broad face of the buildings is south facing. In San Jose's climate, this is best realized when the building is facing within 30 degrees west and 45 degrees east of true south.

***Conclusion:* Implementation of the above listed mitigation measures will reduce energy impacts to a less than significant level. (Less Than Significant Impact with Mitigation)**

L. AVAILABILITY OF PUBLIC SERVICES AND FACILITIES

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 the demand will vary widely, depending on both the nature of the development (residential vs. industrial, 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 services and facilities 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 unless 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.

1. Fire Service

Fire protection to the project site is provided by the San Jose Fire Department. Station #7 would be the “first response unit” to respond to an emergency at the project site. Station #7 consists of a four-person engine company. Station #1 is the “second response unit” to respond to the site in the event of a fire. Station #1 consists of a four-person engine company, a six-person truck company and a battalion chief. Station #5 includes an Urban Search And Rescue (USAR) team. The USAR team would respond to an emergency at the site if the emergency required the team’s services. The addresses and response times of the three fire stations are provided in Table 25.

**TABLE 25
FIRE STATION LOCATIONS**

Station	Address	Response Time
#1	201 N. First Street	4-5 minutes
#5	1380 North Tenth Street	3-4 minutes
# 7	800 Emory Street	2-3 minutes

The response times for the above stations would meet the San Jose Fire Department’s goals to not exceed four minutes for the “first response” and six minutes for the “second

response” time. No additional personnel or equipment would be necessary to serve the project area.

The City of San Jose participates in a mutual aid program with the Cities of Milpitas and Santa Clara. Through this program, should the City of San Jose Fire Department need assistance in addition to its own units, one or both of the mutual aid cities would provide assistance to locations within the City of San Jose in whatever capacity was needed.

The change of land use from industrial to mixed use industrial, commercial and residential would result in an increase in calls for service to the Fire Department. The increase in development would be incremental, and would not result in the need to construct a new facility¹⁴.

2. Police Service

Police protection services are provided to the site by the City of San Jose Police Department (SJPD). Officers patrolling the project area are dispatched from police headquarters located at 201 West Mission Street. The SJPD presently consists of 1,329 sworn officers.

The SJPD’s service area consists of 64 beats. Each beat is assigned to one of 12 districts. The beats are identified with a number and the districts are identified with a letter. The project site is located within District S, Beat 1. Beat S-1 serves an area of 2.17 square miles and 7,295 residents. The most frequent felonies in the project area include grand theft, narcotics felonies and patrollable auto theft. The most frequent misdemeanors in the project area include simple assault, car clout and disturbing the peace. Beat S-1 had approximately 194 crimes per 1,000 population.

In general, the transition from industrial to mixed use industrial, residential, and commercial would result in an increase in calls for service. Tax revenue to the City generated by development and existing fees would be expected to offset the expense of Police service. The Police Department would review the development proposal to ensure that the design quality discourages security problems.

3. Schools

The City of San Jose is served by a total of 19 public school districts, serving elementary, middle, and high school students. Thirteen of these districts are elementary school districts, three are high school districts and three are unified school districts. The project site is located within the boundaries of the Orchard School District.

The degree of specificity required in an EIR must correspond to the degree of specificity of the activity evaluated in the EIR. For purposes of this analysis a significant effect is defined as a substantial or potentially substantial, adverse change

¹⁴ Walter Fuzczak, San Jose Fire Department, personal communication February, 1999.

in any physical condition caused by the project. Economic or social changes are not considered significant impacts on the environment. However, the physical changes to the land associated with the project regarding schools might include traffic, air quality, and construction impacts associated with increased students, and the need to physically accommodate them.

Projected Student Generation

A student generation rate (SGR) is an estimate of the average number of students living in each dwelling unit. Student generation rates are employed to calculate anticipated student yields. According to the school district each new multi-family unit constructed in the District generates, on average 0.43, K-12 students. Based on this formula, the proposed development would result in approximately 94 new students.

Because the school district is currently operating at capacity, additional space will be needed to accommodate the additional students.

There is a range of methods which can be used to accommodate increased numbers of students, which include the following:

- Construction of new schools
- Provision of portable or relocatable classrooms
- Expansion of existing schools
- Transfer of grade levels to schools with surplus capacity or to adjacent districts with surplus capacity
- Busing of students to schools with surplus capacity
- Conversion to year-round schools

The above listed methods could be implemented by the school district to accommodate the increased number of students.

Implementation of the proposed project could potentially impact schools by accelerating the need to construct additional classrooms to handle an increase in student enrollment generated by new residential uses. Providing new space could result in physical impacts. However, the space required to accommodate 94 students would not be expected to result in a significant environmental impact.

The proposed project would be required to contribute school impact fees which could assist the school district in financing construction or reconstruction of schools.

4. Parks and Recreation

The proposed project is located in the vicinity of the Guadalupe River Trail, located within the Guadalupe River corridor, west of the site. The Guadalupe River Trail is identified in the County's Trails Element as a sub-regional route. Once completed the trail will provide access from State Route 237 south, to the Guadalupe Reservoir. Potential access from the site to the trail corridor may be provided from the planned

improvements to Skyport Avenue which will include sidewalks and pedestrian access.

On a local level, the Rosemary Gardens neighborhood in the vicinity of the site is park deficient. There are no City owned neighborhood parklands in the vicinity to serve the site. Existing school play fields at Bachrodt Elementary School serve the existing residential neighborhood south of the site.

The proposed residential component of the project would result in a need for 1.6 acres of new neighborhood serving parkland based on the City's level of service objective of 3.5 acres per 1,000 population. The project proposes to provide a .75 acre park, therefore, a little less than one acre would be needed in addition to the park proposed by the project to adequately meet the City's objectives. While the project would be required to contribute in lieu fees, the fees would not fully offset the park deficiency. However, this is not considered a significant environmental impact.

Conclusion: Implementation of the proposed project would not result in a significant increase in demand for services. (Less Than Significant Impact)

IV. CUMULATIVE IMPACTS

The California Environmental Quality Act (CEQA) requires that a project be identified as having a significant impact if its possible effects are “...individually limited but cumulatively considerable”.¹⁵ The CEQA Guidelines define “cumulative impacts” as meaning “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” The individual effects may be multiple impacts from the same project, or impacts from a number of different projects.¹⁶

The Guidelines give further direction on how cumulative effects are to be addressed in an EIR. Specifically, an EIR is to provide *either* a list of “past, present and reasonably foreseeable future projects” whose impacts may contribute to cumulatively significant effects, *or* a “summary of projections contained in an adopted General Plan”.¹⁷ For this EIR a list approach was used. Table 26 outlines pending projects to which the project may contribute to cumulative impacts.

**TABLE 26
CUMULATIVE PROJECTS**

Development	Use	Size	Jurisdiction
<i>Cargill Site</i> SR 237 and Gold Street	R&D Hotel Retail Restaurant	900,000 s.f. 175 rooms 20,000 s.f. 5,000 s.f.	San Jose
<i>Bayshore North</i> Great America Parkway and Patrick Henry Drive	Office Hotel Soccer Complex	1,045,000 s.f. 450 rooms N/A	Santa Clara
Nortel Great America Parkway and Patrick Henry Drive	Office	625,000 s.f.	Santa Clara
Cisco Daycare Barber Lane and Tasman Drive	Day Care		Milpitas
FMC Coleman Avenue	R & D	1,801,622 s.f.	San Jose
Cisco Systems Alviso, Grand Boulevard	R&D	2,325,000	San Jose

¹⁵Public Resources Code §21083(b).

¹⁶California Code of Regulations §15355.

¹⁷California Code of Regulations §15130(b)1(A) and (B).

The proposed project addressed in this EIR is a rezoning which would facilitate construction of up to 1.2 million square feet of commercial and industrial uses, and addition of approximately 700,000 square feet above existing uses on the site.

Potentially significant cumulative impacts to which the project may contribute were determined to include traffic, and air quality. Each of the areas of impact is discussed below.

Transportation: As identified in Section III. B, *Transportation and Circulation* of this EIR, implementation of the project would result in significant traffic impacts, particularly to freeway segments. In addition, the project in conjunction with other foreseeable development will result in a significant impact to the intersection of Zanker Road and Brokaw Road which is project to operate at an LOS E during both the AM and PM peak hour.

Air Quality: As indicated in the Air Quality Report found in Appendix C, the BAAQMD guidance for CEQA documents provides that if a project is found to have an individually significant air quality impact it would also be considered to have a significant cumulative impact. The project would contribute to regional emissions that exceed the significant thresholds for ozone precursors and PM-10. Cumulative impacts on regional air quality are considered to be significant.

◆ **Implementation of the project along with buildout of other foreseeable future development would result in a significant cumulative impact on traffic and air quality. (Significant Impact)**

It is not anticipated that the incremental impacts resulting from the project in other areas, including land use, geology, vegetation and wildlife, hydrology, energy, hazardous materials, cultural resources, and public services will cause significant cumulative impacts.

Mitigation for Cumulatively Significant Impacts

1. Mitigation for Cumulatively Significant Traffic Impacts

The CEQA Guidelines state that the “only feasible mitigation for cumulative impacts may involve the adoption of ordinances or regulations rather than the imposition of conditions on a project-by-project basis”.¹⁸ This responds to the problem that arises when the scope or scale of cumulative impacts is beyond the ability of a single development to mitigate. The cumulative traffic impacts in Santa Clara County are beyond the scope of a single project to mitigate, and are also beyond the authority of a single jurisdiction to control. Therefore, a City ordinance or regulation alone would also not be effective mitigation.

For these reasons, the Santa Clara Valley Transportation Authority, which includes the County Congestion Management Agency (CMA), is preparing a Countywide

¹⁸§15130(c).

Deficiency Plan to address long-term regional traffic congestion and the improvements to the regional transportation systems that may help reduce it. While the Countywide Deficiency Plan has not yet been completed, and the mechanisms for funding its implementation have not been adopted, participation in such a Plan may be the only effective mitigation for reducing or mitigating cumulatively significant regional traffic impacts. It is not possible to state definitely at this time that the Plan will ultimately reduce regional traffic impacts to a less than significant level.

2. Measures to Reduce Cumulative Air Quality Impacts

Mitigation for significant air quality impacts includes techniques for reducing automobile traffic. Site design and operation programs that encourage carpooling, use of transit and other transportation means other than single occupant cars are encouraged by the CMP, BAAQMD, and other regional planning agencies. While these techniques will reduce air quality impacts, the Regional Clean Air Plan anticipates that only regional and regulatory programs to achieve cleaner burning vehicles and fuels, and to reduce automobile usage on a regional scale will result in long term achievement of air quality standards. Near term cumulative air quality impacts will remain a significant unavoidable impact.

- ◆ **Implementation of the project along with other foreseeable projects will result in significant unavoidable impacts to transportation and circulation and air quality. There are no feasible mitigation measures identified at this time that would reduce these cumulative impacts to a less than significant level. (Significant Unavoidable Impact)**

V. ALTERNATIVES

CEQA requires that all EIRs, in addition to an analysis of the proposed project, analyze a range of alternatives. The CEQA Guidelines specify that the EIR identify alternatives which “would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project”. The purpose of this section is to ascertain whether there are alternatives of design, or scope which substantially lessen the significant impacts, even if as the Guidelines state, those alternatives “impede to some degree the attainment of the project objectives”, or are more expensive.

Alternatives that were considered but rejected because it was determined they would not result less environmental impacts than the project included an all industrial use alternative, and a regional commercial alternative.

A. NO PROJECT ALTERNATIVE

The CEQA Guidelines stipulate that an EIR specifically include 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.” The No Project Alternative is the circumstance under which the project does not proceed, comparing the environmental effects of the property remaining in its existing state versus the environmental effects which would occur if the project is approved.

Under this alternative the property would physically remain as is. It is assumed that the existing uses could continue indefinitely or another office/industrial user would take over a portion or the entire site and reuse the existing buildings and facilities. No new construction or expansion of facilities would occur under this alternative.

Potential impacts to traffic, air quality, vegetation and wildlife, and cultural resources resulting from the proposed redevelopment of the site would be avoided under this alternative.

Conclusion

This alternative would not result in an increase in traffic impacts, or air quality impacts as with the proposed project. Nor would this alternative result in a loss of three acres of vacant/ruderal land. This alternative would be environmentally superior to the proposed project. This alternative would not, however, be compatible with any of the project objectives. This alternative would not add to the economic vitality of the area. In addition, the site would remain underutilized and would not support the identified land uses of the City’s General Plan, or the Rincon South Specific Plan including increased residential and commercial services adjacent to the LRT corridor, or provide uses that would support the adjacent San Jose International Airport.

B. REDUCED SCALE ALTERNATIVE

The reduced scale alternative would consist of clearing the site of existing structures and redeveloping the property with mixed-uses totaling approximately 850,000 square feet which is equivalent to the existing development onsite. All of the proposed uses would remain the same but at a lower density.

Traffic Congestion

Reduction in the size of the project would generate fewer trips and less associated congestion. Because this alternative would only replace the existing development with an equivalent amount of square footage (albeit in a mixed-use configuration) this alternative could result in an incremental improvement in traffic in the region.

Air Quality

Because this alternative would generate less traffic, associated emissions are expected to be minimal. Therefore, this alternative would have less air quality impacts than the proposed project. By replacing existing square footage with a mix of uses in equivalent building space, this alternative could result in an overall reduction in air pollution.

Conclusion

This alternative is environmentally superior to the project as proposed because less density will have corresponding reductions in air quality, and traffic. To the extent that this project provides some economic benefits it meets most of the project objectives. By not creating additional space it may not be economically viable, however. In addition, this alternative includes fewer jobs, and thereby, falls short of having the same beneficial effects on San Jose's jobs/housing balance as the proposed project.

C. REDUCED HOTEL ALTERNATIVE

The reduced hotel alternative would involve a reduction in size of the two hotels from 400 and 300 units to 200 units each to meet the City's current Hotel Policy. All of the other proposed uses would remain the same.

Traffic Congestion

Reduction in the size of the project by a total of 300 hotel rooms would generate fewer trips and incrementally less associated congestion.

Air Quality

Because this alternative would generate incrementally less traffic, associated emissions are expected to be less. Therefore, this alternative would have incrementally less air quality impacts than the proposed project.

Conclusion

This alternative is consistent with the City's Hotel Policy and is environmentally superior to the project as proposed because less density will have corresponding reductions in air quality, and traffic. To the extent that this project provides some economic benefits it meets most of the project objectives.

D. ALTERNATIVE LOCATION

Criteria that were used to identify an alternative site that might reasonably be considered to "feasibly" accomplish most of the basic objectives of the project, yet would potentially have less significant impacts of the project included:

- a site at least 40 acres in size;
- designated in the City's General Plan for industrial/commercial uses;
- adequate traffic capacity to serve the project;
- easy regional access.

The New Edenvale Redevelopment Area located in south San Jose was chosen as a possible alternative location. It is located roughly on the east side of U.S. Highway 101, south of the Hellyer Avenue interchange, north of Silicon Valley Boulevard. The Edenvale Redevelopment Plan consists of the development of approximately 2,312 acres of industrial uses to encourage job opportunities near the residential areas of south San Jose. Currently more than 300 acres of vacant land are available for development in the New Edenvale Area. However, the parcels are under multiple ownership, with some parcels as small as five acres. Although some scattered houses and homesteads are located throughout the New Edenvale Area, there is a smaller concentration of residential adjacent to the project area, and no schools are located within the area that could create a compatibility issue.

Traffic Impacts

Development of the proposed project in the Edenvale Redevelopment Area would result in an expected higher rate of trip generation because New Edenvale does not have a planned LRT station, therefore, the project would not have the same potential for transit diversion. However, development in Edenvale would not exacerbate an existing prevailing Countywide commute pattern of driving to the North County in the morning and south in the evening. Industrial uses in New Edenvale help support "reverse" commute patterns. Nonetheless, because New Edenvale is still rural, costly infrastructure is needed, including internal roadway improvements and improvements to provide access to Highway 101. Therefore, there is a potential that this alternative would have greater localized congestion impacts than the proposed project.

Air Quality

To the extent that development of the proposed square footage at an alternative location generates approximately the same amount of traffic, the emissions will not be significantly

reduced. The net result of over a million square feet of development will remain a significant impact on regional air quality.

Potential for Additional Impacts

This alternative would result in development of vacant land to urban uses which would result in a loss of open space, and loss of agricultural land. In addition, there is a greater potential for visual impacts because most of the area has not been developed and is located on the fringe of urban development.

Conclusion

This alternative is not environmentally superior to the project as proposed because it would convert vacant land to urban uses resulting in other significant unavoidable impacts including air quality impacts, loss of open space, and loss of agricultural land. This alternative also fails to provide housing proximate to the LRT and an existing concentration of jobs in north San Jose.

This alternative would not fully meet the objectives of the proposed project to provide uses to support the Rincon South Specific Plan, and to revitalize an under utilized site at an infill location that is conveniently located near Downtown San Jose and the San Jose International Airport.

E. RESIDENTIAL ALTERNATIVE

Under this alternative the entire site could be developed with high density residential uses (25-65 du/ac) which could accommodate between 1,000 to 2,600 units.

Traffic Congestion

Development of the project site with all residential uses could result in incrementally more traffic than under the proposed land use scenario because it is assumed that the majority of site traffic would be generated during peak commute times. This alternative would not have the benefit of the mixed-use nature of the proposed project, which would be expected to reduce trips. Without a specific development proposal however, it cannot be stated definitively that development under the existing designation would have more traffic impacts.

Air Quality

If this alternative would generate greater traffic, emissions could be equal to or greater than the proposed project. It is estimated that the Residential Alternative would still result in significant unavoidable regional air quality impacts with regard to emissions of hydrocarbons, given the BAAQMD thresholds of significance.

Potential for Additional Impacts

This alternative would result in greater potential land use and noise compatibility impacts because portions of the site are exposed to noise levels above City standards especially adjacent to Route 87.

Conclusion

This alternative would not be environmentally superior to the proposed project because it would result in similar impacts on traffic and air quality. It would likely result in greater land use and noise compatibility impacts by placing residential uses immediately adjacent to Route 87. This alternative would not meet any of the applicant's objectives of providing needed office/R&D uses on the site. This alternative would not generate any jobs, and thereby, falls short of having the same economic benefits, or the beneficial effects of reducing San Jose's jobs/housing balance as the proposed project. It would have a beneficial impact by placing a concentration of housing units near the existing and planned employment centers of North San Jose and North Santa Clara.

VI. SIGNIFICANT EFFECTS WHICH CANNOT BE AVOIDED

The project would result in significant unavoidable impacts to transportation and circulation, and regional air quality. The project would also result in significant unavoidable cumulative impacts on traffic and air quality. All other identified impacts can be reduced to a less than significant level with mitigation.

VII. GROWTH INDUCING IMPACTS

The site has been previously developed and currently contains an urban land use zoning designation of *Industrial*. The proposed rezoning would cause an increase in employment potential by approximately 3,000 jobs. However, the increase is not considered to be significant. The project is consistent with the General Plan and is within the urban boundaries of the City of San Jose. Redevelopment of the site will not require any significant extension of utilities to provide services. The project would facilitate the reuse of underutilized land in an existing urban setting, conveniently served by transit opportunities, and would not set any significant new precedent which might allow or encourage other development to occur outside the existing urban envelope.

VIII. IRREVERSIBLE CHANGES TO THE ENVIRONMENT

Irreversible changes to the environment would result with the construction and demolition activities. Other irreversible changes associated with the project are the future use of nonrenewable resources during construction, including concrete, glass, plastic and petroleum products. Operations associated with the future uses would also consume natural gas and electric energy.

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