



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: March 1, 2007

COUNCIL DISTRICT: 3
SNI AREA: N/A

SUBJECT: PDC06-022. PLANNED DEVELOPMENT REZONING FROM LI LIGHT INDUSTRIAL ZONING DISTRICT TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW UP TO 100 MULTI-FAMILY RESIDENCES ON A 0.75 GROSS ACRE SITE, LOCATED AT/ON THE EAST SIDE OF NORTH 4TH STREET, APPROXIMATELY 600 FEET NORTHERLY OF GISH ROAD.

RECOMMENDATION

The Planning Commission voted 6-1-0, with Commissioner Jensen opposed, to recommend that the City Council approve the proposed Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 100 multi-family residences on a 0.75 gross acre site.

OUTCOME

Should the City Council approve the Planned Development Rezoning, up to 100 multi-family attached residences may be built on the subject 0.75 gross acre site, consistent with the Development Standards for the subject rezoning. This future development would be subject to additional Development Permits.

BACKGROUND

On February 28, 2007, the Planning Commission held a public hearing to consider a Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 100 multi-family residences on a 0.75 gross acre site. The Director of Planning recommended approval of the project.

Staff noted that in addition to the previously submitted staff report, the department had received two letters in support of the project from the Santa Clara County Housing Action Coalition and the Silicon Valley Leadership Group. Staff commented on previously submitted questions from Commissioner Jensen pertaining to the City's affordable housing goals. Staff informed the Commission that the City has surpassed the goals set by the Association of Bay Area Governments who are responsible for allocating the regional housing needs among each jurisdiction of the nine counties in the Bay Area.

The applicant's representative, Jeff Oberdorfer, clarified that the goals of the project were to provide affordable housing with 30% of the units dedicated to the developmentally disabled.

Kerry Hamilton spoke in support of the project, highlighting the fact that the first project to be brought forward under the North San Jose Area Development Policy was 100% affordable and providing Ecopasses to all of its residents.

Commissioner Campos asked for any further public comment. Upon ascertaining that there were no additional comments the public hearing was closed.

Commissioner Jensen had questions directly for staff. Firstly she expressed concern over the interface between existing industrial uses and proposed residential development, and concern over the loss of areas for future light industrial development. Staff responded by describing how the North San Jose Area Development Policy was requiring new risk assessments addressing possible impacts on residential users from hazardous materials stored and used in the immediate area, and how new industrial development will be required to address this issue in the future. Staff also noted that providing housing in this area implements the North San Jose Area Development Policy and that the longer term goals of the policy are to bring housing throughout the Rincon South Specific Plan area.

Commissioner Jensen then expressed concerns over the creation of a residential development so far from existing neighborhoods, and asked whether this would isolate the residents. She also questioned whether there are any existing neighborhood groups in this area that would support these residents. Staff described how the North San Jose Area Development Policy allows for new residential development in previously industrially-designated industrial areas. Staff stated that as the first project to go forward under the Policy it would be a forerunner in creating a neighborhood in this area. Staff noted that currently there are no existing community or neighborhood associations in the surrounding area but that a 100 unit development would be a good start in creating this community.

Commissioner Kalra also indicated concern over the lack of community in the area and useable amenities, although he praised the design of the building with specific reference to open space. He expressed concern that there is a lack of parks in the surrounding area. He further asked staff's opinion on the lower level of parking provided with this project. He noted that the project will provide all of the residents with free Ecopasses, allowing residents free travel on VTA transportation links, but stated concern that this would not necessarily cause a reduction in the number of cars on site. In addition, Commissioner Kalra asked for further discussion on the issue of noise in the available public open space.

Chair Campos stated that he recalled the applicant bringing a similar project to the Commission some time ago that also provided 100% of residents with free Ecopasses and wanted to know if this effort had resulted in a marked decrease in parking needed by residents.

Jeff Oberdorfer stated that a report completed by the Housing Choices Coalition details that approximately 95 percent of the developmentally disabled do not drive their own vehicle according to historical data. In addition, he made mention of an independent study completed for First Community Housing by PMZ³ Research which details how the provision of free Ecopasses to residents had in fact reduced the amount of cars required for residents of existing First Community Housing affordable housing projects.

Staff responded to the Commissioners' questions by discussing the difficulties of placing parks in the Rincon South Specific Plan boundaries due to the existing lotting pattern in the area and the timing of future development. Staff commented that the Parks Department is looking to site parks in this area in association with the planned park areas of the Rincon South Specific Plan, but to date no definite areas had been selected.

In response to the Commissioners' concerns regarding parking, staff stated that site constraints and the economic feasibility of this development would not allow further expansion of the parking facilities, especially below grade, as there is an existing sanitary sewer line running across the rear of the site. Staff described the creative solutions that First Community Housing has explored in addressing this issue such as the free Ecopasses to all residents, and stacked parking lifts.

In response to the Commissioners' questions regarding noise in the outdoor open space areas, staff explained that First Community Housing had oriented the building to avoid the highest contributor of noise in this area which is Highway 101. The podium open space is enclosed by nine stories of residential building mass with the fourth side remaining open. The noise level could be further mitigated by the addition of an eight to ten foot wall. Staff stated that a wall of this height would likely diminish the usability of the common open space.

Commissioner Zito expressed concerns over the potential lack of development in the surrounding area. He expressed the opinion that with no additional proximate residential development, a low income development supporting the developmentally disabled could become an isolated island in the area, due to the potential lack of additional development over the next decade. Deputy Director Prevetti commented on the need for patience with the long range planning of Rincon South and implementation for this area and that this development was a pioneer in creating a new residential community.

Commissioner Zito then commented that security issues should be addressed at the Planned Development Permit stage, and that pedestrian travel ways should be made safe for all levels of handicapped people, including sidewalk ramps, and cross walks connecting to the light rail station on North First Street.

Commissioner Kalra then made a motion to recommend approval per the staff recommendation, but wanted to ensure that the Council was aware that planned amenities in this area should be monitored and brought on line as quickly as possible, that infrastructure should be included that supports new residential development especially when it includes the developmentally disabled, and that safe

pedestrian crossings of major streets should be included to ensure pedestrian access. He noted special attention should be paid to the crossings on North First Street to access the elementary school on the west side. He stated that he thought that this was a good project, and that the developer is an established developer and manager of this product type.

Commissioner Jensen reiterated that she respects First Community Housing, but expressed concern with the loss of industrial areas given up to residential, and commented that this is an isolated development that would not connect to any sort of neighborhood. She commented that there is no clear pedestrian way to the elementary school on the west side of North First Street and that she is also concerned about with the lack of parking, with not much street parking available.

Chair Campos commented on the nature of affordable housing projects, giving examples of the types of residents and household income ranges that would likely be renting these units. He added that the creation of the community and the potential of letting the development become run down would be contingent on the management of the development. He commented that he thought this was a good project and believed it would have good property management, and that, as such, this development would be a benefit to the area.

ANALYSIS

The proposed rezoning of the site from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District, is consistent with the San José 2020 General Plan Land Use/Transportation Diagram designation of Combined Industrial/Commercial with a Transit Corridor Residential Overlay, provides an opportunity to further important goals and strategies of the General Plan, the North San Jose Area Development Policy, the Rincon South Specific Plan and is in conformance with the Residential Design Guidelines.

POLICY ALTERNATIVES

Not applicable.

PUBLIC OUTREACH/INTEREST

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. The rezoning was also published in a local newspaper, the Post Record. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

The applicant conducted a Community Meeting for the proposal, held on February 20, 2007, where the community was given the opportunity to comment on the project. Notices of this meeting were distributed to residents within 500 feet of the project site. The meeting was attended by staff and the applicant; no members of the community were present. For those local residents who were unable to attend the meeting, First Community Housing provided an information brochure with the notice that described the project and displayed drawings of the proposed development.

COORDINATION

This project was coordinated with the Department of Public Works, Fire Department, Police Department, Environmental Services Department and the City Attorney.

FISCAL/POLICY ALIGNMENT

This project is consistent with applicable General Plan policies and City Council approved design guidelines as further discussed in attached staff report.

COST SUMMARY/IMPLICATIONS

Not applicable.

BUDGET REFERENCE

Not applicable.

CEQA

Addendum to the North San Jose Area Development Policy Update Final EIR (Resolution # 72768) adopted on June 21, 2005.



JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Susan Walton at 408-535-7847.



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: February 22, 2007

TRANSMITTAL MEMO

COUNCIL DISTRICT: 3
SNI: N/A

SUBJECT: PDC06-022. PLANNED DEVELOPMENT REZONING FROM LI LIGHT INDUSTRIAL ZONING DISTRICT TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW UP TO 100 MULTI-FAMILY RESIDENCES ON A 0.75 GROSS ACRE SITE, LOCATED AT/ON THE EAST SIDE OF NORTH 4TH STREET, APPROXIMATELY 600 FEET NORTHERLY OF GISH ROAD (1470 N 4TH ST).

The Planning Commission will hear this project on February 28, 2007. The memorandum with Planning Commission recommendations will be submitted under different cover. We hope the submittal of this staff report is of assistance in your review of this project.

A handwritten signature in cursive script, appearing to read "Joseph Horwedel".

JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

For questions please contact Susan Walton at (408) 535-7800.

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street
San José, California 95113

Hearing Date/Agenda Number
P.C. 02-28-07 Item 4.a

File Number
PDC06-022

Application Type
Planned Development Zoning

Council District SNI
3

Planning Area
North San Jose

Assessor's Parcel Number(s)
235-04-005

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Chris Burton

Location: East side of North 4th Street, approximately 600 feet northerly of Gish Road

Gross Acreage: 0.75 Net Acreage: 0.75 Net Density: 133.3 DU/AC

Existing Zoning: LI Light Industrial Existing Uses: Vacant Industrial Building

Proposed Zoning: A(PD) Planned Development Proposed Use: 100 attached, affordable housing rental units

GENERAL PLAN

Completed by: CB

Existing Land Use/Transportation Diagram Designations
Combined Industrial/Commercial
Transit/Employment Residential District Overlay (55+DU/A)

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: CB

North: Industrial	LI Light Industrial
East: Industrial	IP Industrial Park
South: Industrial	LI Light Industrial
West: Commercial Hotel	CG General Commercial

ENVIRONMENTAL STATUS

Completed by: CB

<input checked="" type="checkbox"/> Reuse of North San Jose EIR (Resolution # 72768)	<input type="checkbox"/> Exempt
<input type="checkbox"/> Negative Declaration circulated on _____	<input type="checkbox"/> Environmental Review Incomplete
<input type="checkbox"/> Negative Declaration adopted on _____	

FILE HISTORY

Completed by: CB

Annexation Title: Orchard No. 8 Date: 11/01/1951

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Recommend Approval
 Recommend Approval with Conditions
 Recommend Denial

Date February 22

Approved by: Andrew Galbreath

OWNER / DEVELOPER

First Community Housing,
2 N. Second Street, Suite 1250,
San Jose, CA 95113

CONTACT

First Community Housing,
2 N. Second Street, Suite 1250,
San Jose, CA 95113

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: CB

Memo from Public Works

Other Departments and Agencies

None

GENERAL CORRESPONDENCE

None

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

On April 11, 2006, the applicant, First Community Housing, filed a Planned Development Zoning application, File No. PDC06-022, to rezone the subject property from (LI) Light Industrial to A(PD) Planned Development to allow 100 multi-family attached residential units on a 0.75 gross acre site on the east side of North 4th Street, approximately 600 feet northerly of Gish Road.

The project site is located on a 0.75 acre site at 1470 N. Fourth Street, 600 feet north of Gish Road. The property is currently occupied by a vacant single-story 17,000 square foot industrial/commercial building with associated driveways and parking. The building was constructed in 1955 and has been vacant since 2002.

The project is proposed to help meet the demand for affordable rental housing in San Jose. The project objective is to construct a 100% affordable multi-family project to accommodate low-income households, meaning those earning 60% or less of the area's median income, including up to 30 units for developmentally disabled persons. The project proposes to incorporate environmentally sustainable features including a green roof and other architectural features to reduce environmental impacts. The project location is intended to encourage transit use by placing higher density housing within 2,000 feet of a light-rail station and providing residents of the development with free annual Ecopasses for Santa Clara Valley Transit Authority services.

Project Description

The proposed Planned Development Zoning would allow 100 multi-family attached affordable residential units in an approximately 161,000-square foot, nine-story building. The proposed structure, configured as podium cluster housing, is nine stories with a maximum height of approximately 114 feet. Units would consist of one-to-three bedroom apartments. Thirty units would be reserved for developmentally disabled persons. Parking for 114 vehicles would be provided in an above-ground parking structure, located within the first two floors of the apartment building. Access to the parking garage would be provided by a driveway off N. Fourth Street. Private open space is proposed in the form of balconies that are accessed through the living rooms of the units. Common open space is proposed on the third-floor courtyard of the building, and includes children's play lot and bench seating. A reduced copy of the plan set is attached for reference.

GENERAL PLAN CONFORMANCE

The subject site is designated Combined Industrial/Commercial on the San Jose 2020 General Plan Land Use/Transportation Diagram and has a Transit/Employment Residential District Overlay (55+DU/AC). With 100 units proposed on the subject 0.75 gross acre site, the proposed density calculates to 133.3 DU/AC. This density conforms to the General Plan Land Use/Transportation Diagram Transit/Employment Residential District Overlay density. Furthermore, this project furthers the North San Jose Area Development Policy which provides for the conversion of 285 acres of existing industrial lands to residential use in order to reduce the impact upon regional traffic conditions caused by additional industrial development. The project is also in conformance with the General Plan Discretionary Alternate Use Policy for the Location of Projects Proposing 100% Affordable Housing, which encourages the production of housing units affordable to low- and moderate-income households.

ENVIRONMENTAL REVIEW

The project site is located within the boundaries of the North San Jose Area Development Policy. The Final Environmental Impact Report (EIR) for the North San Jose Area Development Policies Update was certified and the project approved by the City Council in June 2005. The EIR was subsequently legally challenged by Santa Clara County and the Cities of Milpitas and Santa Clara. In December 2006, the Santa Clara County Superior Court approved a settlement over all legal challenges and deemed the EIR adequate.

An Initial Study was prepared in accordance with an addendum to the Final EIR. The Initial Study evaluated impacts related to air quality, noise, cultural resources, geology, and hydrology. Based on the analysis in the Initial Study, it has been concluded that the North San Jose Area Development Policy Update Final EIR adequately addresses the environmental effects of the proposed project, and project would not result in significant environmental effects that are not already identified in the Final EIR. The project, therefore, meets the eligibility requirements for preparation of an addendum and does not require a supplemental EIR or Negative Declaration.

ANALYSIS

The primary issues associated with this project are the compatibility of the proposed residential use with the existing neighborhood, conformance to the North San Jose Area Development Policy, the Rincon South Specific Plan and the Residential Design Guidelines.

North San Jose Area Development Policy

This project is located within the North San Jose Area Development Policy boundaries. The Policy recognizes that the conversion of some industrial land to residential use within the Policy area is acceptable in order to reduce the impact upon regional traffic conditions caused by additional industrial development. Proposed conversions within this area may or may not be appropriate based upon existing conditions at the time of the proposed conversion. Because residential conversions should result in the establishment of safe and cohesive residential neighborhoods, it may not be appropriate to convert a site to residential use in light of existing conditions at the time of the proposal. Under the North San Jose Area Development Policy, proposed conversions should be evaluated through the zoning process for conformance with City policy and according to the following criteria.

The site must not contain an existing important vital or 'driving' industrial use.

The existing building on the property, proposed for demolition, was constructed in 1955. The building consists of a rectangular single-story commercial/production building with side and rear walls constructed of concrete and a flat roof. The site has been vacant since 2002.

The site must not be adjacent to an industrial use that would be significantly adversely impacted by the residential conversion.

The project site is located within an urbanized area of San Jose. The site is bordered by N. Fourth Street to the west, and commercial and light industrial uses to the north, south, and east. A large hotel lies west of the site across Fourth Street. The project property contains a vacant industrial/commercial building and pavement. The buildings immediately surrounding the project site consist primarily of single-story structures. The existing hotel across the street is five stories high. Although the project would increase the intensity of development on the property in terms of size and scale, it would not have a significant adverse impact on the visual character of the site or its surroundings, which consist of urban commercial and industrial uses. Mixed uses already established within the immediate vicinity include commercial, hotel and residential uses. The project design has incorporated features that address existing interfaces with industrial uses, and adjacent property owners have been contacted and included in all forms of public outreach to ensure that any concerns are addressed. No opposition or concerns have been presented to staff.

The site must not be in proximity to an industrial or hazardous use that would create hazardous conditions for the proposed residential development.

As part of the environmental clearance review for this project, several studies were conducted to identify any potential incompatibility. The results of site inspections did not identify any evidence of hazardous materials conditions on the site, such as storage tanks or containers, soil staining, unusual odors, or other suspicious activities. A database search was conducted to identify recorded hazardous materials incidents in the project area. This review included federal, state, and/or local lists of known or suspected contamination sites; known generators/handlers of hazardous waste; known waste treatment, storage, and disposal facilities; and permitted underground storage tank sites. The project site is not listed on any databases and no facilities were reported in the immediate project area. Facilities generating hazardous waste were identified within a one-mile radius of the project site. Five properties were listed in the database as small quantity generators of hazardous waste and one location was listed as a Leaking Underground Storage Tank (LUST) site. The LUST site was identified by the state as "closed" with no further action required.

Potential off-site hazardous materials impacts were addressed through studies completed in connection with four nearby residential developments on file with the Planning Division. These studies identified two facilities (Universal Semiconductor at 1925 Zanker Rd and Haro's Metal Finishing at 439 Reynolds Ct) within a one mile radius of the project site that could potentially have an impact on the project site. The Screening Level Risk Evaluation determined the toxic endpoint of a phosphine release from Universal Semiconductor would not reach the project site and therefore would not have an impact. The occurrence of a hydrogen cyanide release scenario from Haro's Metal Finishing is considered extremely unlikely. Although a worst case release could affect the project site, the likelihood of a worst case release occurring is significantly less than a likely release scenario. In addition, the implementation and enforcement of local, State, and Federal regulations regarding the use, storage and transportation of hazardous materials

reduces the likelihood and significance of impacts to off-site land uses, in the event of accidental release. Therefore, based on the most likely release scenario and the regulations governing hazardous materials, nearby hazardous materials facilities will have a less than significant impact on the proposed project.

Traffic Impact Fee

The City will collect a Traffic Impact Fee in accordance with the North San Jose Area Development Policy, to be used to fund the mitigation measures needed to meet future traffic conditions resulting from implementation of the Policy as described in the traffic analysis and Environmental Impact Report (EIR). The Traffic Impact Fee distributes the cost of the necessary infrastructure improvements on a cost per trip generated basis amongst the total development addressed through this Policy (32,000 residential units). The Fee initially has been set at \$5,596 per unit for new multi-family residential development within the Policy area. These fees are adjusted automatically every two years to address increases in land acquisition, and construction costs for the scheduled roadway and intersection improvements anticipated over time based upon standardized construction cost inflation rates for the region. The precise Traffic Impact Fee for this project will be calculated and collected at the time of issuance of a Building Permit.

The North San Jose Area Development Policy gives preference to projects that include parks or school sites, facilitate industrial development, incorporate retail facilities, or are developed at a higher density. Because of the size of the project site, some of these objectives are unattainable. Due to the location and size of the site, a retail or industrial component is impractical. The project is developed at a higher density than 40 DU/AC and also meets several city criteria for providing affordable housing.

Conformance to the Rincon South Specific Plan

The Rincon South Specific Plan designates four sub-areas within its boundaries. Each sub-area has a distinct character and is treated differently by the Specific Plan with specific policies formulated for each to supplement the general policies outlined in the plan. The project falls within the Fourth Street Industrial Support Sub-Area which seeks to preserve land for industrial uses while minimizing their impact upon neighboring residential and commercial development. The plan does not account for the new residential development provided for in the North San Jose Area Development Policy and therefore the overall Land Use and Design Policies of the Rincon South Specific Plan, have been used to find conformance with the intent of the plan.

The Rincon South Specific Plan states that multi-family residential structures on all streets, but particularly on North First Street, North Fourth Street and Skyport Drive, should project a very urban presence on the street while achieving compatibility with the Rosemary Gardens single-family neighborhood located several blocks away to the west across North First Street, and that site design should accommodate pedestrian access and limit automobile access points to the minimum required. The project as proposed uses contemporary design and materials to achieve a very urban presence along North Fourth Street. The project is located sufficiently far away from the Rosemary Gardens neighborhood so as to not create any compatibility or interface impacts, and is located across from an existing five-story hotel which displays a compatible urban style. The project proposes provision of free annual Ecopases to every household onsite, allowing tenants to ride any bus or light rail system within the Valley Transportation Authority for free. This will promote pedestrian movement to and from the development and help limit the use of automobiles.

The Specific Plan envisions a high level of urbanization as part of the development of the Guadalupe Corridor (North First Street), and acknowledges that taller buildings with smaller setbacks will be necessary to create such an urban area. In the Fourth Street Industrial Support Sub-Area, heights are generally limited to 50 feet. The San Jose 2020 General Plan's Urban Design Policies provide maximum building heights to address urban design consideration. Under this policy, for properties within reasonable walking distance of the light rail stations feet ("reasonable walking distance" is generally assumed to be approximately 2,000 feet along a safe pedestrian walkway), located within the boundaries of the North San Jose Area Development Policy, the maximum building height is 150 feet.

The plan states that with the intensification of future development, open space will become increasingly important within Rincon South. The identification, utilization and design of any available open space should be carefully considered in new development. The project utilizes space on the third floor podium to provide useable common open space for residents of the development. This open space has been designed to provide for all residents and contains a children's play-lot and bench seating in addition to appropriate landscaping. The project also provides a resident accessible green roof planted with an appropriate native Santa Clara Valley wildflower and grassland plant assemblage.

The Specific Plan is particularly concerned with the green streetscape and pedestrian system within the Plan's boundaries. It states that the "park" character intended for this area should not be limited to formal parks and should be carried throughout the community as a network which provides very attractive connections among parks and other neighborhood features. As such, specific streetscape design guidelines were developed within the Plan. New landscaping along North Fourth Street should improve the visual character of this important gateway street. The project conforms to the streetscape design guidelines by providing a 10' sidewalk and an additional 8' setback for a front yard. The project proposes London Plane Trees for the street trees planted in the sidewalk, conforming to the Plan's planting list for large street trees.

Conformance to the Residential Design Guidelines

The City's Residential Design Guidelines state that podium cluster housing is typically attached units, stacked and constructed on a "podium" or deck over a communal parking garage. The proposed development is generally consistent with the Residential Design Guidelines. Staff has focused the review on parking, open space and building design and setbacks.

Parking

The Zoning Ordinance contains parking ratios based on unit type, number of bedrooms per unit, and parking configuration. Based on strict adherence to the ratios in the Zoning Ordinance and Residential Design Guidelines, 175 parking spaces would be required on-site. The current proposal shows 114 on-site parking spaces in two levels of parking located in an above-ground structured parking garage, on the first two floors of the building. The Zoning Ordinance provides that projects located within 2,000 feet of an existing or planned light rail station may utilize a reduction in parking of up to 10%. In addition to the nearby Gish Road station, the subject site is also served by nearby VTA bus routes. With this reduction in place, the guidelines would still require 158 parking spaces for the project; however, this project will designate 30 properties for the sole use of residents who are Developmentally Disabled. Developmental disability is a term used to describe severe, life-long disabilities attributable to mental and/or physical impairments, which affect daily functioning in three or more of the following areas: capacity for

independent living, economic self-sufficiency, learning, mobility, receptive and expressive language, self-care, and self-direction. As such the applicant is asking for a further reduction in the required parking for this project and provided the following discussion.

“Virtually no developmentally disabled (DD) tenants drive or own their own vehicle according to historical data from Housing Choices Coalition, the sole housing referral service for Developmentally Disabled persons in the Santa Clara County and San Andreas Regional Center. Therefore, no spaces were provided for the 25 one bedroom units dedicated to this population. One space was provided for a live-in caregiver in each of the 5 two bedroom units dedicated to the DD population. This scenario was previously approved by the city council for our Gish Apartments and Casa Feliz developments, both of which included DD populations.”

In addition, the project proposes to provide free annual Ecopasses to every household onsite, allowing tenants to ride any bus or light rail train within the Valley Transportation Authority transit system for free. This will encourage the use of alternative transit modes and help reduce the use of automobiles by residents.

These reductions in the parking requirements would bring this project into general conformance with the parking standards outlined in the Zoning Ordinance, the Residential Design Guidelines and the intent of the North San Jose Area Development Policy, in which residential development is intended to provide housing in close proximity to jobs to allow employees the opportunity to reduce their commute travel times, make increased use of transit facilities and to reduce overall traffic congestion.

Open Space

The project as proposed provides adequate private and common open space for residents of the development. The proposed common open space ratio is approximately 201 square feet per unit while the private open space ratio is approximately 97 square feet per unit. These ratios are considerably higher than the 100 square feet of common open space per unit and 60 square feet of private open space per unit standard in the Guidelines for podium cluster homes. The Guidelines further state that common open space should include areas usable by residents for recreational activities. This project provides a major portion of its common open space requirement through an open courtyard on the third floor of the podium and an accessible green roof. Analysis was done to examine the noise exposure on the proposed balconies and within the podium common area, as noise levels potentially could be up to 10 dB in excess of the City's noise standard of 60 dB DNL for exterior noise, particularly on the balconies located on the sides of the building oriented to U.S. Highway 101. The intent of the General Plans Noise Policies is to ultimately achieve noise levels of 55 DNL; however, in areas with intrinsic high levels of noise, such as the Downtown Core Area, the area around San José International Airport, and areas adjacent to major roadways, it may be impossible to attain the desired outdoor noise level of 55 DNL or even 60 DNL in the near term without eliminating the beneficial attributes of the exterior spaces. Staff believes private balconies are a great benefit to residents, even with noise levels approaching 70 dB DNL, if adequate common open space is available for recreational use by residents with a lower noise level. The common open space is largely shielded from ambient noise by the building itself. The applicant's noise consultant provided a contour diagram illustrating the various noise levels at different parts of the podium, which did not indicate the proposed treatment along the leading edge of the courtyard. The applicant's current plan set indicates a 5 foot masonry wall and staff requested further clarification as to whether this was taken into account in the noise analysis, and asked for measures that could be included in the project to bring the

noise levels closer into conformance with the General Plan Policies.

"The consultant indicated that the noise contour map did not include any type of barrier along the edge of the podium, but had assumed an open rail type fencing. He further indicated that the noise levels on the podium would range between 60 to 67 dB DNL with a 5 foot wall, and between 58-65 dB DNL with a 6 foot wall. Taller walls could provide more protection, but could have aesthetic impacts on the outdoor area.

Staff notes that somewhat higher noise levels can be considered acceptable for this development given the project's location along a major roadway and near the freeway. The project has been designed to buffer noise levels by orienting the building away from U.S. 101, enclosing the courtyard and designing activities on the podium to allow noisier activities, such as the children's play lot, to be located toward the open end of the podium so that quieter activities can take place in the rear, closer to the building. Given the applicants proposal to include a 5 foot masonry wall along the front edge of the podium, it is staff's determination that noise levels will range from 60 to 67 dB DNL with most of the area below 65 dB DNL, the City's usual noise threshold for outdoor common spaces, and that any additional increase in the height of this wall would have a negative effect on the usability of the common open space in the courtyard area.

Building Design

The Guidelines state that mixed use development is particularly appropriate in settings that are intended to promote pedestrian activities and/or transit use. Although this project does not include a mix of residential and commercial uses, the building design has incorporated specific elements to help enliven the street façade and meet the intent of the guidelines. As per the guidelines, for mixed use buildings with parking floors or podiums, the interface between parking levels and the street or other public ways should be treated to avoid visual, noise and odor impacts on the public space. This project proposes placing the manager's office, community room, lounge, laundry and social service office at the front of the first two floors, screening the parking from North 4th Street. In addition, the design of the building and use of materials reflect an appropriately urban scale and facade to the street and surrounding community in conformance with the planned residential community envisioned in the North San Jose Area Development Policy.

Setbacks

The setbacks required from North 4th Street are specified in the Rincon South Specific Plan as a 10 foot sidewalk with an eight foot setback to maintain the streetscape described in the plan. This project has been redesigned several times to account for a variety of site constraints including a 30-foot sanitary sewer easement located along the east side of the project site which accommodates a 60-inch brick sanitary sewer line. Due to this significant constraint, the project cannot fully meet the specific guidelines regarding setbacks on other frontages while maintaining financial feasibility. However, to adhere to the intent of the Rincon South Specific Plan, the project includes the setbacks called out in the plan of 18 feet from the face of curb, at the grade level. These setbacks are then reduced above the first story to 15 feet from the face of curb. The architect has also used extensive articulation and a variety of materials to help address massing issues as per the Residential Design Guidelines.

The Guidelines suggest a 15-foot setback from incompatible uses such as the adjacent industrial uses to the north, east and south of the property, to provide buffering between uses. The project has been

designed to incorporate a 30-foot sanitary sewer easement located along the east side of the project site, and maintains a rear setback of 30 feet, increasing to 31 and a half feet at the northeast corner of the property, at grade. The Public Works Department staff agreed that some building over hang encroachment could occur from the 3rd story upwards but that the maximum overhead encroachment shall be no greater than 5 and a half feet into the easement. Due to the limited dimensions of the site, the project is unable to maintain side setbacks of 15 feet from adjacent incompatible uses, but proposes a 10 foot setback from the northern property line, providing an approximately 26 foot separation with the adjacent one-story building. This also allows continued use of an existing shared driveway which services the adjacent industrial use. The project proposes an almost 9 foot side setback along the southern property edge, adjacent to an existing parking lot, which services the adjacent industrial use. This setback will provide an approximately 72 foot separation between the project and the adjacent one-story industrial building.

Both the North San Jose Area Development Policy and the Rincon South Specific Plan envision high levels of urbanization as part of the development of this area, and that taller buildings with smaller setbacks will be necessary to create such an urban area. The setbacks and character of this development conform to the intent of these policies.

COMMUNITY OUTREACH

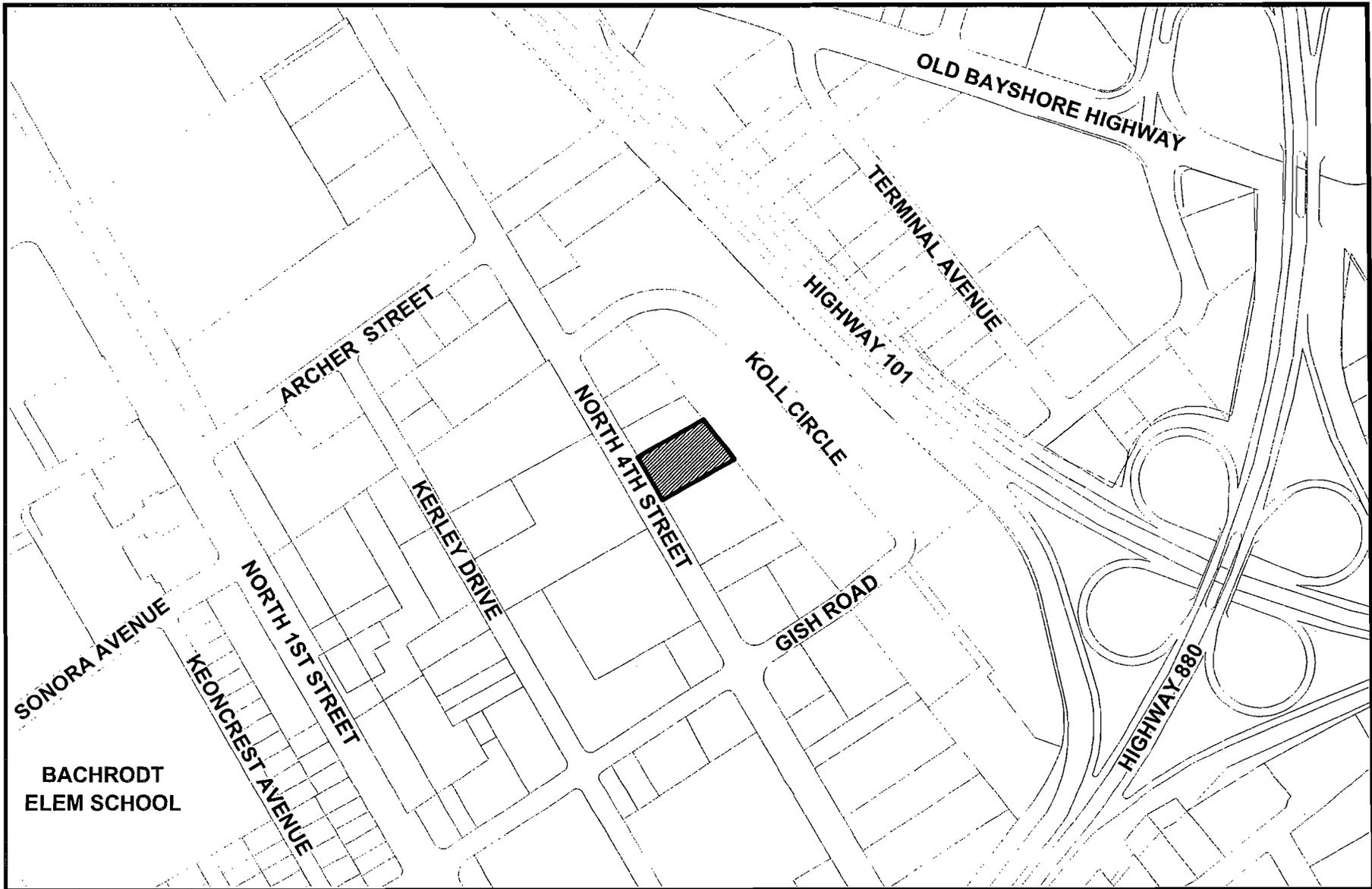
The applicant conducted a Community Meeting for the proposal, held on February 20, 2007, where the community was given the opportunity to comment on the project. Notices of this meeting were distributed to residents within 500' of the project site. The meeting was attended by staff and the applicant; no members of the community were present. For those local residents who were unable to attend the meeting, First Community Housing provided an information brochure with the notice that described the project and displayed drawings of the proposed development. Notice of the public hearing was mailed to all owners and occupants within 500 feet of the subject site, and the dates of the public hearings have been noticed in a local newspaper. Planning staff has been available to discuss the proposal with members of the public. Additionally, prior to the Planning Commission public hearing, an electronic version of the staff report was made available online, accessible from the Planning Commission agenda, on the Planning Divisions' website.

RECOMMENDATION

Planning staff recommends that the City Council adopt an ordinance approving the proposed Planned Development Rezoning for the following reasons:

1. The project conforms to the General Plan Land Use/Transportation Diagram designation Transit/Employment Residential District Overlay (55+DU/A).
2. The project is consistent with the Rincon South Specific Plan.
3. The project is consistent with the North San Jose Area Development Policy
4. The project is consistent with the compatibility, parking, and open space guidelines in the Residential Design Guidelines.
5. The project is compatible with existing and planned uses in the surrounding neighborhood.

Attachments: Maps
Addendum to the North San Jose Area Development Policy EIR (Resolution # 72768)
Agency Memo
Plan set



Scale: 1"= 400'

Map Created On: 04/11/2006

Noticing Radius: 1,000 feet

File No: PDC06-022

District: 3

Quad No: 67

Memorandum

TO: Christopher Burton
Planning and Building

FROM: Michael Liw
Public Works

**SUBJECT: FINAL RESPONSE TO
DEVELOPMENT APPLICATION**

DATE: 02/20/07

PLANNING NO.: PDC06-022
DESCRIPTION: Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 100 multi-family residences on a 0.75 gross acre site
LOCATION: east side of North 4th Street, approximately 600 feet northerly of Gish Road
P.W. NUMBER: 3-18054

Public Works received the subject project on 02/13/07 and submits the following comments and requirements.

Project Conditions:

Public Works Clearance for Building Permit(s) or Map Approval: Prior to the approval of the Tract or Parcel Map (if applicable) by the Director of Public Works, or the issuance of Building permits, whichever occurs first, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits.

1. **Construction Agreement:** The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.
2. **Grading/Geology:**
 - a) A grading permit is required prior to the issuance of a Public Works Clearance. The construction operation shall control the discharge of pollutants (sediments) to the storm drain system from the site. An erosion control plan may be required with the grading application.
 - b) The Project site is within the State of California Seismic Hazard Zone. A soil investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CDMG

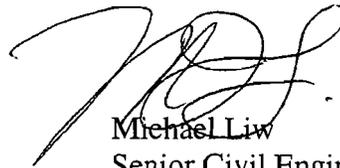
Special Publication 117) and the Southern California Earthquake Center ("SCEC" report). A recommended depth of 50 feet should be explored and evaluated in the investigation.

3. **Stormwater Runoff Pollution Control Measures:** This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) that include site design measures, source controls, and stormwater treatment controls to minimize stormwater pollutant discharges. Post-construction treatment control measures, shown on the project's Stormwater Control Plan, shall meet the numeric sizing design criteria specified in City Policy 6-29.
 - a) The project's preliminary Stormwater Control Plan and numeric sizing calculations have been reviewed. At PD stage, submit the final Stormwater Control Plan and numeric sizing calculations.
 - b) Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
 - c) A post construction Final Report is required by the Director of Public Works from a Civil Engineer retained by the owner to observe the installation of the BMPs and stating the all post construction storm water pollution control BMPs have been installed as indicated in the approved plans and all significant changes have been reviewed and approved in advance by the Department of Public Works
4. **Traffic/Transportation:** This project is located within the new North San Jose Policy Area and must participate in the payment of the Traffic Impact Fee. Current fee is \$6,994 per single-family residential unit and \$5,596 per multi-family unit. Fee is subject to future inflation adjustment and increases.
5. **Sanitary:**
 - a) Provide an additional sanitary sewer easement between the existing 5' PG&E and 20' sanitary sewer easements.
 - b) Provide an access easement along the northerly boundary of the property and the proposed building. This will facilitate access to the existing 60" sanitary sewer main along the easterly property line.
 - c) Construct a curtain wall or equivalent along the easterly edge of the proposed building that extends approximately 26' below existing grade to protect the existing sanitary sewer main and to facilitate its removal and replacement in the future.
 - d) The maximum allowable overhead encroachment by the proposed building into the existing 20' sanitary sewer easement shall be no greater than 5'-6".
6. **Complexity Surcharge (In-Fill):** This project has been identified as an in-fill project. Based on established criteria, the public improvements associated with this project have been rated medium complexity. An additional surcharge of 25% will be added to the Engineering & Inspection (E&I) fee collected at the street improvement stage.

7. **Electrical:** Existing electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans.
8. **Undergrounding:** The In Lieu Undergrounding Fee shall be paid to the City for the entire frontage adjacent to Fourth Street prior to issuance of a Public Works clearance. One hundred percent (100%) of the base fee in place at the time of payment will be due. (Currently, the base fee is \$224 per linear foot of frontage.)
9. **Flood - Zone X:** The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood Zone X is an area of moderate or minimal flood hazard. Zone X is used on new and revised maps in place of Zones B and C. There are no City floodplain requirements for Zone X.
10. **Street Improvements:**
 - a) Remove and replace curb, gutter and sidewalk along Fourth Street frontage. Provide a 10' attached sidewalk with tree wells.
 - b) The developer shall take every precautionary measure to ensure that the existing 60-inch brick sewer will not be damaged during construction. Prior to construction of the building, the 60" sanitary line must be video inspected and monitored throughout the construction process. Any damage to this facility during the construction of the project shall be the sole responsibility of the developer.
 - c) Close unused driveway cut(s).
 - d) Proposed driveway width to be 26'.
 - e) Dedication and improvement of the public streets shall be to the satisfaction of the Director of Public Works.
 - f) Repair, overlay, or reconstruction of asphalt pavement will be required on Fourth Street. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans. (To assist the Applicant in better understanding the potential cost implications resulting from these requirements, existing pavement conditions can be evaluated during the Planning permit review stage. The Applicant will be required to submit a plan and the applicable fees to the PW Project Engineer for processing. The plan should show all project frontages and property lines. Evaluation will require approximately 20 working days.)
11. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
12. **Parks:** In accordance with the Parkland Dedication and Park Impact Ordinances (SJMC 19.38/14.25), the park impact fee will be due for any additional living units that are built.

13. **Street Trees:** Install street trees within public right-of-way along entire project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Street trees shall be installed in cut-outs at the back of curb. Obtain a DOT street tree planting permit for any proposed street tree plantings. Contact the City Arborist at (408) 277-2756 for the designated street tree.

Please contact the Project Engineer, Ryan Do, at (408) 535-6897 if you have any questions.



Michael Liw

Senior Civil Engineer

Transportation and Development Services Division



ML:rd:kg

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**ADDENDUM TO AN EIR
USE OF A FINAL EIR PREPARED FOR A PREVIOUS PROJECT**

Pursuant to Section 15164 of the CEQA Guidelines, the City of San Jose has prepared an Addendum to an Environmental Impact Report (EIR) because minor changes made to the project that are described below do not raise important new issues about the significant impacts on the environment.

PROJECT DESCRIPTION AND LOCATION

PDC06-022. Planned Development Zoning for a project located on the east side of North 4th Street, approximately 600 feet northerly of Gish Road on a 0.75-gross-acre site in the Light Industrial Zoning District for up to 100 multi-family residences.
Council District 3. County Assessor's Parcel Number 235-04-005

The environmental impacts of this project were addressed by a Final EIR entitled, "North San Jose Area Development Policies Update," and findings were adopted by City Council Resolution No. 72768 on June, 2005. Specifically, the following impacts were reviewed and found to be adequately considered by the EIR:

- | | | |
|-------------------------|------------------------|-----------------------------|
| Traffic and Circulation | Soils and Geology | Noise |
| Cultural Resources | Hazardous Materials | Land Use |
| Urban Services | Biotics | Air Quality |
| Aesthetics | Airport Considerations | Microclimate |
| Energy | Relocation Issues | Construction Period Impacts |
| Transportation | Utilities | Facilities and Services |
| Water Quality | | |

ANALYSIS:

The City of San Jose may take action on the proposed project as being within the scope of the North San Jose Area Development Policies Update Final EIR adequately addresses the environmental effects of the proposed project, and project would not result in significant environmental effects that are not already identified in the Final EIR. The project, therefore, meets the eligibility requirements for preparation of an addendum and does not require a supplemental EIR or ND.

Chris Burton
Project Manager

Joseph Horwedel, Director
Planning, Building and Code Enforcement

2/22/07
Date

[Signature]
Deputy

**1470 N. FOURTH STREET AFFORDABLE HOUSING
PD REZONING & DEVELOPMENT PERMIT
(File #PDC06-022)**

**ADDENDUM TO THE
NORTH SAN JOSE DEVELOPMENT POLICIES UPDATE
FINAL ENVIRONMENTAL IMPACT REPORT**

CITY OF SAN JOSE

February 2007

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Appendices

- A. Historic Evaluation
- B. Geotechnical Report
- C. Phase I Assessment & Soil Sampling Data
- D. Storm Water Control Plan
- E. Noise Assessment

1. Background Information

PROJECT DATA

1. **Project Title:** 1470 N. Fourth Street Affordable Housing
2. **Lead Agency Name and Address:** City of San Jose, 200 E. Santa Clara Street, San Jose, CA 95113 Contact: Chris Burton (408) 535-7800 Chris.Burton@sanjoseca.gov
3. **Project Proponent:** First Community Housing, 2 N. Second Street, Suite 1250, San Jose, CA 95113 Contact: Geoff Morgan (408) 291-8650
4. **Project Location:** A 0.75 acre parcel located at 1470 N. Fourth Street, on the east side of the roadway approximately 600 feet north of Gish Road in San Jose.
5. **Project Description:** Application for a PD rezoning and development permit to allow construction of 100 affordable housing rental units in a single, nine-story apartment building. A two-level, above-grade parking garage for 114 vehicles is proposed on the first two floors of the building.

2. Project Description

INTRODUCTION

The project site is located within the boundaries of the San Jose Area Development Policy. The Final Environmental Impact Report for the North San Jose Area Development Policies Update was certified and the project approved by the City Council in June 2005. The EIR was subsequently legally challenged by Santa Clara County and the Cities of Milpitas and Santa Clara. In December 2006, the Santa Clara County Superior Court approved a settlement of all legal challenges and deemed the EIR adequate.

This document comprises an addendum to the Final EIR. This addendum is prepared pursuant to CEQA Guidelines §15164, which states: “A lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in §15162 calling for preparation of a subsequent EIR have occurred.”

CEQA Guidelines §15162 establishes the following criteria for the preparation of a Supplemental EIR. None of these criteria may be met if an addendum is to be prepared.

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

This addendum has been prepared in accordance with the CEQA Guidelines, and includes a brief explanation of the decision not to prepare a supplemental or subsequent ND or EIR, supported by substantial evidence. The City must consider this addendum, along with the certified Final EIR, prior to making a decision on the project addressed herein; however, the addendum does not need to be circulated for public review (CEQA §15164).

Based on the analysis in this addendum, it is concluded that the North San Jose Area Development Policies Update Final EIR adequately addresses the environmental effects of the proposed project, and the project would not result in significant environmental effects that are not already identified in the Final EIR. The project, therefore, meets the eligibility requirements for preparation of an addendum and does not require a supplemental EIR or ND.

PROJECT LOCATION

The project is proposed within the corporate limits of the City of San Jose, in Santa Clara County (refer to Figure 1). The project site is located on a 0.75 acre site at 1470 N. Fourth Street, 600 feet north of Gish Road. The site is located on Assessor's Parcel Number 235-04-005 (refer to Figure 2). The property is currently occupied by a single-story 17,000 square foot industrial/commercial building with associated driveways and parking. An aerial photograph of the project site and surrounding area is presented in Figure 3.

PROJECT DESCRIPTION

A site plan showing the project is presented in Figure 4. The project is the application for a PD rezoning and development permit to allow construction of a 100% affordable multi-family housing development. The project proposes 100 units in an approximately 161,000-square foot, nine-story building. Elevations of the proposed building are provided in Figure 5. Units would consist of one to three bedroom apartments. Thirty units would be reserved for developmentally disabled persons. A common area is proposed on the podium on the third floor. Construction of the residential project would require the demolition and removal of the existing building and pavement on the site.

Parking for 114 vehicles would be provided in an above-ground structured parking garage, located on the first two floors of the apartment building. Access to the parking garage would be provided by a driveway off N. Fourth Street (refer to Figure 4). In addition, the project is maintaining an existing 30-foot sanitary sewer easement on the east side of the site.

Development of the project site will require, at a minimum, the following discretionary actions: a Planned Development (PD) Rezoning and Planned Development permit.

PROJECT SCHEDULE

Construction of the project is expected to begin in mid-2007 and take approximately two years to complete. Occupancy is planned for 2009.

PROJECT OBJECTIVES

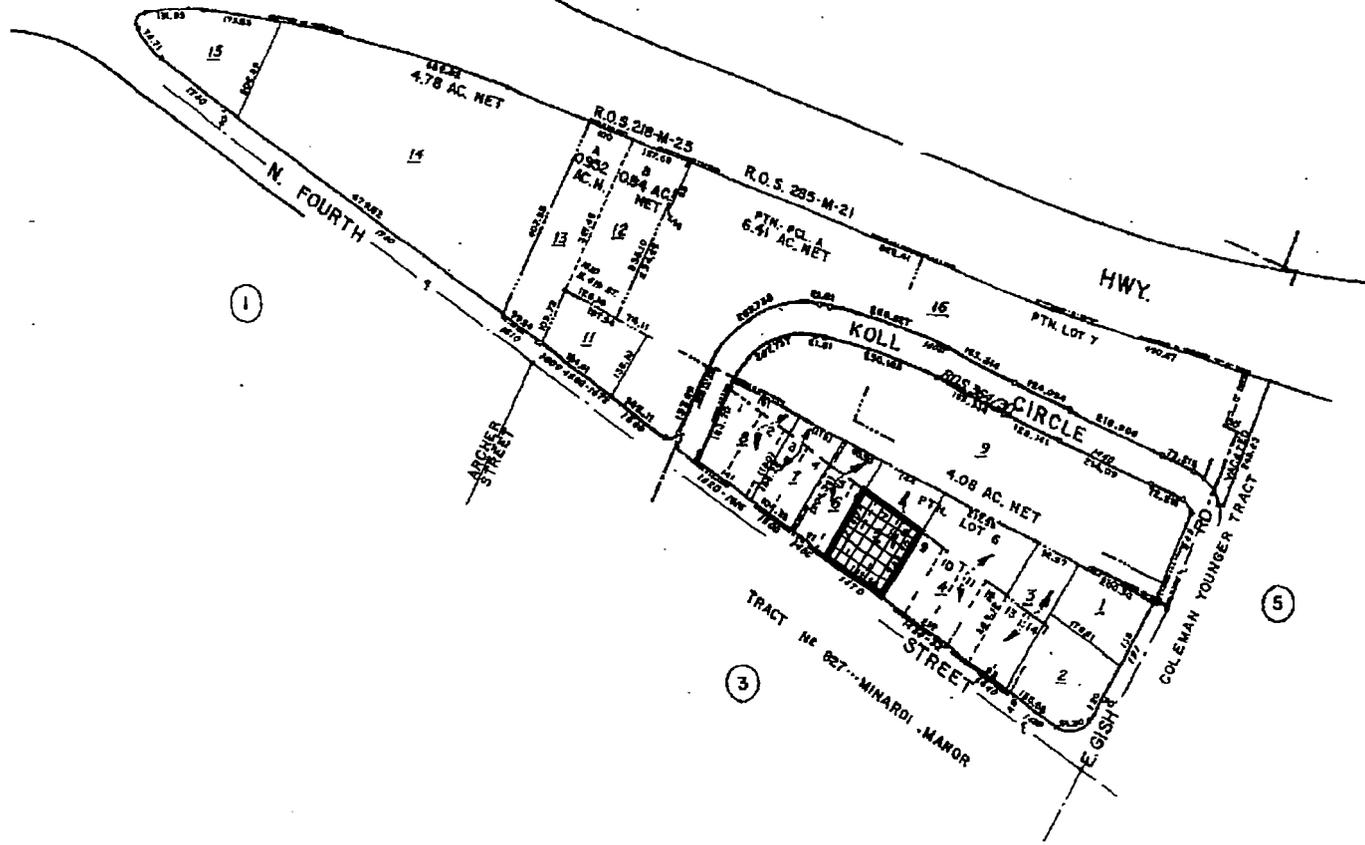
The project is proposed to help meet the demand for affordable rental housing in San Jose. The project objective is to construct a 100% affordable multi-family project to accommodate low-income households earning 60% or less of the area's median income, including up to 30 units for developmentally disabled persons. The project proposes to incorporate environmentally sustainable features including a green roof and other architectural features to reduce impacts. The project location is intended to encourage transit use by placing higher density housing within 2,000 feet of a light-rail station and providing residents of the development with free annual Ecopasses for Santa Clara Valley Transit Authority services.

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OFFICE OF COUNTY ASSESSOR - SANTA CLARA COUNTY, CAL

(OLD BAYSHORE HWY.)

BAYSHORE



Project Boundaries



Assessor's Parcel Map

Figure

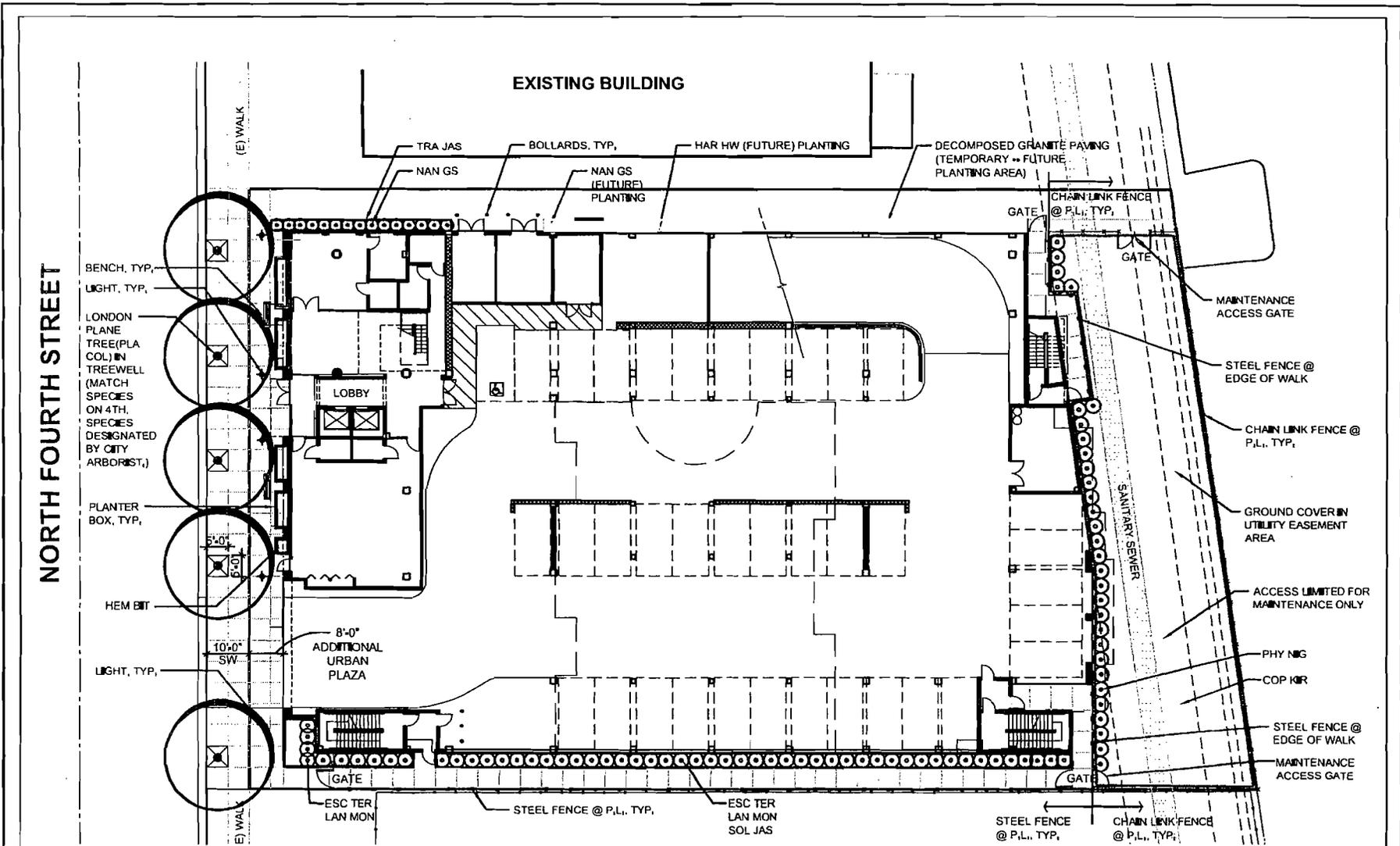
2



Aerial Photograph

Figure

3

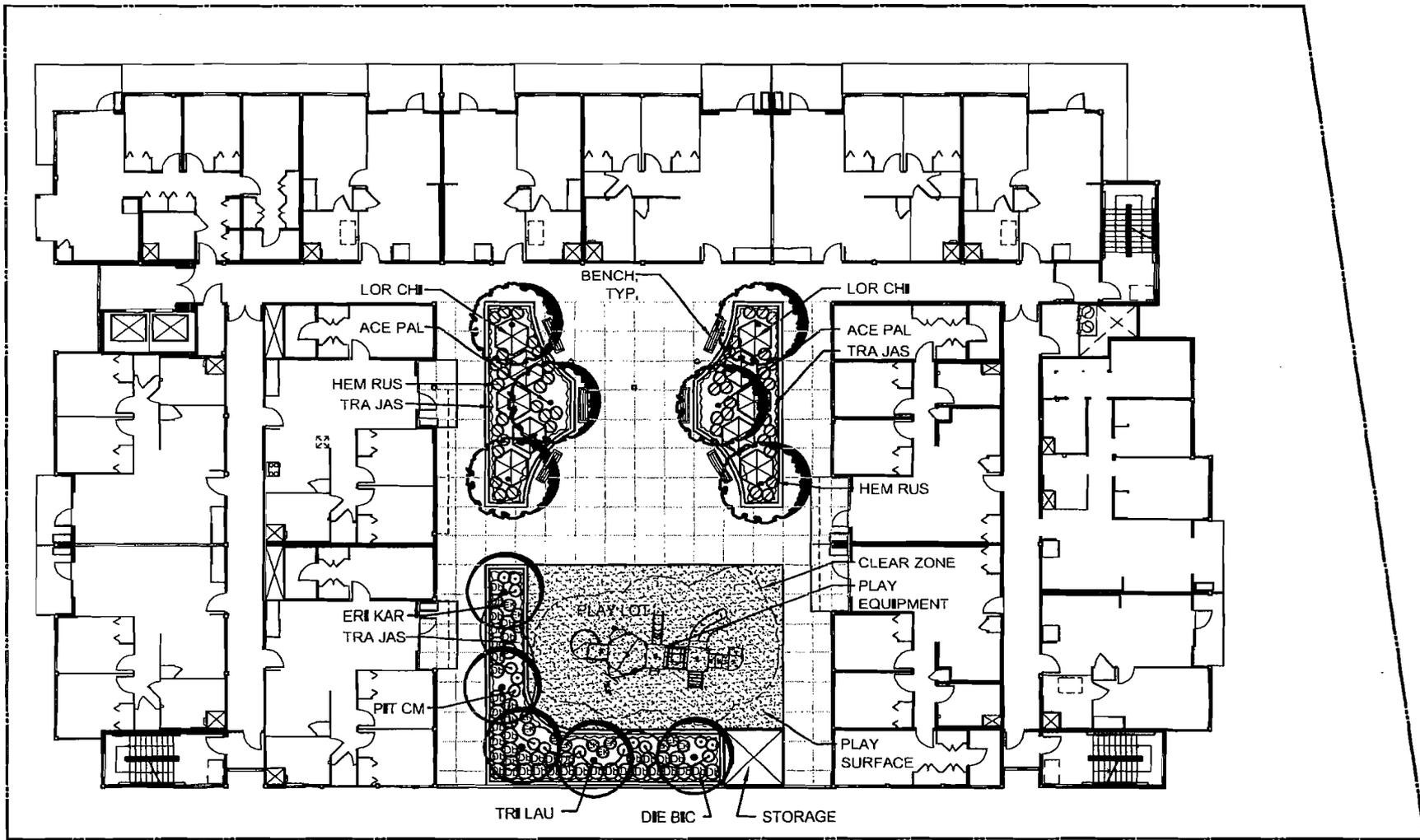


Source: Fisher Freidmand Associates, 2006



Site Plan - Street Level

Figure
4A

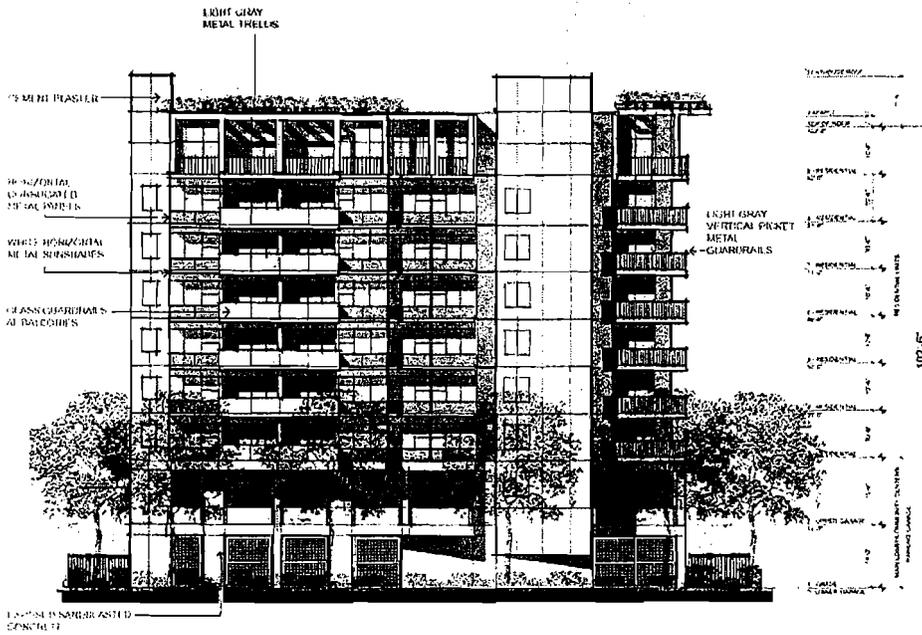


Source: Fisher Freidmand Associates, 2006



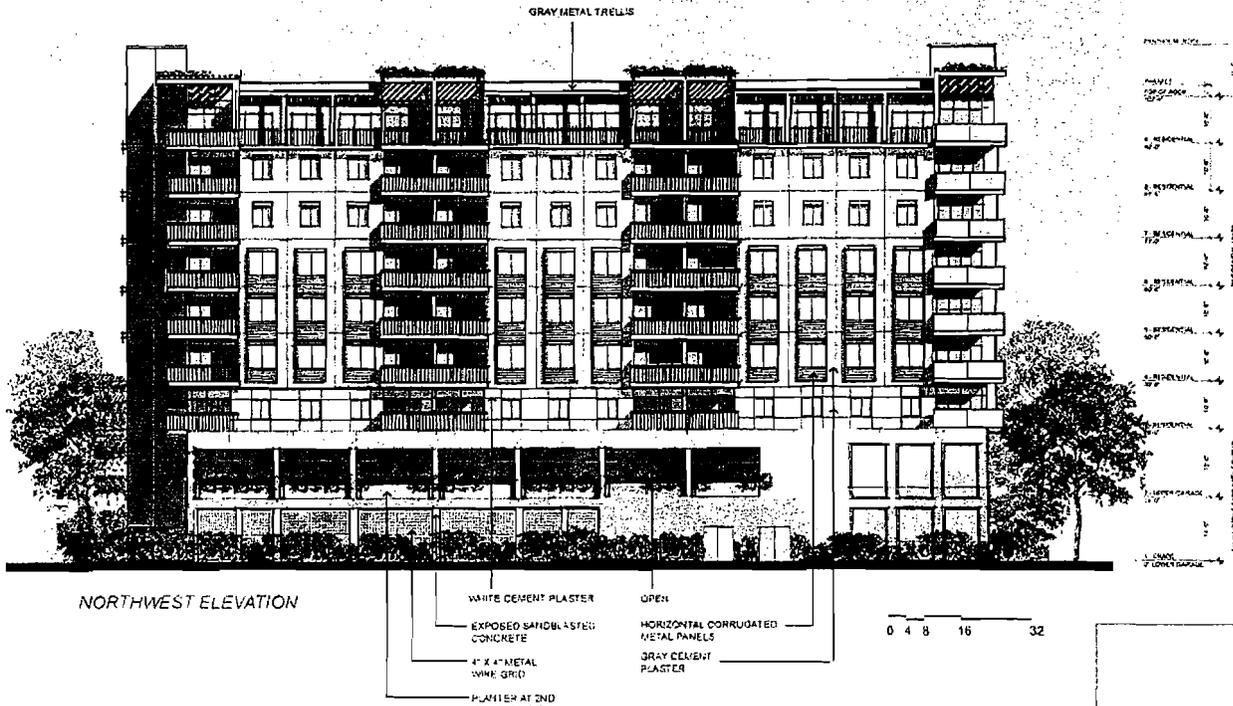
Site Plan - Podium Level

Figure
4B



NORTHEAST ELEVATION

0 4 8 16

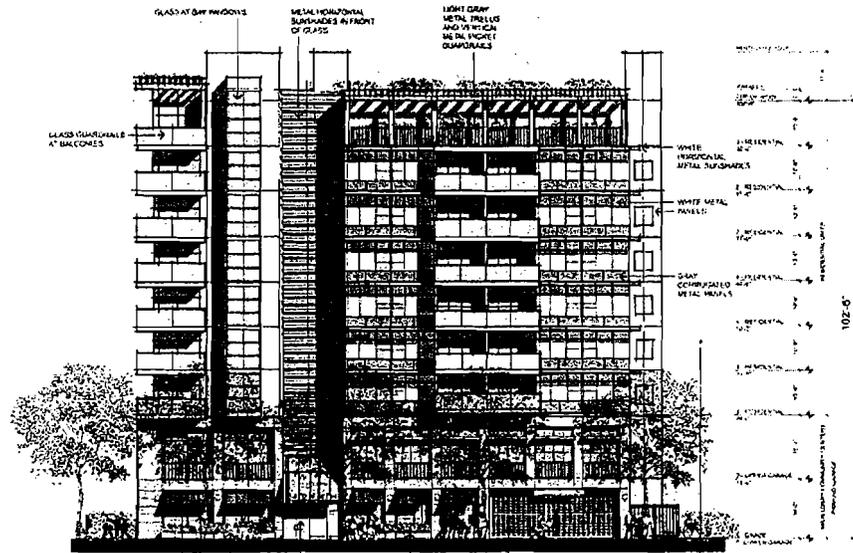


NORTHWEST ELEVATION

0 4 8 16 32

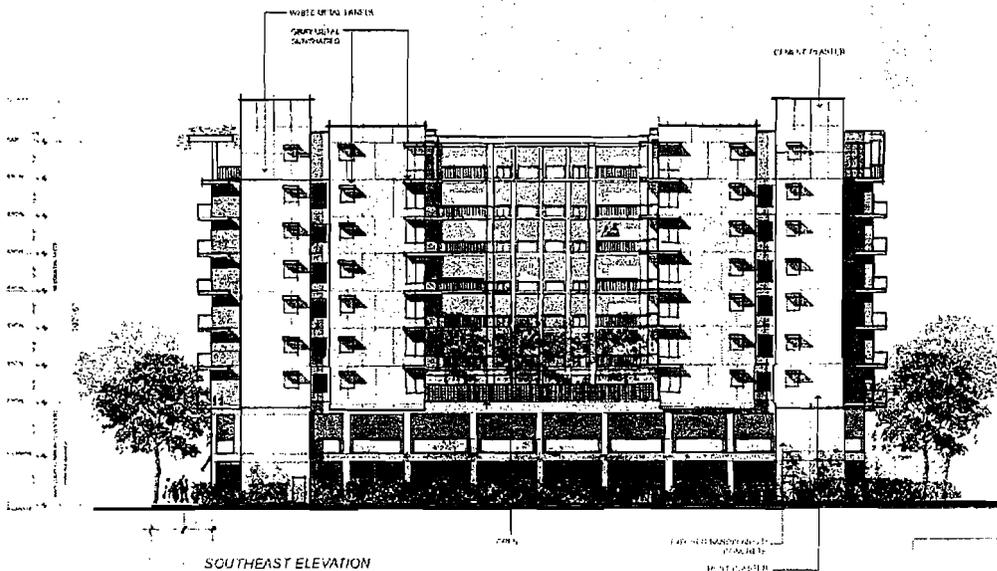
Project Elevations

Figure
5A



SOUTHWEST ELEVATION

0 4 8 16 32



SOUTHEAST ELEVATION

0 4 8 16 32

Source: Fischer Freidman Associates, 2006

Project Elevations

Figure
5B

3. Environmental Evaluation

The following discussion describes the environmental impacts that could occur as a result of the project. The potential environmental impacts of the proposed Fourth Street Affordable Housing project are evaluated based on the analysis provided in the Final EIR for the North San Jose Area Development Policies Update and supplemented with site-specific technical review. The impacts and mitigation measures identified in the certified Final EIR sufficiently address the environmental effects from the proposed project, as described below. Please refer to Section 4 for a summary of the conclusions.

A. AESTHETICS

Setting

The project site is located within an urbanized area of San Jose. The site is bordered by N. Fourth Street to the west, and commercial and light industrial uses to the north, south, and east. A large hotel lies west of the site across Fourth Street. The project property contains a vacant industrial/commercial building and pavement.

Photographs of the property are presented in Figure 6, and an aerial photo of the project area is provided in Figure 3. As shown in the photos, the site contains a single-story, tilt-up concrete building, with very limited landscaping (shrubs and turf along the site's frontage). The site does not contain any trees or other notable scenic features.

Thresholds per CEQA Checklist

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

Discussion

The project consists of an infill project located in a developed, urbanized area. The site does not contain any trees or other significant vegetation, rock outcroppings, or other scenic features. The project site is not located on, nor visible from, any scenic routes identified in the City's General Plan.

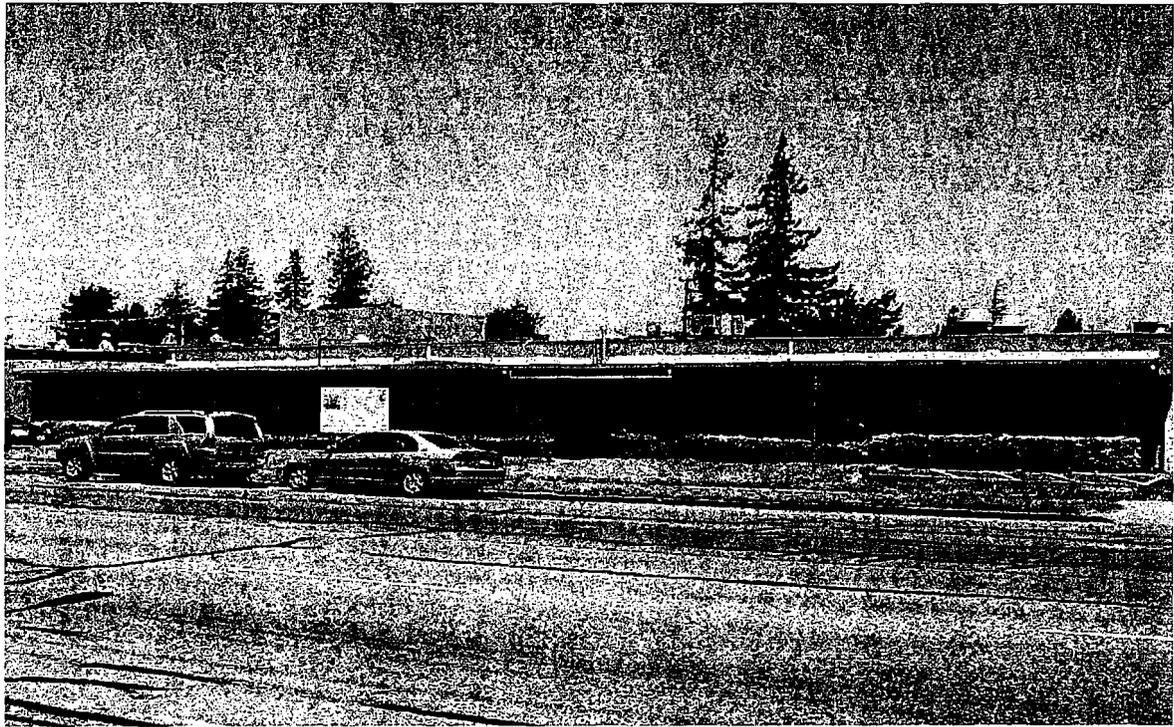


Photo 1. View of site from Fourth Street, showing the existing building on the site.



Photo 2. South site access.

Development of the project would consist of the construction of a new nine-story apartment building on a site containing a former commercial building. Vegetation removal for the project would be limited to existing shrubs. The new building would be 161,000 square feet, with a height of approximately 103 feet. Elevations of the proposed building are presented in Figure 5. Landscaping is proposed along the perimeter of the site.

The buildings immediately surrounding the project site consist primarily of single-story structures. The existing hotel across the street is five stories high. Although the project would increase the intensity of development on the property in terms of size and scale, it would not have a significant adverse impact on the visual character of the site or its surroundings, which consist of urban commercial and industrial uses. The proposed building would not affect views or increase shading at any residential properties or public parks.

The project would introduce new outdoor lighting for security. All proposed outdoor lighting for the housing development would comply with the City's policies and regulations (including the City Council Policy 4-3), and would not significantly increase light or glare in the project area.

Standard Measures

The following standard measures shall be implemented as part of the project.

- Design of the project shall conform to the City's *Residential Design Guidelines*.
- Lighting on the site shall conform to the City's *Outdoor Lighting Policy (4-3)*.

Conclusion

The project would have a less-than-significant impact on aesthetics. The project would not result in significant new or increased aesthetic impacts beyond those already identified in the North San Jose Development Area Policies Update Final EIR (see EIR Section II.A).

B. AGRICULTURAL RESOURCES

Setting

In California, agricultural land is given consideration under CEQA. According to Public Resources Code §21060.1, "agricultural land" is identified as prime farmland, farmland of statewide importance, or unique farmland, as defined by the USDA land inventory and monitoring criteria, as modified for California. CEQA also considers impacts on lands that are under Williamson Act contracts. The project area is identified as "urban/built-up land" on the Santa Clara County Important Farmlands Map (2004).

Thresholds per CEQA checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
2. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X	4
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	2
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?				X	1

Discussion

The project is located on property identified as urban/built-up land on the Important Farmlands Map, is not under Williamson Act contract, and does not involve any agricultural uses. Development of the proposed residential building, therefore, would not impact agricultural land or resources.

Conclusion

The project would not impact agricultural resources. The project would not result in new or increased agricultural impacts beyond those already identified in the North San Jose Development Area Policies Update Final EIR (see EIR Section II.A).

C. AIR QUALITY

Setting

The project is located within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) is the local agency authorized to regulate stationary air quality sources in the Bay Area. The BAAQMD develops and enforces air quality regulations for non-vehicular sources, issues permits, participates in air quality planning, and operates a regional air quality monitoring network. The Federal Clean Air Act (FCAA) and the California Clean Air Act (CCAA) mandate the control and reduction of certain air pollutants. Under this Act, the United States Environmental Protection Agency (U.S. EPA) and the California Air Resources Board (CARB) have established ambient air quality standards for certain "criteria" pollutants, designed to protect public health and welfare. Primary criteria pollutants include carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxides (NO_x), particulate matter (PM₁₀), sulfur dioxide (SO₂), and lead (Pb). Secondary criteria pollutants include ozone (O₃), and fine particulate matter (aerosols).

The Federal Clean Air Act and the California Clean Air Act of 1988 require that the State Air Resources Board to designate portions of the state where the federal or state ambient air quality standards are not met as "nonattainment areas," based on air quality monitoring data. Due to differences between the national and state standards, the designation of nonattainment areas is varies under federal and state legislation. The Bay Area Air Basin is currently classified as a non-attainment area for the state ozone

standard. For particulate matter less than 10 micrometers in diameter (PM₁₀), the Bay Area Air Basin is currently designated as a non-attainment area for the state standard, and is designated as unclassified for particulate matter less than 2.5 microns in diameter (PM_{2.5}), pending further monitoring data. All other pollutants are designated as attainment or unclassified for federal standards and as attainment for the state standard.

The BAAQMD defines sensitive receptors as facilities where sensitive population groups are likely to be located. These land uses include residences, schools, child care centers, convalescent homes, and medical facilities. The project site is located in a commercial and industrial area, and there are no sensitive receptors in the immediate vicinity.

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?				X	5
b) Violate any air quality standard or contribute to an existing or projected air quality violation?			X		5
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?			X		1, 5
d) Expose sensitive receptors to substantial pollutant concentrations?				X	1, 5
e) Create objectionable odors affecting a substantial number of people?				X	1, 5

Discussion

The project area is governed by the BAAQMD. The most recent update to the BAAQMD CEQA Air Quality Guidelines was prepared to guide assessment of air quality impacts of a project. Together with the Air Quality Management Plan, it provides guidelines to determine compliance with state and federal air quality standards and requirements for CEQA analysis (*BAAQMD CEQA Guidelines*, 1999).

Operational Impacts

The project would not result in long-term air quality impacts, since the only source of air pollution would be the generation of approximately 672 daily vehicle trips.¹ Based on the BAAQMD thresholds of significance, projects that generate fewer than 2,000 vehicle trips per day are not considered major air pollutant contributors, and do not require a technical air quality study.

¹ Based on the rate of 6.72 trips/apartment unit from the Institute for Transportation Engineers Manual (2003). This represents a conservative estimate, as not all of the occupants are expected to drive.

Construction Impacts

The project would generate temporary air pollutant emissions during construction activities. The short-term air quality impacts during construction would be associated primarily with the increase in suspended particulates (dust). Construction activities, including site clearing and soil disturbance, could generate dust emissions and locally elevated levels of particulates (i.e., PM₁₀) downwind of construction activities. This increase in dust could result in potentially significant short-term impacts on nearby residential uses. The BAAQMD provides feasible control measures for construction emissions of PM₁₀.

This project would use typical construction equipment such as trucks and bulldozers. This type of equipment can generate temporary emissions of ozone precursors (i.e., nitrogen oxides and volatile organic compounds). These emissions are accommodated in the emission inventory of the state and federally required air plans and would not have a significant impact on the attainment and maintenance of ozone standards. In addition, toxic air contaminants (TACs), such as diesel exhaust, are emitted from various construction vehicles and equipment. The project would require limited construction activities and would not emit substantial TACs.

The project would incorporate the following standard dust abatement measures during construction in accordance with the BAAQMD requirements and mitigation set forth in the North San Jose Area Development Policies Update EIR.

- Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing residential land uses shall be kept damp at all times, or shall be treated with non-toxic soil stabilizers or dust palliatives.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply non-toxic soil stabilizers to all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality.
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
- Cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles, if any.
- Install sandbags or other erosion control measures to prevent silt runoff to public streets.

Conclusion

The Final EIR identifies the generation of particulates (dust) during construction activities as a significant impact that would be reduced to a less-than-significant level with incorporation of standard air quality protection measures mandated by the BAAQMD. The proposed project would not result in new or increased air quality impacts beyond those already identified in the Final EIR (see EIR Section II.C).

D. BIOLOGICAL RESOURCES

Setting

The project site is located within an urbanized area of San Jose. The existing property contains a vacant commercial/industrial building and pavement. Vegetation on the site is limited to shrubs and turf in front of the existing building. The property does not contain any trees.

The project site may provide very limited habitat for wildlife species associated with urban areas. Shrubs could provide food and cover for wildlife adapted to this environment, including birds such as house finch, mourning dove, house sparrow, and Brewer's blackbird. Urban landscape areas may also provide limited habitat for small mammals. The project site is almost entirely developed with buildings and pavement and has a very low value for wildlife, due to the highly disturbed nature of the property and high human activity levels surrounding the site.

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
4. BIOLOGICAL RESOURCES. Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X	1, 2
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X	1, 2
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X	1, 2
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X	1, 2
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X	2, 3
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?				X	2

Discussion

The project would not significantly impact any vegetation or wildlife resources, due to the highly disturbed nature of the site and lack of habitat. The project site does not contain any trees.

Conclusion

The project would not have a significant impact on biological resources. The project would not result in new or increased impacts to biological resources beyond those already identified in the North San Jose Development Area Policies Update Final EIR (see EIR Section II.E).

E. CULTURAL RESOURCES

Setting

The existing building on the property, proposed for demolition, was constructed in 1955. The building consists of a rectangular single-story commercial/production building with side and rear walls constructed of concrete and a flat roof. The site has been extensively disturbed by previous development and the majority of the site is covered with impervious surfaces.

Historical Resources

Since the existing building on the site is over 45 years of age, a historical evaluation was conducted for the property by Ward Hill, Architectural Historian (August 2006). This evaluation is provided in Appendix A.

The building was constructed in 1955 and originally occupied by Graphic Arts Press. In 1956, the building was occupied by General Electric Company for office space. From 1959 to 1973, the building was used by Lockheed Corporation for office space. The building was purchased in 1975 by the Christian National Evangelism Commission; at this time the interior of the building was altered and portions of the building were leased. The building was later sold to the Fiber-Glo Company in 1995. The site was leased to a number of commercial enterprises from the late 1970s until 2001. The site has remained vacant since 2002.

Based on the results of the historic evaluation, the building on the site does not appear to individually embody the distinctive characteristics of light industrial architecture in San Jose, nor to potentially contribute to a district; therefore, the building does not appear to be eligible as a significant resource under National Register Criterion C or California Register Criterion 3. The building was used as office space for about 14 years by Lockheed's Missile and Space Division, one of many office buildings the Division occupied in the Santa Clara Valley during the 1960s. The building does not appear to be associated with any historically significant activities of the Lockheed Corporation or the Missile and Space Division in this area during the 1950s – 1960s, Lockheed's primary research and development facility being located in Sunnyvale. In addition, the other occupants of the building do not appear to be of historical significance. Therefore, the building does not appear to have significant associations with local themes or cultural patterns of significance, or with significant persons in local history. The historic evaluation concluded that the building is not significant under California Register Criteria 1, 2, or 3, or National Register Criteria A, B, or C. In addition, the building was analyzed using the City of San Jose Historic Evaluation Criteria. The building did not qualify for the San Jose Historic Resources Inventory (receiving only a total of 22 points).

Archaeological Resources

The property is located in an urbanized area and has been extensively disturbed by grading and development. An archaeological literature review was completed for the project by Holman & Associates (October 2006), which included a search of the Northwest Information Center (NWIC) at Sonoma State University.

The results of the archival search indicate that the project site was the subject of at least one historical/archaeological study completed by Basin Research Associates in 1983 for the Rincon del los Esteros Redevelopment Project. The 1983 study identified the historic and prehistoric archaeological sensitivity of the area and contained a set of generic guidelines for monitoring during pending redevelopment projects. The study also presented a general process for the discovery of archaeological

materials. To date, the project area has not been evaluated in more depth. The general area has not been extensively redeveloped, which would explain the lack of field discoveries in the area.

Holman & Associates determined that the project site be considered archaeologically sensitive for prehistoric archaeological deposits, due to its location between the Guadalupe River and Coyote Creek, a floodplain area that has yielded numerous buried prehistoric archaeological sites in the past.

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
5. CULTURAL RESOURCES. Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA 15064.5?				X	6
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA 15064.5?			X		7
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X	1, 2
d) Disturb any human remains, including those interred outside of formal cemeteries?			X		1, 2

Discussion

Historical Resources

For purposes of this project, a significant impact under CEQA Guidelines §15064.5 would occur if the project would adversely affect one or more properties that are 1) listed on, or potentially eligible for, inclusion on the California Register of Historical Resources as a California Historical Landmark, and/or 2) identified on, or potentially eligible for, status as a "City Landmark" or "Candidate City Landmark" in the City of San Jose Historic Resources Inventory.

The project site contains one building, proposed for demolition, that was constructed in 1955. The historic evaluation for the structure concluded that the building does not appear to be significant under California Register Criteria 1, 2, or 3, or National Register Criteria A, B, or C. In addition, the building does not qualify for the San Jose Historic Resources Inventory. Therefore, the removal of the building for development of the proposed housing project would not impact a significant historic resource. Based on the above discussion, the project would result in a less-than-significant impact on historic resources.

Archaeological Resources

Holman & Associates determined that the project site be considered archaeologically sensitive for prehistoric archaeological deposits, due to its location between the Guadalupe River and Coyote Creek, where numerous buried prehistoric archaeological sites have been discovered. Holman recommends that the site be monitored during the removal of onsite structures to search for potentially buried archaeological resources.

Development of the project could potentially uncover buried archaeological resources during construction activities. The project would incorporate the following standard measures during construction in

accordance with the results of the archaeology report, requirements of the City of San Jose, and the mitigation set forth in the North San Jose Area Development Policies Update EIR.

- Retain a qualified archaeologist to monitor the removal of existing structures on the property to search for potentially buried archaeological resources. Monitoring shall continue at the archaeologist's discretion, until native soils have been exposed over the entire site to a depth that would rule out the existence of buried cultural resources.
- In the event that any cultural materials are discovered, the project archeologist shall designate the area where work shall be stopped until the presence of the find is verified. Work shall be halted within 25 feet of the find while it is evaluated by a qualified archaeologist and appropriate recommendations are made. Recommendations could include evaluation, collection, recordation, analysis, and reporting of any significant cultural materials. If the find is determined to be significant, a mitigation program shall be prepared and submitted to the Director of Planning, Building, and Code Enforcement for consideration and approval.
- Pursuant to §7050.5 of the Health and Safety Code, and §5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to their authority, the Coroner shall notify the Native American Heritage Commission to attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.
- Treatment of any Native American burials exposed during construction shall be conducted in accordance with the State of California Public Resources Code in consultation with the Native American Heritage Commission.

Conclusion

The project would not significantly impact any historical resources. The Final EIR identifies the potential for disturbance of archaeological resources as a significant impact that would be reduced to a less-than-significant level with incorporation of mitigation identified in the EIR, including site specific analysis in sensitive areas and implementation of protective measures during construction. The proposed project would not result in new or increased impacts to cultural resources beyond those already identified in the Final EIR (see EIR Section 11.F).

F. GEOLOGY AND SOILS

Setting

A geotechnical investigation of the project site was completed by TRC Lowney in January 2006, and is contained in Appendix B. This investigation included the following: drilling of two borings, excavation of three Cone Penetration Tests and installation of one groundwater monitoring well, evaluation of soil and geologic characteristics, and design recommendations for future development.

The project is located on a relatively flat site at an elevation of approximately 55 feet above mean sea level. Topography in the project area is nearly level. The results of the geotechnical investigation indicate that the site is covered with up to two inches of asphalt concrete over up to two inches of aggregate base. Undocumented fill was encountered at a depth of about 2.5 feet below grade. Beneath the surface pavements and fill material, the site is blanketed by stiff to very stiff, moderately compressible clays in the upper 35 feet. Below 35 feet, explorations found interbedded layers of medium dense to dense sands and stiff clays and silts to a depth of about 100 feet. The sand layers encountered varied in thickness from one to 13 feet and contained varying amounts of fine-grained materials.

Plasticity index testing of the near-surface soils shows a moderate expansion potential. In addition, moderately compressible clays were identified in the upper 35 feet below existing grade. A settlement analysis prepared by TRC Lowney identified the potential for total settlements of three inches or more on the portion of the site planned for the proposed building.

Groundwater was encountered at depths of about nine to 11 feet below grade during installation of the groundwater monitoring well. For design purposes, however, the geotechnical study used a groundwater depth of seven feet, based on the historically high groundwater levels in the area.

The project site is located within the seismically active San Francisco Bay Area. Significant earthquakes that occur in the Bay Area are generally associated with the San Andreas Fault system, located about 12 miles southwest of the site. Other active faults in the area are the Hayward Fault (southeast extension), about five miles northeast of the site; the Calaveras Fault, about eight miles northeast of the site; the main trace of the Hayward Fault, about 7.5 miles northeast of the site, and; the Monte Vista-Shannon Fault, about 8.5 miles to the southwest of the site. The project is not located on any faults; therefore the potential for fault rupture on the site is low. In addition, the project is not mapped within an Alquist-Priolo Earthquake Fault Zone, a City of San Jose Potential Hazard Zone, or a Santa Clara County Fault Hazard Zone.

Strong earthquake shaking can cause non-uniform settlement, or differential compaction, if soils vary in composition both vertically and laterally. The results of the geotechnical investigation identified some sand and silt layers beneath the site that may theoretically liquefy and result in post-seismic settlement. Results of the geotechnical investigation estimate seismically-induced settlements to be on the order of up to one inch for total settlement and about ½ inch for differential settlement.

Lateral spreading typically occurs from horizontal displacement of relatively flat-lying alluvial material toward an open or “free” face such as an open body of water, channel, or excavation. There are no free faces adjacent to the site, so the probability of lateral spreading is low.

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
6. GEOLOGY AND SOILS. Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a know earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?				X	8
ii) Strong seismic ground shaking?			X		8
iii) Seismic-related ground failure, including liquefaction?			X		8
iv) Landslides?				X	8
b) Result in substantial soil erosion or the loss of topsoil?				X	1, 8
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X		8
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X		8
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X	1

Discussion

The project proposes development of a two-level parking garage on the first two levels of the residential building. The project would require the movement of approximately 600 cubic yards of cut and 350 cubic yards of fill. Approximately 250 cubic yards of cut would be exported from the site. The proposed garage would extend slightly below grade. Cuts required for the garage would be approximately two feet. Due to the shallow groundwater conditions on the site (seven to 11 feet below grade), dewatering would be required for garage excavation.

Due to its location near several major faults (see discussion above), the project would be subject to moderate to strong ground shaking from earthquakes on any of the nearby active fault systems during the design life of the development. Because the potential for liquefaction on the site is considered high, liquefaction and differential settlement could occur on the site during an earthquake. The proposed structures would be designed and constructed in conformance with the Uniform Building Code Guidelines for Seismic Zone 4 to avoid or reduce potential damage from seismic activity. Conformance with standard Uniform Building Code Guidelines would minimize potential impacts from seismic shaking on the site. This impact is, therefore, considered less-than-significant.

The project site would not be subject to landslides, since it is located on an essentially flat site away from any hillsides.

Prior to issuance of a Public Works Clearance, the developer must obtain a grading permit before commencement of excavation and construction. Implementation of standard grading and best management practices would prevent substantial erosion and siltation during development of the site. The project site is within the State of California Seismic Hazard Zone. A soil investigation report addressing the potential hazard of liquefaction must be submitted to the City Geologist for review and approval prior to issuance of a grading permit or Public Works Clearance. A recommended depth of 50 feet should be explored and evaluated in the investigation.

Based on the results of the geotechnical investigation by TRC Lowney, it was determined that the site is suitable for development, provided the recommendations of the investigation are incorporated into the project. The primary geological constraints for the site are described in the setting section and listed below:

- Compressible Soils
- Liquefaction-Induced Settlements
- Shallow Groundwater
- Undocumented Fill
- Expansive Soils

The project would be subject to potentially significant soil and geotechnical hazards that would be avoided by implementation of the measures identified in the geotechnical investigation prepared for the development by TRC Lowney (January 2006), contained in Appendix B.

Standard Measures

The following standard measures shall be implemented as part of the project.

- The proposed structures on the site would be designed and constructed in conformance with the Uniform Building Code Guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking on the site.
- A soil investigation report addressing the potential hazard of liquefaction shall be submitted subject to review and approval by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CDMG Special Publication 117) and the Southern California Earthquake Center ("SCEC" report).

Conclusion

The project would not have a significant impact associated with geology/soils. The project would not result in new or increased geology/soils impacts beyond those already identified in the North San Jose Development Area Policies Update Final EIR (see EIR Section II.G).

G. HAZARDS AND HAZARDOUS MATERIALS

Setting

A Phase I Environmental Assessment was prepared for the project by Confidential Compliance Consultants to determine the potential for hazardous materials contamination on the property (November 2005). In addition, limited soil sampling was conducted on the site in January 2006. These reports are contained in Appendix C.

The Phase I Assessment included the following: 1) review of files from the San Jose Building Division (SJBD), the San Jose Fire Department (SJFD), and the Santa Clara County Department of Environmental Health (SCCDEH), 2) review of historic aerials and maps of the area, 3) a regulatory database search, and 4) site surveys.

The project site currently contains a vacant, 17,000 square foot building constructed in 1955. This building has been occupied by a variety of industrial and commercial users. In 1955, the building was occupied by a graphics/printing operation. In 1956, the building was used by General Electric for office space. From 1959-1973, the building was used as office space by Lockheed. The structure was purchased in 1975 by the Christian National Evangelism Commission, and portions of the building leased to commercial and light industrial businesses. The building was purchased by Fiber-Glo in 1995. The site was used for a variety of commercial and industrial uses until 2001. The building has remained vacant since 2002. Prior to 1955, it is expected that the project site was used for agricultural purposes, although this has not been confirmed by the records search or photographic surveys.

The project site is bordered by N. Fourth Street to the west, and light industrial uses to the north, south, and east. A hotel is located west of the site across N. Fourth Street. Site inspections were conducted on the project site between October and November 2005 to identify potential sources of contamination. The results of the site inspections did not identify any evidence of hazardous materials conditions on the site, such as storage tanks or containers, soil staining, unusual odors, or other suspicious activities. Since the building was constructed in the 1950s, it could contain asbestos containing materials (ACMs), as well as lead-based paint.

In January 2006, four samples were collected from the site's surface soils and analyzed for the presence of chemicals by Confidential Compliance. The results of the analysis identified trace amounts of metals and no detectable levels of volatile organic compounds (refer to Appendix C).

A database search was conducted to identify recorded hazardous materials incidents in the project area. This review included federal, state, and/or local lists of known or suspected contamination sites; known generators/handlers of hazardous waste; known waste treatment, storage, and disposal facilities; and permitted underground storage tank sites. The project site is not listed on any databases and no facilities were reported in the immediate project area.

Facilities generating hazardous waste were identified within a one-mile radius of the project site. Five properties were listed in the database as small quantity generators of hazardous waste and one location was listed as a Leaking Underground Storage Tank (LUST) site. The LUST site was identified by the state as "closed" with no further action required. Risk of migration toward the project from these properties is not probable, since the project is not located down-gradient of these sites.

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
7. HAZARDS AND HAZARDOUS MATERIALS. Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X	1

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X		1, 9
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school?				X	1
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X	9
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X	1
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X	1
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X	1
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X	1

Discussion

The project is not located within an airport land use plan, although it is located within two miles of Mineta San Jose International Airport. The proposed residential building would not be subject to hazards associated with airport operations. The proposed residential use would not emit hazardous emissions or involve the handling of hazardous materials. In addition, the project is not located along an evacuation route and would not otherwise interfere with an emergency evacuation plan, nor would it result in any impacts associated with wildland fires.

The results of the Phase I Assessment concluded that there is no record of environmental contamination at the project site. No records or physical evidence indicate the presence of known or documented chemical or health-endangering materials releases or spills associated with the project or adjacent properties. In addition, limited soil sampling on the site did not detect the presence of hazardous materials. However, due to the former use of the site for industrial uses, contamination may exist on the site that has not been documented. As a precautionary measure, analytical testing of soil and groundwater would be conducted during demolition activities (see below).

The Phase I Assessment identified five facilities that generate hazardous waste in the project area. Direct impacts to the occupants of the project site due to subsurface migration of any contaminants from these facilities is considered negligible since 1) all listed sites are located such that subsurface migration is improbable, and 2) the property would be supplied with routinely monitored public water and sanitary sewer services (Confidential Compliance Consultants, November 2005).

The project site could contain hazardous materials in soils and groundwater that have not been discovered. Possible contamination may be encountered during earthwork activities. This potential hazard would be avoided by proposed implementation of the following measure:

- Upon demolition, analytical testing of soil and groundwater shall be conducted for hazardous substances (including heavy metals, arsenic, chromium, petroleum hydrocarbons, and pesticides). If results indicate the presence of such materials in excess of applicable health standards, a health and safety plan including site remediation measures shall be prepared and implemented to reduce contamination to acceptable clean-up levels for residential uses and assure the safety of construction workers, in accordance with state and local regulatory requirements.

Due to its age, the existing structure on the site may contain asbestos containing materials (ACMs), lead-based paint, and PCB-containing materials. Specific analytical testing for these materials would be conducted prior to any demolition activities, and suspect materials removed prior to demolition, as set forth in the standard measures below.

Off-site Accidental Hazardous Materials Releases

Potential off-site hazardous materials impacts in the area have been evaluated through studies completed in connection with four nearby residential developments on-file with the City of San Jose Planning Division. These studies identified two facilities (Universal Semiconductor at 1925 Zanker Rd and Haro's Metal Finishing at 439 Reynolds Ct) within a one-mile radius of the project site that could potentially impact the project site. The Screening Level Risk Evaluation completed for these studies determined the toxic endpoint of a phosphine release from Universal Semiconductor would not reach the project site and, therefore, would not have an impact. The occurrence of a hydrogen cyanide release scenario from Haro's Metal Finishing was determined to be extremely unlikely.

Although a worst case release could affect the project site, the likelihood of a worst case release occurring is significantly lower than a "likely release" scenario. In addition, the implementation and enforcement of local, state, and federal regulations regarding the use, storage, and transportation of hazardous materials reduces the likelihood and significance of impacts to off-site land uses in the event of accidental release. Based on the most likely release scenario and the regulations governing hazardous materials, nearby hazardous materials facilities would have a less-than-significant impact on the proposed project.

Standard Measures

The following standard measures shall be implemented as part of the project.

- Prior to demolition, the onsite building shall be surveyed for asbestos containing materials (ACMs). All potentially friable asbestos shall be removed prior to building demolition in accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines. All demolition activities shall be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the California Code of Regulations §1529, to protect workers from exposure to asbestos. Materials containing more than one percent asbestos are also subject to BAAQMD regulations.
- Prior to demolition, the onsite building shall be surveyed for lead-based paint. All peeling and flaking lead-based paint shall be removed in accordance with Cal/OSHA standards contained in Title 8 of the California Code of Regulations §1532, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at a landfill that meets the acceptance criteria for such waste.

- Prior to demolition, the onsite building shall be surveyed for fluorescent light fixtures to determine the presence/absence of PCB-containing materials. Any PCB-containing materials shall be removed and disposed of in accordance with all regulatory requirements.

Conclusion

The Final EIR identified the presence of hazardous materials conditions on development sites as a significant impact that would be reduced to a less-than-significant level with incorporation of appropriate health and safety plans. The project includes plans to investigate and remediate any hazardous conditions on the site. The project would not result in new or increased hazardous materials impacts beyond those already identified in the Final EIR (see EIR Section II.I).

H. HYDROLOGY AND WATER QUALITY

Setting

The project site is essentially flat and lies at an elevation of about 55 feet above mean sea level. Storm runoff from the project site currently drains over land as sheet flow into the City’s existing storm drainage system located in Fourth Street. Impervious surfaces, consisting of the existing building footprint and pavement, cover most of the site. The only portions of the site that are pervious are former landscape areas fronting the property.

The project site does not contain any natural drainages or waterways. The nearest waterway is the Guadalupe River, located about 3,100 feet west of the site. The Flood Insurance Rate Maps issued by the Federal Emergency Management Agency (FEMA), effective October 6, 2005, indicate that the project site is within Zone A99. Zone A99 is defined as a Special Flood Hazard Area (SFHA) that corresponds to locations within the 100-year floodplain that will be protected by a federal flood protection system where construction has reached specified statutory milestones. No base flood elevations or depths are identified within this zone. The project site is within the limits of the Downtown Guadalupe River Flood Protection Project, described below, which may ultimately remove the property from the flood hazard area.

The U.S. Army Corps of Engineers (Corps), in conjunction with the Santa Clara Valley Water District (SCVWD), recently constructed a flood protection project for the Guadalupe River from Interstate 880 south to Interstate 280. The SCVWD also recently completed a project to improve the channel capacity of the Guadalupe River downstream of Interstate 880 to Alviso. This project will increase the channel capacity to contain the 100-year design capacity of the upstream flood protection project and potential increases from stormwater pump stations in the lower reach. FEMA has issued revised flood maps, effective October 25, 2006, to reflect the flood control improvements. Prior to planning or building permit issuance, the project owner will be required to sign a notice that indicates that the project will or will not voluntarily undertake floodproofing activities.

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
8. HYDROLOGY AND WATER QUALITY. Would the project:					
a) Violate any water quality standards or waste discharge requirements?				X	1, 2

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local ground water table level (for example, the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X	1, 2
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.			X		1, 2
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?			X		1, 2
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?			X		1, 2
f) Otherwise substantially degrade water quality?			X		1, 2
g) Place housing within a 100-year flood-hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X	2
h) Place within a 100-year flood-hazard area structures, which would impede or redirect flood flows?			X		2
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X	1, 2
j) Inundation by seiche, tsunami, or mudflow?				X	1, 2

Discussion

Flooding/Drainage

The project site is 0.75 acres, or 32,423 square feet, in size. The property is currently covered with 30,140 square feet of impervious surfaces, in the form of an existing building and pavement. Approximately 2,283 square feet of the site contains landscaping (i.e., shrubs and turf). As shown in Table 1, the project would create 26,837 square feet of impervious surfaces, resulting in a net decrease of 3,303 square feet (10.2%) of impervious area.

The project would construct a storm water control plan that connects to the existing storm drain system, and would not alter the existing drainage patterns in the area (refer to Appendix D). The project would reduce the amount of impervious surfaces on the site, resulting in a decrease in storm water runoff compared to existing conditions.

The Flood Insurance Rate Maps issued by FEMA, effective October 6, 2005, indicate that the project site is located in Zone A99. FEMA has also recently issued revised flood maps, effective October 25, 2006, that reflect recent flood control improvements. The revised floodplain maps are expected to reduce the area of 100-year floodplain, and reduce the depth of flooding identified on the existing FEMA maps. The existing building footprint on the project site is approximately 17,000 square feet. The proposed building would have a footprint of approximately 23,000 square feet. The increase in building area within the floodplain could redirect or impede flood flows, if these flows still exist on the site. Prior to planning or

building permit issuance, the project owner will be required to sign a notice that indicates that the project will or will not voluntarily undertake floodproofing activities.

Table 1 Pervious and Impervious Surfaces Comparison						
	Existing Condition (s.f.)	%	Proposed Condition (s.f.)	%	Difference (s.f.)	% change
Site (acres):	0.75 ac 32,423 s.f.		0.75 ac 32,423			
Building Footprint(s)	17,003	52.4	22,841	70.5	+5,838	+17.8
Parking	13,018	40.2	N/A	0	-13,018	-40.2
Sidewalks, Patios, Paths, etc.	119	0.4	3,996	12.3	+3,877	+11.9
Landscaping	2,283	7.0	5,586	17.2	+3,303	+10.2
Total	32,423	100%	32,423	100%	0	0%
Impervious Surfaces	30,140	93.0	26,837	82.8	-3,303	-10.2
Pervious Surfaces	2,283	7.0	5,586	17.2	+3,303	+10.2
Total	32,423	100%	32,423	100%	0	0%

The project proposes a garage on the first two levels of the proposed building, with residential uses above the garage. All habitable structures would be placed above the (original) floodplain elevations for the site.

Water Quality

Project construction activities would affect the water quality of storm water runoff. Construction and site clearing would disturb onsite soils, increasing the potential for sedimentation and erosion. Runoff would also be affected by post-construction activities during site occupancy, such as discharge of petroleum products and heavy metals from parking and driveway areas.

The project proposes a storm water management system to control runoff and maintain water quality (refer to Appendix D). This plan includes installation of a CDS treatment unit² to filter storm water runoff before it enters the City’s drainage system. This unit captures a wide range of organic and inorganic solids and pollutants, including total suspended solids, sediments, oil and grease, and other debris under high flow rate conditions. An operations and maintenance plan for the CDS unit would be incorporated into final project design. This plan would be prepared in accordance with the manufacturer’s specifications and include such measures as staff training, inspection schedules, cleanout methods, and maintenance responsibilities.

In addition to the CDS unit, the project also proposes a “green roof” design that utilizes 14,656 square feet of the roof area for landscaping (refer to Appendix D). Green roof technology treats stormwater via filtration, and also provides stormwater retention and a reduction in runoff velocity.

San Jose is required to comply with the National Clean Water Act regulations regarding the reduction of non-point source pollutants, as mandated by the National Pollutant Discharge Elimination System (NPDES) and regulated by the RWQCB. The storm water program of the NPDES requires construction activities disturbing one acre or more of land to obtain a NPDES storm water permit. Section C.3

² CDS stands for “continuous deflective separation.”

requirements of the NPDES Permit call for a variety of storm water management measures, including post-construction treatment control measures. The project would be subject to NPDES requirements, and applicable provisions of the City's Post-Construction Urban Runoff Management Policy (6-29) and Post-Construction Hydromodification Management Policy (8-14). Prior to the issuance of a Planned Development permit, the applicant must provide details of specific best management practices (BMPs) to reduce impervious surface area, to the satisfaction of the Director of Planning, Building and Code Enforcement.

The project could contribute to storm water pollution that could affect water quality. In order to comply with the City's NPDES permit, the developer would implement a series of measures to avoid impacts to water quality. The following measures shall be implemented as part of the project during construction.

- Obtain and comply with the NPDES General Construction Activity Storm Water Permit. Prior to construction, the developer shall file a Notice of Intent and prepare a Storm Water Pollution Prevention Plan (SWPPP).
- Restrict grading to the dry season or meet City requirements for grading during the rainy season.
- Use BMPs to retain sediment on the project site.
- Place burlap bags filled with drain rock around storm drains to route sediment and other debris away from the drains.
- Provide temporary cover of disturbed surfaces to help control erosion during construction.
- Provide permanent cover to stabilize the disturbed surfaces.

In addition, the project proposes permanent, post-construction stormwater treatment measures in compliance with provision C.3 of the City of San Jose's NPDES Permit, including the installation of a CDS stormwater treatment unit and incorporation of green roof technology, as described above.

Conclusion

The project would not have a significant impact on hydrology or water quality. The project would not result in new or increased impacts to hydrological resources beyond those already identified in the North San Jose Development Area Policies Update Final EIR (see EIR Section 11.H).

I. LAND USE

Setting

The project site is bordered by N. Fourth Street to the west, and light industrial uses to the north, south, and east. A large hotel is located west of the site, across Fourth Street. The project site contains a vacant building and pavement.

The San Jose 2020 General Plan Land Use/Transportation Diagram identifies the project site within the Rincon South Planned Community, where it is designated for *Combined Industrial/Commercial* uses. The project site is zoned Light Industrial. The Rincon South Planned Community is based on the Rincon South Specific Plan, which establishes a long-term development plan that supplements the General Plan and identifies allowable uses within the area boundaries. Surrounding properties east of Fourth Street are designated *Combined Industrial/Commercial* and *Light Industrial*. The majority of the property along the west side of Fourth Street, from Interstate 880 to Skyport Drive, is designated *Transit Corridor Residential (25-65 DU/AC)*.

The project site is located within the North San Jose Area Development Policy boundaries. This Policy establishes a framework for ongoing growth and development of the North San Jose area, also referred to as the Rincon de los Esteros Redevelopment Area, as an important employment center for the City. This policy was recently updated to intensify industrial development along light transit lines, increase residential uses, develop an industrial core area, and modify transportation and related policies. The updated North San Jose Area Development Policy designates the project site as *Transit/Employment Residential District Overlay (55+ DU/AC)*.

The project does not propose any General Plan amendments on the site. The project is applying for a rezoning of the site to from Light Industrial to Planned Development to allow the proposed residential uses.

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
9. LAND USE AND PLANNING. Would the project:					
a) Physically divide an established community?				X	1, 2
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X		1, 3
c) Conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?				X	1

Discussion

The surrounding uses include light industrial and commercial (hotel). The proposed residential use would not divide an established community. The project site is not located within the boundaries of any habitat conservation plans or natural community conservation plans.

The project site is located in the Rincon South Planned Community and is designated for *Combined Industrial/Commercial* uses. The site is located in an area planned for residential uses in the recently updated North San Jose Area Development Policy, where it is identified within the *Transit/Employment Residential District Overlay*, allowing 55 or more dwelling units per acre.

The proposed residential uses would be allowed under the City’s Discretionary Alternate Use Policies, which allow residential uses on sites with a non-residential land use designation under certain conditions. Specifically, the project would be permitted under the “Location of Projects Proposing 100% Affordable Housing” policy. This policy allows flexibility in use and density requirements to encourage affordable housing. The project would be consistent with the affordable housing policy as set forth below:

- The project proposes a 100% affordable rental housing that would accommodate low-income households (earning 60% or less of the area’s median income). In addition, up to 30% of the units would be provided for developmentally disabled persons.

- The project is proposed in an area planned for future high density residential uses, and is considered compatible with surrounding light industrial and commercial uses. The project would also provide housing in an employment area with excellent access to transit facilities.
- The project is located on a site consistent with the housing distribution policies of the City's General Plan.

The project is consistent with the policies of the North San Jose Area Development Policy and Rincon South Specific Plan calling for new residential development within a transit-oriented corridor and near jobs in Rincon South and North San Jose.

Conclusion

The project would not have a significant impact on land use. The project would not result in new or increased land use impacts beyond those already identified in the North San Jose Development Area Policies Update Final EIR (see EIR Section II.A).

J. MINERAL RESOURCES

Setting

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

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
10. MINERAL RESOURCES. Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X	1
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				X	1

Discussion

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

Conclusion

The project would not result in new or increased mineral resource impacts compared with the North San Jose Development Area Policies Update Final EIR.

K. NOISE

Setting

The following discussion is based on a noise analysis prepared for the project by Edward L Pack Associates (August 2006). This study is contained in Appendix E.

The Noise Element of San Jose’s 2020 General Plan identifies noise and land use compatibility standards for various land uses. Noise is measured in decibels (dB), and is typically characterized using the A-weighted sound level or dBA. This scale gives greater weight to those frequencies to which the human ear is most sensitive. The City’s noise guidelines are expressed in “day/night noise level” (or DNL). The DNL represents the average noise level during a 24-hour period, with a penalty of 10 dBA added to sound occurring between the hours of 10 PM and 7 AM.

The Noise Element specifies a limit of 60 dB DNL at residential exterior spaces impacted by transportation-related sources. The Noise Element also identifies a limit of 45 decibels DNL for residential interior spaces. Title 24 of the California Code uses the DNL descriptor and establishes exterior and interior standards comparable to the City’s.

Existing Noise Environment

The project site is located in an industrial and commercial area lacking noise sensitive receptors. However, the proposed residential uses are considered noise sensitive receptors. The primary noise sources in the project area are from traffic on N. Fourth Street and U.S. 101. U.S. 101 carries an average daily traffic (ADT) volume of 134,000 vehicles. N. Fourth Street carries an ADT of 13,750 vehicles (San Jose Department of Transportation, August 21, 2006).

Field noise measurements were taken by Pack Associates on August 15-16, 2006 to determine the existing noise levels at the project site. Noise measurements were made at two locations on the site, from the roof of the existing building. The first measurement (#1) was taken 70 feet from the centerline of N. Fourth Street on the lower roof; the second (#2) was taken at the northeast corner, 550 feet from the centerline of U.S. 101. Each measurement was made for a period of 24 hours.

Results of the noise measurements indicate that noise level at location #1 range from 58.2 to 65.5 dBA during the day and from 51 to 62.4 dBA at night. The noise levels at location #2 range from 57 to 62.8 dBA during the day and 53 .1 to 62.5 dBA at night. The Koll Center buildings located between the project site and U.S. 101 provide noise attenuation from the highway at the roof level (elevation of the second floor).

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
11. NOISE. Would the project result in					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?			X		10
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?				X	10
c) Substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X		10

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X		10
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X	10
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X	10

Discussion

The project proposes the construction of 100 apartment units in seven floors over a two-story parking structure. A common area is proposed on the podium at the third floor elevation. The first living space floor would be located at the third floor elevation, and will have sight distance over the adjacent building to U.S. 101. Private balconies are proposed on all sides of the building (refer to Figure 5).

The future traffic volumes on N. Fourth Street are projected to increase to 28,750 ADT for 2020, which would result in a three dB increase in traffic noise levels. Future traffic volumes on U.S. 101 are not available; the noise analysis assumed the 2025 volumes would increase about 12% over existing volumes (based on recent trends) to about 150,000 ADT. This would result in a future noise level increase of 0.5 dB or less.

Traffic Noise Impacts on Proposed Residences

Exterior. The exterior noise levels at the planned building setback and balconies for each floor elevation under existing and future traffic conditions are presented in Appendix E. Future noise from N. Fourth Street traffic are expected to increase by three dB compared to existing levels; the U.S. 101 future noise levels are expected to remain relatively unchanged.

The exterior noise exposures at the planned building and balconies from noise along N. Fourth Street would increase from 67 dB DNL under existing conditions, to 72 dB DNL under future conditions on the most impacted floors. The exterior noise exposures at the planned building and balconies from noise along U.S. 101 would be 71 dB DNL under existing and future conditions. The exterior noise exposures at the north façade of the building would increase from 67 dB DNL under existing conditions, to 70 dB DNL under future conditions on the most impacted floors. The exterior noise exposures at the south façade of the building would increase from 68 dB DNL under existing conditions, to 71 dB DNL under future conditions on the most impacted floors. The exterior noise exposure in the location of the third floor podium range from 61-68 dB DNL under existing conditions and would increase to 61-70 dB DNL under future conditions. Future noise from N. Fourth Street traffic is expected to increase by three dB compared to existing levels; the U.S. 101 future noise levels are expected to remain relatively unchanged.

The exterior noise exposures at the proposed balconies and common area would be in excess of the City's noise standard of 60 dB DNL for exterior noise. The City of San Jose General Plan acknowledges that the attainment of exterior noise levels may not be achievable in noisy areas (i.e., downtown, near the airport, along major roadways) within the General Plan time frame. The General Plan states that "...areas adjacent to major roadways have been identified as special noise impact areas. Because of the nature of these special areas, it maybe impossible to attain the desired outdoor noise level of 55 DNL or even 60 DNL in the near term without eliminating the beneficial attributes of the exterior spaces. Examples of such situations are exterior balconies that face major roadways, rear yard areas, and urban parks."

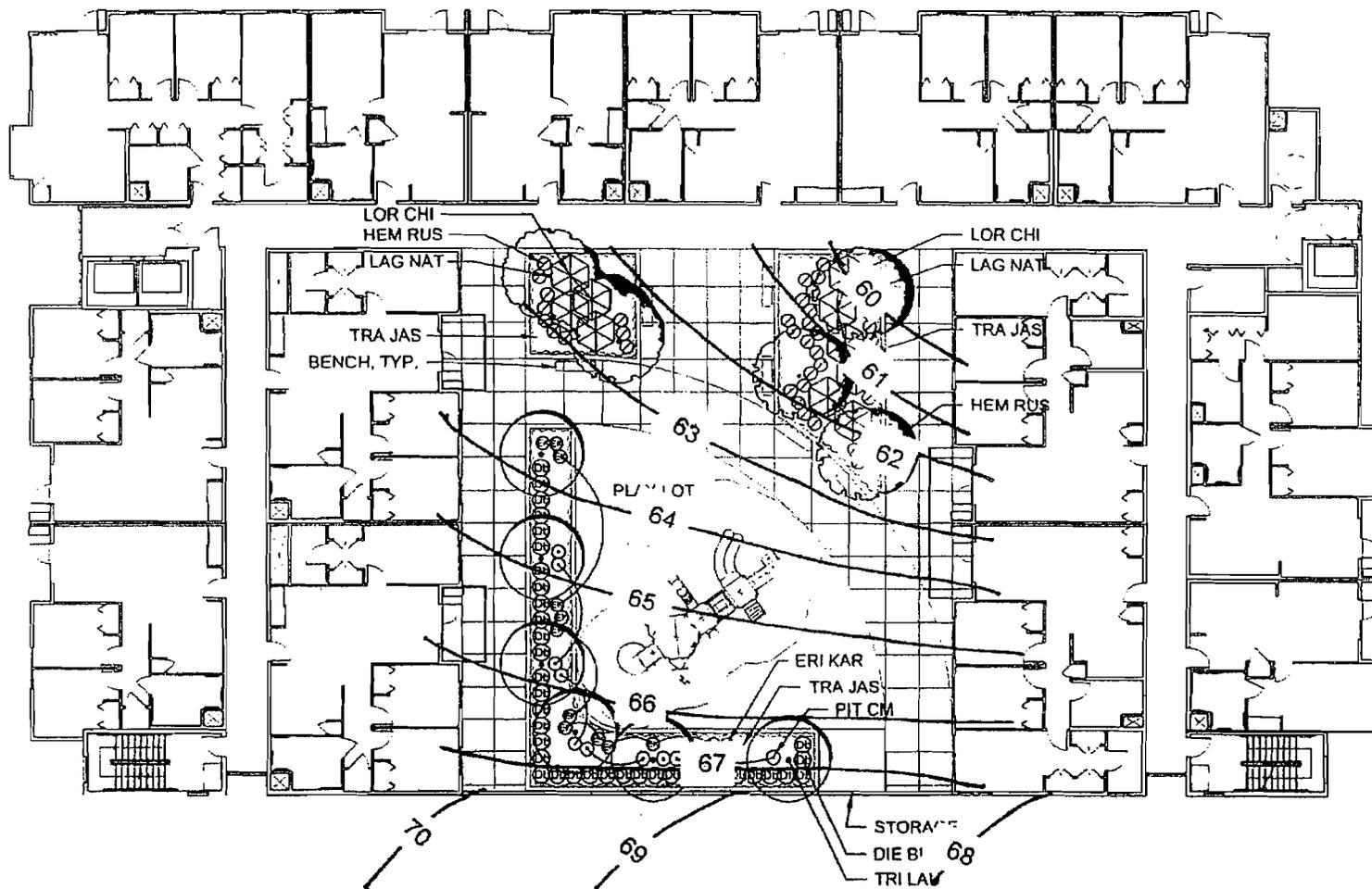
A noise contour map, showing the future noise levels at the third floor podium common area, is presented in Figure 7. As shown in this figure, about half the common area is exposed to noise levels less than 65 DNL. In addition, the portion of the common area exposed to the highest noise levels would be occupied by an active play area, while the quieter rear portion of the common area would be used for more passive recreational use (e.g., reading, relaxing).

Measures are available to partially attenuate the noise levels at the proposed balconies, as presented below. Barriers are not recommended at the proposed common area, since such barriers would be aesthetically undesirable. To achieve compliance with the 60 dB DNL exterior noise standard, extraordinarily high railing or complete enclosure of certain balconies would be necessary, which is not feasible given that balcony railing heights are usually limited to 42" for views and fire egress. The project proposes to incorporate the following measure to reduce noise at exterior spaces. Although this measure would not fully avoid the noise effects for exterior spaces, the noise levels are considered acceptable given the project's location along a major roadway and the above-referenced noise provisions of the City's General Plan.

- The project design would provide an air-tight, acoustically-effective balcony railing (i.e., without cracks, gaps or other openings) with long term durability. The railings can be constructed of masonry, wood, concrete, stucco, metal or a combination thereof, and must have minimum surface weight of 1.5 lbs. per sq. ft. If wood materials are used, homogeneous sheet materials are preferable. Translucent materials, such as glass, Lexan or Plexiglas, may be incorporated into the barriers to provide for light and views, but must have a minimum thickness of 3/16" to meet the minimum surface weight requirements. Drainage openings shall be kept to a minimum size and face away from the noise source. Downspouts and scuppers are preferable over sheet draining. All connections with posts, pilasters and the building shell must be sealed air-tight.

Interior. The interior noise levels at the planned building for each floor elevation under existing and future traffic conditions are presented in Appendix E. The interior noise exposures in the most impacted living spaces closest to N. Fourth Street would increase from 54 dB DNL under existing conditions to 57 dB DNL under future conditions. The interior noise levels in the most impacted living spaces nearest to U.S. 101 would be 56 dB DNL under existing and future conditions. The interior noise exposures at the north façade of the building would increase from 52 dB DNL under existing conditions, to 55 dB DNL under future conditions on the most impacted floors. The exterior noise exposures at the south façade of the building would increase from 54 dB DNL under existing conditions, to 56 dB DNL under future conditions on the most impacted floors. The interior noise levels at the proposed residential units would exceed the City of San Jose and Title 24 interior noise standards of 45 dB. The project proposes to incorporate the following measures to reduce noise levels to meet the City and Title 24 interior noise standards:

- To achieve interior noise exposures for compliance with the 45 dB DNL interior noise standards, the project would incorporate sound control windows, as well as general construction measures for the building shell (as per Appendix E).
- Maintain closed at all times all windows and glass doors of living spaces. At the living spaces on the outer periphery of the building, install windows rated minimum Sound Transmission Class (STC) 31 and glass doors rated minimum STC 30. At living spaces that view into the podium (3rd through 9th floors), install windows rated minimum STC 28 and glass doors rated minimum STC 27. In addition, mechanical ventilation shall be provided for all living spaces that have a closed window/glass door requirement. An acoustical test report of all sound rated windows and doors should be reviewed by a qualified acoustician to ensure that the chosen windows and doors will adequately reduce traffic noise



Source: Edward L Pack, Inc., 2006



Noise Contours for Common Area

Figure

7

to acceptable levels. All remaining windows of the project, including bathroom windows, may be fitted with any type of glass and may be kept open as desired, with the exception of bathroom windows that are in integral part of a noise impacted living space and not separated by a closeable door.

Construction Noise

Construction of the proposed project would temporarily increase noise levels at adjacent receptors during demolition, clearing, and grading activities. Construction would occur in phases, including demolition of the existing structures, grading, erection of the new building, and paving and finishing. Typical hourly average construction noise levels are 75 dBA to 80 dBA measured at a distance of 100 feet from the construction site during busy construction periods. (These noise levels decrease at a rate of about six dBA per doubling of distance.) Noise levels at nearby uses would intermittently exceed 60-70 dBA. The project proposes to implement the following standard noise abatement measures during construction to avoid significant noise impacts.

- Limit construction to the hours of 7AM to 7 PM, Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- The contractor shall use “new technology” power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poor maintained engines or other components.
- Staging areas shall be located a minimum of 200 feet from noise sensitive receptors, such as residential uses.
- Prohibit idling of internal combustion engines.
- Designate a noise disturbance coordinator responsible for responding to noise complaints. Conspicuously post a telephone number for the coordinator at the construction site.

Conclusion

The Final EIR identifies significant noise impacts on future residential uses from existing noise sources (e.g., traffic) that would be reduced to a less-than-significant level with incorporation of design measures based on the results of site-specific acoustical analyses. The Final EIR also identifies construction noise as a significant impact that would be reduced to a less-than-significant level with incorporation of standard construction noise abatement measures. The proposed project would not result in new or increased noise impacts beyond those already identified in the Final EIR (see EIR Section II.J and III).

L. POPULATION AND HOUSING

Setting

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

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
12. POPULATION AND HOUSING. Would the project:					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X	I
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	I
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	I

Discussion

The project would not displace people or existing housing. The project would provide 100 new affordable housing units in the City of San Jose. This would include 30 units for the developmentally disabled. The project would increase housing and could increase the residential population in the City by up to 288 people (based on 2.88 persons/attached unit). The additional housing and associated population increase would represent a very small percentage of the total City population and is well within the range of anticipated population growth for the City. The project would help meet the demand for additional affordable housing in San Jose, consistent with the City’s General Plan and Housing Element goals.

Conclusion

Implementation of the proposed project will have a less-than-significant impact on population and housing in San Jose. The project would not result in new or increased impacts to population and housing beyond those already identified in the North San Jose Development Area Policies Update Final EIR (see EIR Section II.A).

M. PUBLIC SERVICES

Setting

Fire Protection: Fire protection services are provided to the project site by the San Jose Fire Department (SJFD). The closest fire station to the project site is Station #5, located at 1380 N. 10th Street, approximately ½ mile from the project site.

Police Protection: Police protection services are provided to the project site by the San Jose Police Department (SJPD). The project is located within Beat Building Block (BBB) 3 of the SJPD’s service area. The most frequent calls for service in BBB 3 from January 1, 2005 through December 31, 2005 were disturbance, alarm, and suspicious vehicle.

Schools: The project is located within the San Jose Unified School District (K-12). The nearest schools in the project area, together with current enrollment figures, are presented below.

School	Address	Approx. Distance (miles)	Enrollment
Walter L. Bachrodt Elementary School	102 Sonora Ave., San Jose, CA 95110	0.2 miles	466
Peter Burnett Middle School	850 North Second St., San Jose, CA 95112	1.0 mile	866
Lincoln High School	555 Dana Ave., San Jose, CA 95126	4.4 miles	1,731

State law (Government Code §65996) identifies the payment of school impact fees as an acceptable method of offsetting a project's impact on school facilities. In San Jose, developers can either negotiate directly with the affected school district or make a payment of \$1.93 per square foot of multi-family units (prior to the issuance of a building permit). The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

Parks: Parks in the project vicinity consist of the following: 1) Rosemary Gardens Park, located 0.7 miles west the site on Sonora Avenue and 2) Bernal Park, situated about one mile southeast of the site at Hedding and 7th Streets.

The City of San Jose has adopted the Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO), which require residential developers to dedicate public park land and/or pay in-lieu fees to compensate for the increase in demand for neighborhood parks.

Libraries: The San Jose Public Library System consists of one main library and 18 branch libraries. The nearest public library to the project site is the Joyce Ellington Branch, located about 1.9 miles southeast of the site at 491 E. Empire Street. The Joyce Ellington Branch is currently closed, but will reopen in 2007.

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
13 PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:					
a) Fire protection?			X		1, 2
b) Police protection?			X		1, 2
c) Schools?			X		i
d) Parks?			X		1
e) Other public facilities?			X		1, 2

Discussion

Public services are generally provided to the community as a whole, and financed on a community-wide basis. The proposed residential complex is located on a currently developed site in an urban area that is served by municipal providers.

The project would result in an incremental increase in the demand for public services from the development of 100 new affordable residential units. The project would be subject to developer fees to

accommodate the incremental demand on services, including the state-mandated school district impact fee and City-required park dedication in-lieu fee. However, the project would not significantly impact public services or require the construction of new or remodeled public services facilities, due to the limited scope of this infill (affordable housing) development.

Standard Measures

The following standard measures shall be implemented as part of the project.

- The developer shall pay a school impact fee to the School District in accordance with California Government Code §65996 to offset the increased demands on school facilities.
- The project shall conform to the City’s Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) (Municipal Code Chapter 19.38).

Conclusion

The project would not have a significant impact on public services. The project would not result in new or increased impacts to public services beyond those already identified in the North San Jose Development Area Policies Update Final EIR (see EIR Section III).

N. RECREATION

Setting

Public park and recreational facilities in the City of San Jose include regional and neighborhood parklands, open space, and community centers. Recreational facilities within one mile of the project site consist of Rosemary Gardens Park and Bernal Park, both neighborhood facilities (refer to discussion in **M. Public Services**).

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
14. RECREATION. Would the project:					
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X		1
b) Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?				X	1

Discussion

The development of 100 affordable housing units on the project site could increase in the number of residents in the project area by a maximum of 288 (based on 2.88 persons per attached unit). This would incrementally increase demands on recreational facilities. The City of San Jose has adopted the Parkland Dedication Ordinance and Park Impact Ordinance, which require residential developers to dedicate public park land or pay in-lieu fees (or both) to compensate for the increase in demand for neighborhood parks.

The project would be required to comply with the City's park ordinances, which would offset impacts to park/recreation facilities.

Standard Measure

The following standard measure shall be implemented as part of the project.

- The project shall conform to the City's Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) (Municipal Code Chapter 19.38).

Conclusion

The project would not have a significant impact on recreation. The project would not result in new or increased impacts to recreational facilities or services beyond those already identified in the North San Jose Development Area Policies Update Final EIR (see EIR Section III).

O. TRANSPORTATION

Setting

The project site is located along N. Fourth Street, approximately 600 feet north of Gish Road. N. Fourth Street extends from Interstate 880 to U.S. 101, and is identified as an arterial in the City's General Plan. This roadway consists of a four-lane, two directional facility in the project area. Existing traffic volumes along this stretch of roadway are approximately 13,750 average daily vehicle trips.

Sidewalks are currently provided along N. Fourth Street in the project area. Public transit service is provided to the area by the Santa Clara Valley Transportation Authority (VTA). The nearest local bus routes are located along N. First Street. The nearest light rail station is the Gish Road Station, located at the corner of Gish Road and N. First Street, about 1,400 feet southwest of the project site.

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
15. TRANSPORTATION/TRAFFIC. Would the project:					
a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (for example, result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X		1
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X	1
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X	1
d) Substantially increase hazards due to a design feature (for example, sharp curves or dangerous intersections) or incompatible uses (for example, farm equipment)?				X	1
e) Result in inadequate emergency access?				X	1

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
f) Result in inadequate parking capacity?				X	1
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (for example, bus turnouts, bicycle racks)?				X	1

Discussion

The proposed affordable housing project would generate an estimated 672 daily vehicle trips, based on a rate of 6.72 trips per apartment from the Institute for Transportation Engineers Manual (2003). Based on the ITE rates, the project would generate approximately 51 trips during the AM peak hour and 62 trips during the PM peak hour. These are conservative estimates, as some of the occupants of the development are not expected to drive (e.g., the developmentally disabled population).

The project is located within the boundaries of the North San Jose Area Development Policy and will be required to participate in the traffic impact fee program for development within this area. Fees would be assessed by the City at the time of project approval.

Parking for 114 vehicles would be provided in an above-ground structured parking garage, located on the first two floors of the apartment building. Access to the parking garage would be provided by a driveway off N. Fourth Street (refer to Figure 4).

Conclusion

The project would not have a significant impact on transportation. The project would not result in new or increased transportation impacts beyond those already identified in the North San Jose Development Area Policies Update Final EIR (see EIR Section II.B).

P. UTILITIES AND SERVICE SYSTEMS

Setting

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

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

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
16. UTILITIES AND SERVICE SYSTEMS. Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X	1
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction or which could cause significant environmental effects?				X	1
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		1
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X		1
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X		1
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X		1
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X	1

Discussion

The proposed residential use would result in an incremental increase in utility usage and water consumption, as well as generation of solid waste, storm water, and wastewater from the development of 100 new affordable residential units.

Service demands from the previous use on the project site are not available. Based on information provided by the applicant, the proposed residential uses are estimated to generate the demand for approximately 20,000 gallons per day (gpd) of water, for potable and irrigation requirements. The project would generate approximately 17,500 gallons per day of wastewater. In addition, solid waste generation for the project is estimated at about 1,456 cubic yards per year. The new development would provide space on the site for recycling.

The proposed residential uses are located on a developed site in an urban area that is served by municipal providers. The project would be subject to developer fees to accommodate the incremental demand on services. The project would not significantly impact utility systems, due to the limited size of this infill (affordable housing) development.

A 30-foot sanitary sewer easement is located along the east side of the project site to accommodate a 60-inch brick sanitary sewer line. The project has been designed to incorporate this existing easement area.

Storm drainage is specifically addressed under **Hydrology and Water Quality**.

Conclusion

The project would not have a significant impact on utilities. The project would not result in new or increased impacts to utilities beyond those already identified in the North San Jose Development Area Policies Update Final EIR (see EIR Section III.J).

Q. MANDATORY FINDINGS OF SIGNIFICANCE

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
17. MANDATORY FINDINGS OF SIGNIFICANCE. Does the project:					
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X		1, 2, 3, 6
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects.			X		1, 2
c) Have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?			X		1

Conclusion

Based on the analysis provided in this evaluation, the proposed residential project would not substantially degrade or reduce wildlife species or habitat, result in significant cumulative impacts, or cause adverse effects on humans. The project would not result in new or increased impacts beyond those already identified in the North San Jose Development Area Policies Update Final EIR.

4. Summary of Conclusions as per CEQA Guidelines Section 15162

The following discussion summarizes the reasons why a subsequent EIR, pursuant to CEQA Guidelines Section 15162, is not required for the project.

Substantial Changes to the Project

The project proposes 100 affordable housing units within the North San Jose Development Policy Area. As described in the above analysis, the project would not result in significant environmental effects or increase the severity of environmental impacts beyond those already identified in the Final EIR. Adverse impacts resulting from the project would be reduced to less-than-significant levels through the implementation of existing policies and mitigation measures described in the Final EIR.

Project Circumstances

Since certification of the Final EIR, conditions in the North San Jose or Fourth Street area have not changed such that implementation of the project would result in new significant environmental effects or substantially increase the severity of environmental effects already identified in the Final EIR. The proposed project would not result in substantial adverse physical environmental impacts not addressed in the Final EIR.

New Information

No new information of substantial importance has been identified in regard to the project or the project site such that the proposed development would result in: 1) significant environmental effects not identified in the Final EIR, or 2) more severe environmental effects than shown in the Final EIR, or 3) require mitigation measures which were previously determined not to be feasible, or mitigation measures which are considerably different from those recommended in the Final EIR. Existing regulations (including City General Plan policies and ordinances in the Municipal Code) and mitigation measures included in the Final EIR would be adequate to reduce the impacts resulting from implementation of the project to less-than-significant levels.

5. References

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