NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE 211-281 RIVER OAKS PARKWAY RESIDENTIAL PROJECT

November 2024

Introduction

The purpose of an Environmental Impact Report (EIR) is to inform decision-makers and the general public of the environmental effects of a proposed project that an agency may implement or approve. The EIR process is intended to provide information sufficient to evaluate a proposed project and its potential for significant impacts on the environment; to examine methods of reducing adverse impacts; and to consider alternatives to the proposed project.

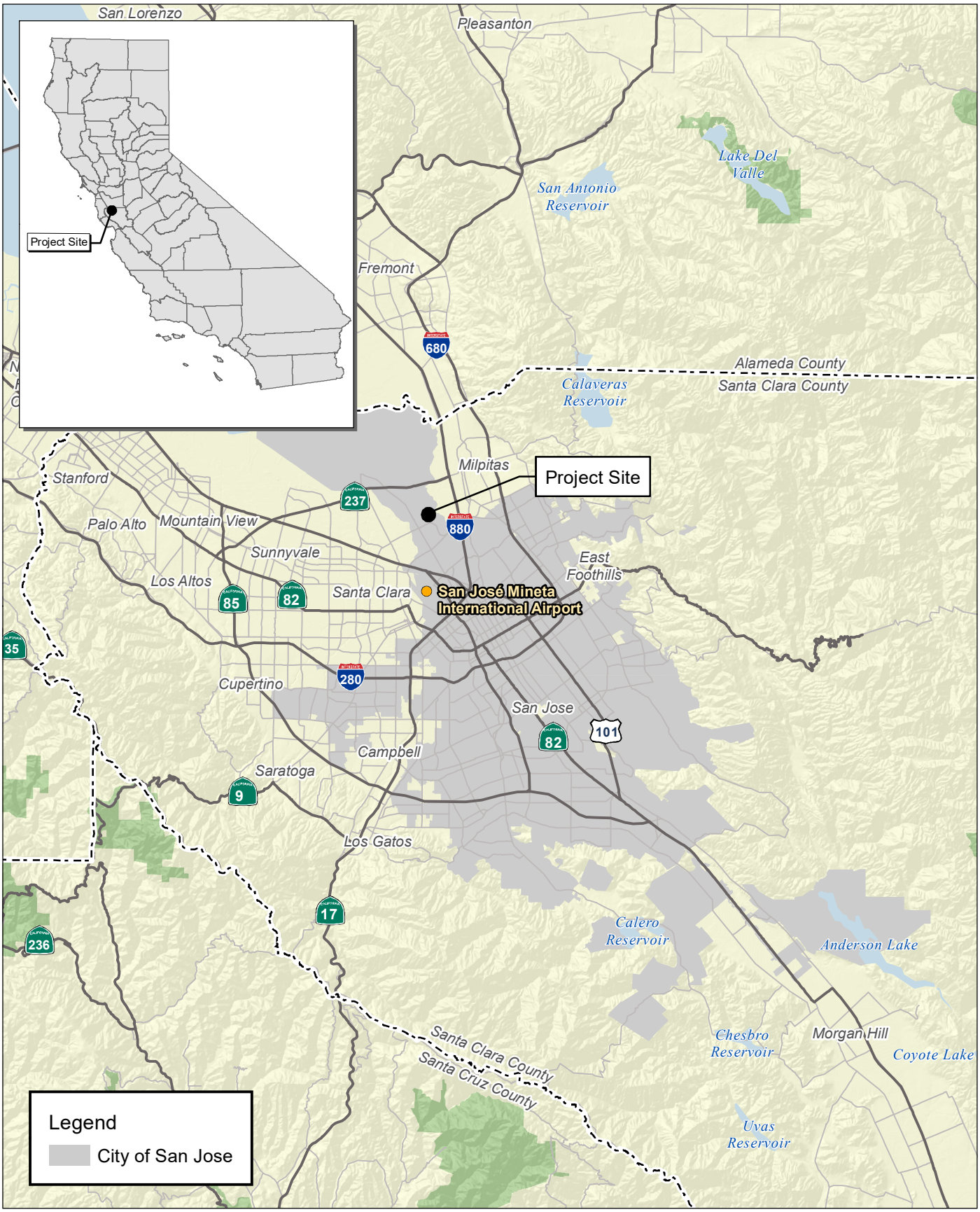
An EIR is prepared when it is determined by the discretionary authority that changes proposed in an approved project will require revisions to the previous EIR because of possible new impacts or an increase in severity of previously identified impacts. As the Lead Agency, the City of San José (City) will prepare a Draft EIR to address the environmental effects of the proposed 211-281 River Oaks Parkway Residential Project (proposed project).

The Draft EIR will be prepared and processed in accordance with the California Environmental Quality Act (CEQA), as amended, and the requirements of the City. In accordance with CEQA Guidelines, the Draft EIR will include the following:

- A summary of the proposed project;
- A Project Description, including project objectives;
- A description of the existing environmental setting, environmental impacts, and mitigation measures;
- Alternatives to the project as proposed; and
- Environmental consequences, including (a) any significant environmental effects which cannot be avoided if the proposed project is implemented; (b) any significant irreversible and irretrievable commitments of resources; (c) the growth-inducing impacts of the proposed project; and (d) cumulative impacts.

Project Site and Location

The project site is located at 211, 251, and 281 River Oaks Parkway in San José, which collectively spans 9.82 acres and corresponds to Assessor's Parcel Numbers (APNs) 097-33-034 and 097-33-033 (Figure 1 and Figure 2). Of this area, 9.67 acres would be allocated for the proposed project and approximately 0.15 acre reserved for widening Iron Point Drive. The project site is bounded by Anza Road and Levee Road to the north; Iron Point Drive to the west; River Oaks Parkway to the south; and Cisco Way to the east.



Source: Census 2000 Data, The California Spatial Information Library (CaSIL).

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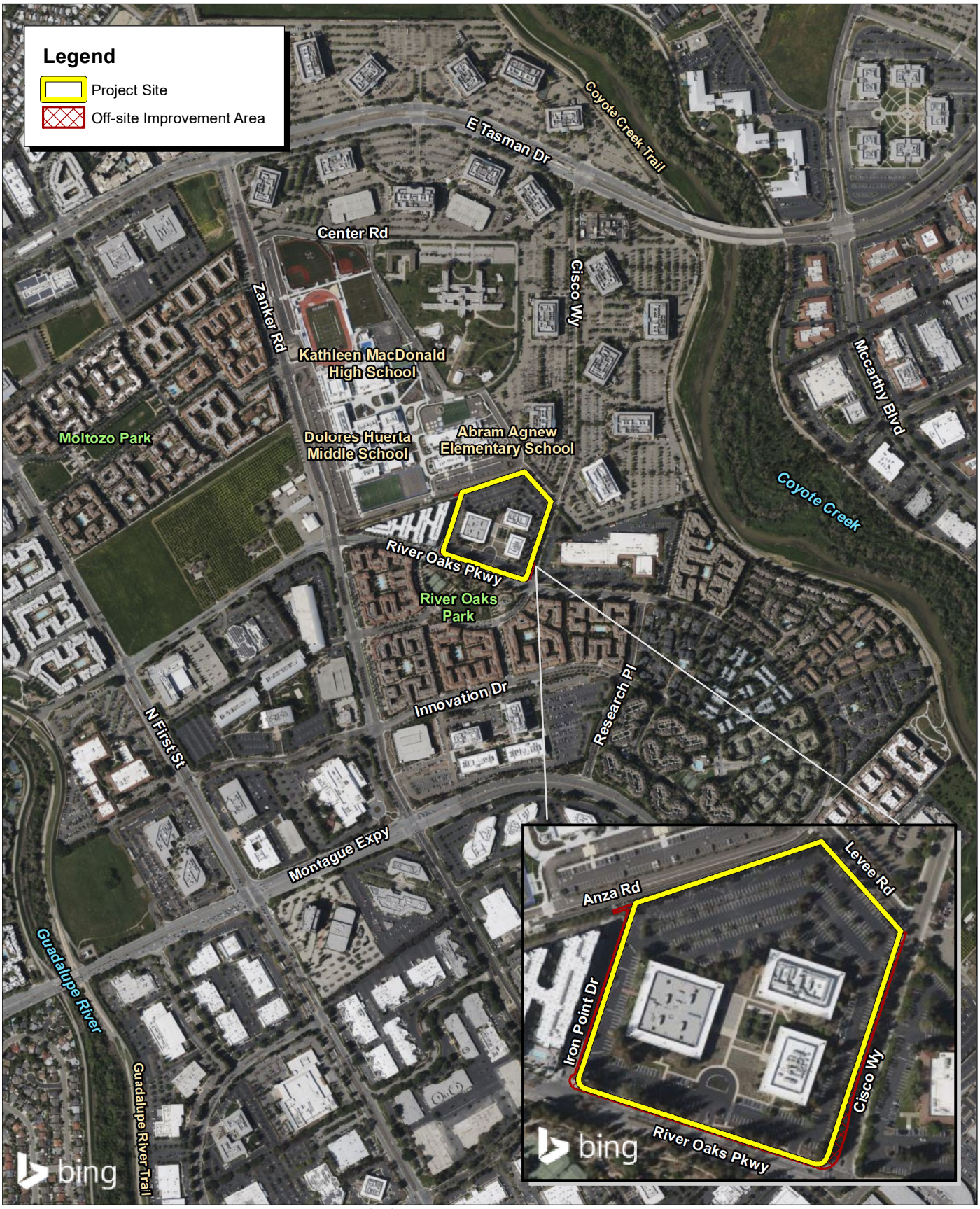
5 2.5 0 5 Miles

Figure 1
Regional Location Map



Source: Bing Aerial Imagery. Civil Engineering Associates, 05/17/2024.

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1,000 500 0 1,000 Feet

Figure 2
Local Vicinity Map

Existing Development and Land Use Activities

The project site is currently occupied by three vacant 2-story commercial office buildings, associated surface parking, and landscaping consisting of ornamental trees (deciduous and evergreen), ruderal vegetation, weeds, parking lot lighting fixtures, and pedestrian pathways. The project site includes approximately 164,606 square feet of existing buildings. Access to the project site is currently provided via three driveways on River Oaks Parkway.

Land uses surrounding the project site are as follows:

- **North**: Abram Agnew Elementary School and Dolores Huerta Middle School, across Anza Road; and office, across Levee Road
- **West:** residential, across Iron Point Drive
- **South:** River Oaks Park, across River Oaks Parkway
- **East:** office, across Cisco Way

General Plan and Zoning Designations

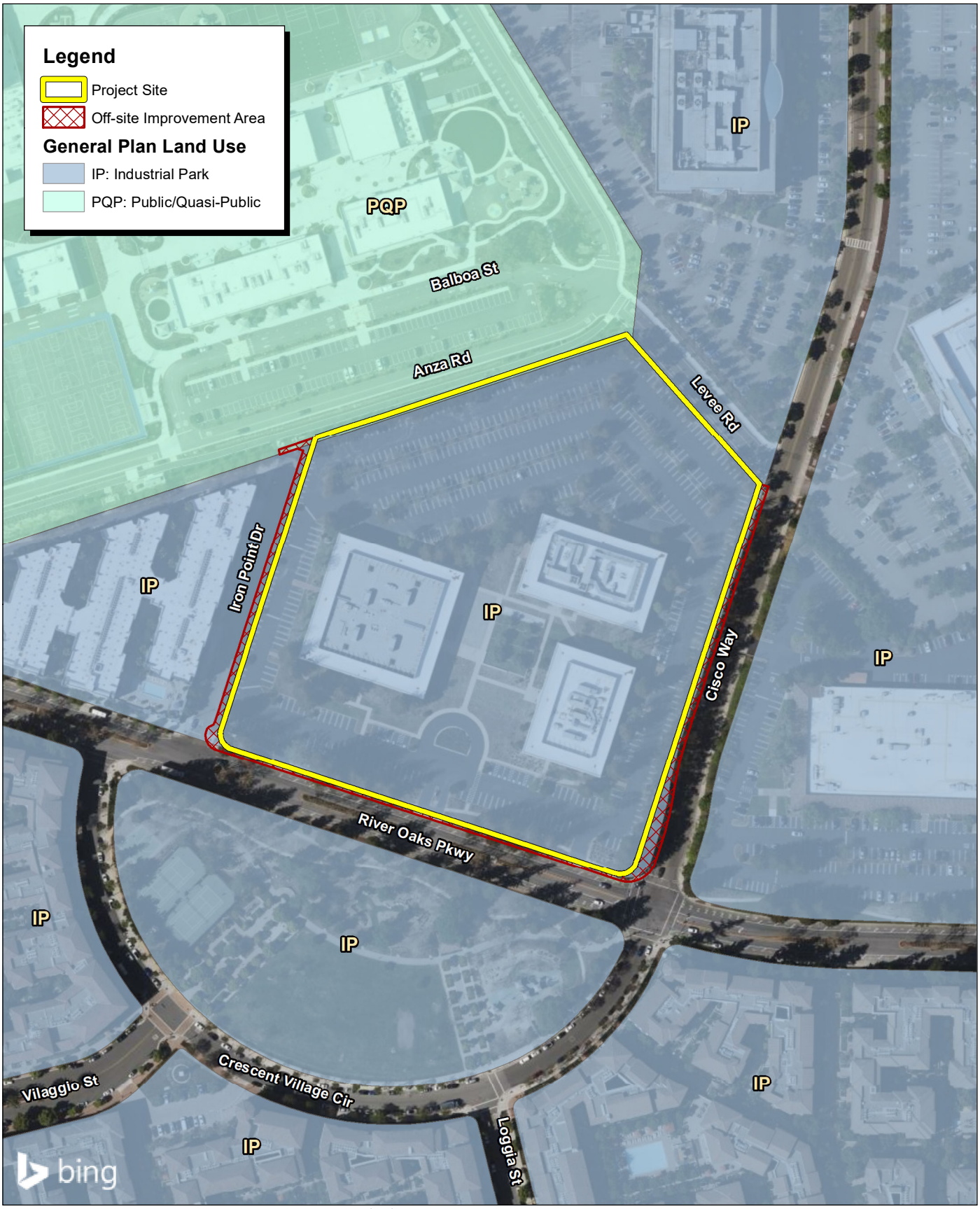
The project site has a General Plan Land Use Designation of IP (Figure 3 and Figure 4). The project site is located within the TERO. This overlay identifies sites within the North San José Employment Center that may be appropriate for residential development and supports residential development as an alternate use at a minimum average net density of 75 units per acre. Sites with this overlay may also be developed with uses consistent with the underlying designation. The proposed project anticipates 76.2 dwelling units per acre, providing a mix of apartment housing and market-rate townhomes. The proposed project would comply with TERO height and development standards. See Figure 5 for the tentative site plan.

Habitat Plan Designation

The project site is within the Santa Clara Valley Habitat Conservation Plan (SCVHCP) area and is designated as follows:

- Land Cover Designation: Urban Area
- Land Cover Fee Zone D: Urban Area

According to the City of San José GIS map, the parcel located at 211-281 River Oaks Parkway falls within the designated Habitat Conservation Plan (HCP) Zone: D, which, per the HCP guidelines, is exempt from Permanent Impact Fees.



Source: Bing Aerial Imagery. Civil Engineering Associates, 05/17/2024. City of San Jose.

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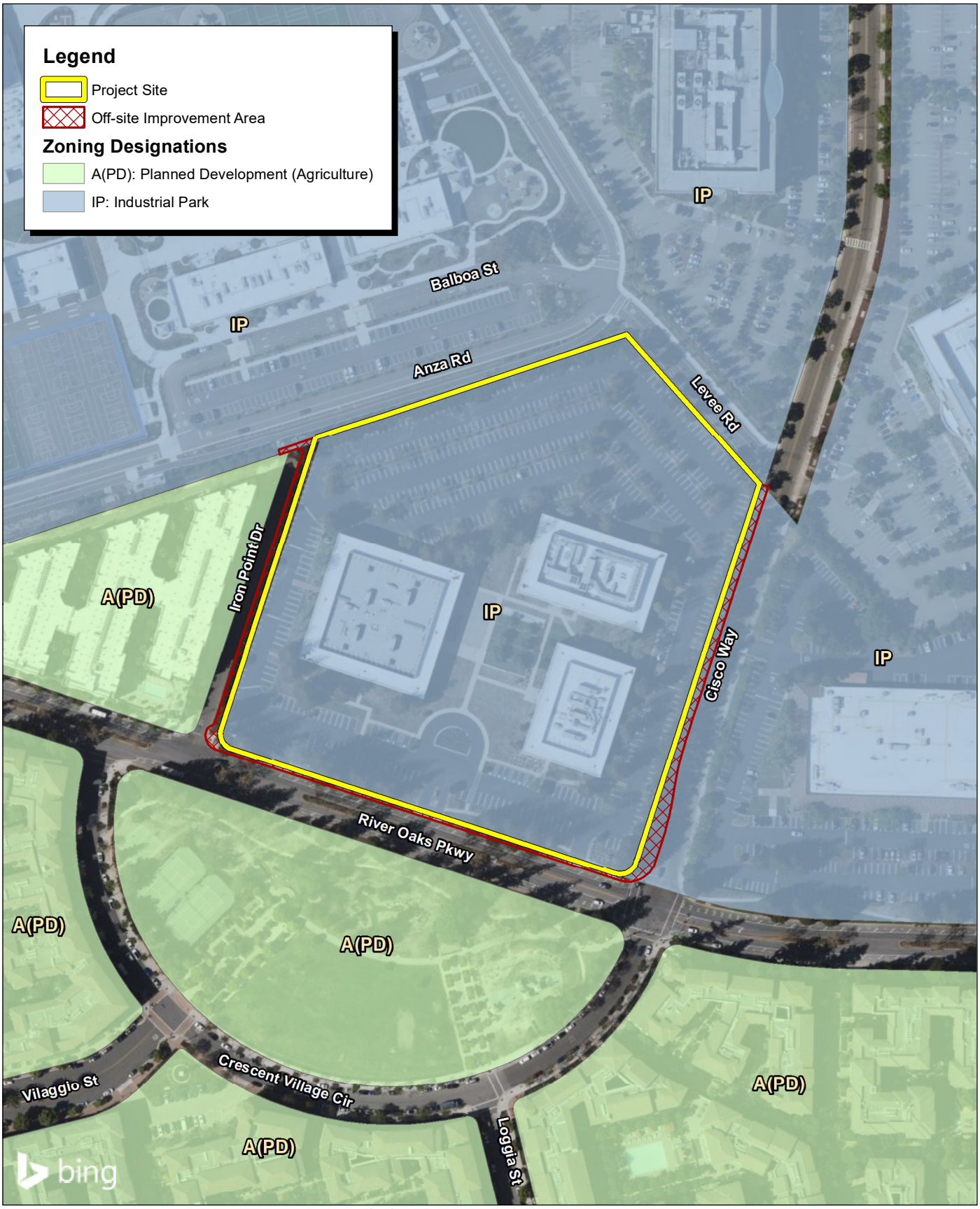
200 100 0 200 Feet

Figure 3
General Plan Land Use Designations



Source: Bing Aerial Imagery. Civil Engineering Associates, 05/17/2024. City of San Jose.

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200 100 0 200
Feet

Figure 4
Zoning Designations

BUILDING FRONTGATE CALCULATION:

RIVER OAKS PARKWAY
BUILDING FRONTAGE WITHIN 5' FROM EASEMENT:
124'-0" + 387'-5" = 511'-5"
STREET FRONTAGE LENGTH = 627'-11"
BUILDING FRONTAGE PERCENTAGE = 511'-5" / 627'-11" = 81%

CISCO WAY
BUILDING FRTONGATE WITHIN 5' FROM SETBACK:
19'-7" + 66'-9" + 19'-7" + 219'-10" = 325'-9"
STREET FRONTAGE LENGTH = 504'-5"
BUILDING FRONTAGE PERCENTAGE = 325'-9" / 504'-5" = 64%

Source: STUDIO T SQUARE, 09/30/2024.

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Figure 5
Conceptual Site Plan

Project Description

Demolition: The project proposes to demolish three existing buildings and the surface parking in the demolition of approximately 164,606 square feet of buildings. The existing buildings to be demolished are currently vacant.

Proposed Project: The proposed project would construct 100 market-rate townhome units, a 100 percent affordable apartment building featuring 130 affordable units and two manager units, and a market-rate apartment building comprising 505 units, resulting in a total of 737 residential dwelling units. The project density would be 76.2 dwelling units per acre across the entire project site.

Affordable apartment units would range in size from 360 to 1,037 square feet; market-rate apartments from 536 to 1,290 square feet; and townhomes from 1,230 to 1,790 square feet. Affordable and market-rate apartments would include a mix of studio, 1-bedroom, 2-bedroom, and 3-bedroom units, while townhomes would be a composition of 2- and 3-bedroom units. Approval of a Vesting Tentative Map would allow subdivision of the existing two lots into 31 lots (16 residential, 10 open space lots, and five private streets).

Cisco Way serves as the primary vehicular access to the site. In addition, River Oaks Parkway and Iron Point Drive would provide primary vehicular access to the parking structures. Alongside Cisco Way and River Oaks Parkway, Class II bicycle lanes would be integrated to promote alternative transportation methods.

The City's standard minimum width for two-way drive aisles is 24 feet where 90-degree parking is provided to allow sufficient room for vehicles to back out of the parking stalls. According to the site plan, all two-way drive aisles would be at least 24 feet wide.

Parking for the townhomes would be provided in two-car garages (either side-by-side or tandem design) for each unit, with a total of 200 assigned garage stalls. Additionally, there would be approximately 12 unassigned outdoor guest stalls. Bicycle parking facilities would also be provided, with a total of 120 Class 1 and Class 2 bike stalls along with four designated motorcycle parking spots.

The affordable apartments include a total of 104 assigned residential parking stalls on one at-grade level beneath the concrete podium of the building. These stalls would be distributed across various types, including standard, standard Americans with Disabilities Act (ADA), Van ADA, Electric Vehicle Charging Station (EVCS) Standard ADA, EVCS Van ADA, Electric Vehicle- (EV-) capable, EV-ready, and EVCS. Ten percent of the assigned stalls would be EV and 20 percent EV-ready, with 70 percent of the market-rate parking stalls EV-capable. Unassigned guest stalls would comprise the same ratio of EV-capable, EV, and EV-ready. Additionally, the affordable apartments would exceed the minimum requirements for bicycle parking by providing 48 Class 1 and Class 2 bike parking stalls and accommodating three motorcycle parking stalls. No guest parking would be provided for the affordable apartment units.

For the market-rate apartments, a total of 587 parking stalls would be provided under the concrete podium for the building, comprising 557 residential and 30 guest stalls. Similar to the affordable apartments, these stalls would encompass a mix of standard, standard ADA, Van ADA, EVCS Standard ADA, EVCS Van ADA, EV-capable, EV-ready, and EVCS. Ten percent of the assigned stalls would be EV and 20 percent EV-ready, with 70 percent of the market-rate parking stalls EV-capable. Unassigned guest stalls would comprise the same ratio of EV-capable, EV, and EV-ready. Furthermore, the market rate component includes up to 177 Class 1 and Class 2 bike parking stalls, surpassing the required minimum, and would include 15 motorcycle parking spots for residents' needs.

Sustainability measures for the proposed project would include, but are not limited to, all electric buildings with on-site solar photovoltaics (PV) arrays that meet California Green Building Standards Code (CALGreen) and City of San José Reach Code minimums, ample EV charging stations, on-site bicycle storage and repair facilities, water-efficient plumbing fixtures, use of native/adapted species to reduce irrigation needs, and high-quality construction materials with longer lifespan and durability to reduce construction waste and increase performance.

Construction: Construction of the market-rate townhomes would occur in phase 1, beginning in approximately November 2026. Construction of the affordable apartments would be completed in the next phase in approximately July 2028, followed by buildout of the market-rate apartments completed in August 2028.

Anticipated Project Approvals

The proposed project may require the following discretionary approvals from the City of San José:

- Planned Development Permit
- Planned Development Rezoning
- Vesting Tentative Map (VTM)/Tentative Map/Final Map
- Dedication of public right-of-way
- Encroachment Agreement(s) for utilities crossing public right-of-way

Ministerial Building and Public Works Department Clearances such as grading permits, building, and occupancy permits, would also be required.

In addition, the following waivers may be sought in connection with the proposed project. Please note these are subject to change and other waivers may be added during the entitlement process.

- Density Bonus Waiver
- Lot Depth Waiver
- Waiver of Citywide Design Standards and Guidelines Section 3.2.2–Vehicular Entrances and Driveways, Standard 3

Topical Sections to be Included in the Draft EIR

The Draft EIR will describe the existing environmental conditions on the project site, discuss and analyze the impacts of the project, and identify the significant environmental effects anticipated to result from development of the proposed project. Mitigation measures will be identified for potentially significant environmental impacts, as warranted. The analysis in the Draft EIR will include the following specific categories of environmental impacts and concerns related to the proposed project. Additional subjects may be added at a later date if new information becomes available.

1. Air Quality

The Draft EIR will discuss sensitive receptors (including adjacent residences), temporary construction impacts to air quality, and operational air quality impacts. The Draft EIR will address the regional air quality conditions in the San Francisco Bay Area and discuss the proposed project's impacts to local and regional air quality based on the 2017 Bay Area Air Quality Management District (BAAQMD) CEQA guidelines and thresholds. Mitigation measures, if found to be required, will be discussed. An Air Quality, Greenhouse Gas (GHG) Emissions, and Energy Analysis Study will be prepared and appended to the Draft EIR that evaluates the proposed project's potential effects.

2. Biological Resources

A Biological Resources Technical Memorandum will be prepared to analyze potential impacts to biological resources for the proposed project. It is anticipated that with consistency with General Plan implementation policies, mitigation measures, and SCVHCP permit conditions, project-related impacts to biological resources on-site would be less than significant. This topic will be further addressed in the Draft EIR.

3. Greenhouse Gas Emissions

The Draft EIR will address the proposed project's contribution to regional and global GHG emissions impacts in compliance with Senate Bill (SB) 32 and based on the City of San José's 2030 GHG Reduction Strategy for consistency with policies for reducing GHG emissions adopted by the City of San José. Proposed design features to reduce energy consumption, which in turn will reduce GHG emissions, will be analyzed. Mitigation measures, if found to be required, will be discussed. An Air Quality, GHG Emissions, and Energy Analysis Study will be prepared and appended to the Draft EIR that evaluates and confirms the proposed project's potential effects. Potential GHG emissions impacts and the proposed project's compliance with the City's GHG Reduction Strategy (GHGRS) Project Compliance Checklist will be discussed in the Draft EIR.

4. Land Use and Planning

This section will summarize the existing land use for the proposed project and determine the potential environmental effects of the proposed project related to land use and planning.

The project site is located within the TERO. This overlay identifies sites within the North San José Employment Center that may be appropriate for residential development and supports residential development as an alternate use at a minimum average net density of 75 units per acre. Sites with

this overlay may also be developed with uses consistent with the underlying designation. The proposed project would be rezoned to Planned Development.

The Draft EIR will evaluate the proposed project's consistency with existing land use regulations including the City's Envision San José 2040 General Plan, San José Zoning Ordinance and Municipal Code, and the City's Design Guidelines and Standards. If significant impacts related to land use are found, mitigation measures will be identified.

5. Noise

The Draft EIR will identify existing ambient noise and analyze potential noise and vibration impacts of project operation and construction on the existing environment and nearby sensitive receptors.

Noise levels will be evaluated for consistency with applicable standards and guidelines from the City of San José Municipal Code and General Plan. If noise and vibration impacts are found to be significant, mitigation measures will be identified.

6. Transportation

The Draft EIR will evaluate the project's transportation impacts pursuant to SB 743 and the City's Transportation Analysis Policy (Council Policy 5-1). The proposed project's consistency with programs, plans, ordinances, or policies addressing the circulation system (including transit, roadway, bicycle, and pedestrian facilities) will be discussed in the Draft EIR. The proposed project's impact on Vehicle Miles Traveled (VMT) will be discussed. The Draft EIR will include a Local Transportation Analysis (LTA) to evaluate the proposed site access/circulation for informational purposes. Mitigation measures, if found to be required, will be discussed.

7. Alternatives

Pursuant to CEQA Guidelines Section 15126.6, the Draft EIR will examine alternatives to the proposed project, including a "No Project" alternative and one or more alternative development scenarios depending on any impacts identified. Other alternatives that may be discussed could include reduced development alternatives (e.g., a smaller project), alternative land uses, and/or alternative locations. Alternatives discussed will be chosen based on their ability to reduce or avoid identified significant impacts of the proposed project while achieving most of the identified basic objectives of the proposed project.

8. Significant Unavoidable Impacts

The Draft EIR will identify those significant impacts that cannot be avoided if the proposed project is implemented as proposed.

9. Cumulative Impacts

The Draft EIR will include a discussion of Cumulative Impacts in each topical section that will address the proposed project's potential to substantially contribute to a cumulative impact when considered with other past, present, and reasonably foreseeable future projects in the City or other identified

geographic context. Mitigation measures will be identified to reduce and/or avoid significant impacts, as appropriate.

10. Other CEQA Topics

In conformance with CEQA Guidelines Section 15130, the Draft EIR will also discuss all other sections required by the Public Resources Code and the State CEQA Guidelines, including: (1) consistency with local and regional plans and policies, (2) growth-inducing impacts, (3) significant irreversible environmental changes, (4) references and organizations/persons consulted, and (5) EIR authors. Relevant technical reports will be provided as appendices to the Draft EIR.

Topics to be Addressed in the Effects Found not to be Significant Section

The following resource sections are not anticipated to result in significant impacts and would be scoped out in the Draft EIR. Unless specific comments are received during the Notice of Preparation (NOP) public comment period that indicated a potential for the proposed project to result in significant impacts, these issues will be addressed in the Effects Found not to be Significant section of the Draft EIR.

1. Aesthetics

The General Plan identifies significant visual resources throughout the planning area that are key to the City's visual character. The key scenic resources described in the General Plan include the broad sweep of the Santa Clara Valley, the hills and mountains which frame the Valley floor, the Baylands, and the urban skyline itself, particularly high-rise development. The City also has a number of Gateway locations, including Coleman Avenue at Interstate 880 (I-880), 13th Street at U.S. Highway 101 (US-101), and US 101 in the vicinity of the State Route (SR) 85 Interchange. Urban Corridors designated in the General Plan are all State and Interstate Highways within the City's Sphere of Influence (SOI). Together, Gateways and Urban Corridors contribute greatly to the overall image of San José and the image of its individual communities.[1] The project site is not located in the vicinity of any of the General Plan-designation scenic resources. The proposed project would be located on the Valley floor in an area recognized by the General Plan Program Environmental Impact Report (PEIR) and Housing Element Update Supplemental Environmental Impact Report (SEIR) as having a less than significant impact on scenic resources. In addition, the proposed project would follow General Plan Policies to ensure impacts to scenic resources are less than significant.

The nearest State Scenic Highways, I-680 and I-280, are located approximately 11 miles northeast and northwest of the project site, respectively, and are not visible from the Valley floor due to the distance and intervening development. The proposed project is located in an urbanized area; therefore, impacts to scenic quality are analyzed in terms of compatibility with applicable zoning and other regulations governing scenic quality. The project site is within the North San José Planning area, which is defined as the area located between Downtown and SR-237. The General Plan described the visual context of North San José as predominantly urban, though a few undeveloped and partially developed properties remain within the area. The General Plan states that this area is expected to maintain its urban, modern industrial character as it develops into more densely urban

[1] City of San José. 2011. Envision San José 2040 General Plan. Adopted November 1, As Amended May 12, 2023.

forms. The project site is within a predominantly Industrial Park and Planned Development designated area. The City would confirm the project's consistency with these requirements as part of the development review process.

The proposed project would be required to adhere to all applicable development standards and design guidelines provided in the General Plan and Zoning Code, which are intended to reduce daytime glare and nighttime lighting. All proposed lighting would comply with Council Policy 4-3 Outdoor Lighting, by shielding outdoor lighting to reflect away from nearby residential uses, and Chapter 18.120 of the Municipal Code, which includes performance standards to prevent glare. The City would confirm consistency with these requirements as part of the development review process. This topic will be addressed in the Effects Found not to be Significant section of the Draft EIR.

2. Agricultural and Forestry Resources

The project site is situated within an urbanized area, is currently developed with commercial offices, and does not contain and is not adjacent to lands classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The project site is located within an urban environment and no existing agriculture or forestry land use activities occur within the project site boundaries. The project site is not subject to a Williamson Act contract. The project site is zoned as IP, which does not permit agricultural uses. As such, the proposed project would not result in significant effects related to agriculture and forestry resources. This topic will be addressed in the Effects Found not to be Significant section of the Draft EIR.

3. Cultural Resources and Tribal Cultural Resources

Results from the NWIC indicate that five historic resources have been recorded within the 0.5-mile search radius, none of which are located within the project boundaries. Additionally, no cultural resources were identified during the pedestrian survey. However, in accordance with Section 15064.5 of the CEQA Guidelines, in the event that buried cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified Archaeologist shall provide recommendations in order to protect the discovered resource. It is anticipated that, with implementation of Standard City Permit Conditions and following General Plan Policies, impacts to Cultural and Tribal Cultural Resources would be less than significant. This topic will be addressed in the Effects Found not to be Significant section of the Draft EIR.

City Standard Permit Conditions

Subsurface Cultural Resources

If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified Archaeologist in consultation with a Native American Tribal representative, who is registered with the Native American Heritage Commission (NAHC) for the City of San José and is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall examine the find. The Archaeologist, in consultation with the Tribal representative, shall (1) evaluate the find(s) to determine whether they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations

regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to the Director of PBCE or the Director's designee, the City's Historic Preservation Officer, and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials.

Human Remains

If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill (AB) 2641, shall be followed. If human remains are discovered during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The permittee shall immediately notify the Director of PBCE or the Director's designee and the qualified Archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner shall make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner shall contact the NAHC within 24 hours. The NAHC shall then designate a Most Likely Descendant (MLD). The MLD shall inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

I. The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site.

ii. The MLD identified fails to make a recommendation.

iii. The landowner or their authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.

General Plan Policies–Archaeology and Paleontology

ER-10.1 For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.

ER-10.2 Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon their discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable State laws shall be enforced.

ER-10.3 Ensure that City, State, and federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and prehistoric resources.

General Plan Action–Archaeology and Paleontology

ER-10.4 The City will maintain a file of archaeological and paleontological survey reports by location to make such information retrievable for research purposes over time.

4. Energy

Implementation of the proposed project could result in increased energy demand in the area; however, such growth is anticipated under the General Plan. Compliance with General Plan objectives and policies would ensure that effects related to this energy demand increase would be less than significant. This topic will be addressed in the Effects Found not to be Significant section of the Draft EIR.

General Plan Policies

Goal MS-2 Energy Conservation and Renewable Energy Use Maximize the use of green building practices in new and existing development to maximize energy efficiency and conservation and to maximize the use of renewable energy sources.

Policy MS-2.2 Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.

Policy MS-2.4 Promote energy-efficient construction industry practices.

Policy MS-2.6 Promote roofing design and surface treatments that reduce the heat island effect of new and existing development and support reduced energy use, reduced air pollution, and a healthy urban forest. Connect businesses and residents with cool roof rebate programs through City outreach efforts.

5. Geology and Soils

A geotechnical investigation was conducted for the project site by Cornerstone Earth Group in June 2023. The study found that from a geotechnical standpoint, the proposed project is feasible provided concerns regarding strong ground shaking, potential for significant static and seismic settlements, shallow groundwater, and presence of moderately to highly expansive soils are addressed through project design. Recommendations are included for further design-level geotechnical evaluation. Compliance with the recommendations contained in the geotechnical investigation, as well as relevant General Plan Policies and adherence to the City's Standard Permit Conditions, would ensure that the proposed project's impacts related to geology and soils (including earthquakes, seismic ground shaking, seismic ground failure, landslides, erosion, geologic instability, and expansive soils) would be less than significant. Furthermore, implementation of the City's Standard Permit Conditions would ensure less than significant impacts to paleontological resources. This topic will be addressed in the Effects Found not to be Significant section of the Draft EIR.

General Plan Policies

Policy EC-3.2 Within seismic hazard zones identified under the Alquist-Priolo Fault Zoning Act, California Seismic Hazards Mapping Act and/or by the City of San José, complete geotechnical and geological investigations and approve development proposals only when the severity of seismic hazards have been evaluated and appropriate mitigation measures are provided as reviewed and approved by the City of San José Geologist. State guidelines for evaluating and mitigating seismic hazards and the City-adopted California Building Standards Code will be followed.

Action EC-3.10 Require that a Certificate of Geologic Hazard Clearance be issued by the Director of Public Works prior to issuance of grading and building permits within defined geologic hazard zones related to seismic hazards.

Policy EC-4.3 Locate new public improvements and utilities outside of areas with identified soils and/or geologic hazards (e.g., deep seated landslides in the Special Geologic Hazard Study Area and former landfills) to avoid extraordinary maintenance and operating expenses. Where the location of public improvements and utilities in such areas cannot be avoided, effective mitigation measures will be implemented.

Policy EC-4.4 Require all new development to conform to the City of San José's Geologic Hazard Ordinance.

Policy EC-4.5 Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 1 and April 30.

Action EC-4.10 Require a Certificate of Geologic Hazard Clearance to be issued by the Director of Public Works prior to issuance of grading and building permits within defined geologic hazard zones.

Policy EC-4.11 Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.

Action EC-4.12 Require review and approval of grading plans and erosion control plans (if applicable) prior to issuance of grading permits by the Director of Public Works.

Action ER-10.4 The City will maintain a file of archaeological and paleontological survey reports by location to make such information retrievable for research purposes over time.

City Standard Permit Conditions

Seismic Hazards

a) A Geotechnical Report shall be submitted, reviewed, and approved by the City Geologist. The Geotechnical Report shall determine the site-specific soil conditions and identify the appropriate design and construction techniques to minimize risks to people and structures, including but not limited to: foundation, earthwork, utility trenching, retaining, and drainage recommendations. The investigation should be consistent with State of California guidelines for the preparation of seismic hazard evaluation reports (CGS Special Publication 117A, 2008, and the Southern California Earthquake Center report, SCEC, 1999). A recommended minimum depth of 50 feet should be explored and evaluated in the investigation. The City Geologist will review the Geotechnical Report and issue a Geologic Clearance.

b) All excavation and grading work shall be scheduled in dry weather months or construction sites shall be weatherized.

c) Stockpiles and excavated soils shall be covered with secured tarps or plastic sheeting.

d) Ditches shall be installed to divert runoff around excavations and graded areas if necessary.

e) The project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. A grading permit from the San José Department of Public Works shall be obtained prior to the issuance of a Public Works clearance. These standard practices would ensure that the future building on the site is designed to properly account for soils-related hazards on the site.

f) If dewatering is needed, the design-level geotechnical investigations to be prepared for individual future development projects shall evaluate the underlying sediments and determine the potential for settlements to occur. If it is determined that unacceptable settlements may occur, then alternative groundwater control systems shall be required.

Paleontological Resources

If vertebrate fossils are discovered during construction, all work on the site shall stop immediately, the Director of PBCE or the Director's designee shall be notified, and a qualified professional Paleontologist shall assess the nature and importance of the find and recommend appropriate treatment. Treatment may include, but is not limited to, preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The permittee shall be responsible for implementing the recommendations of the qualified Paleontologist. A report of all findings shall be submitted to the Director of PBCE or the Director's designee. This topic will be addressed in the Effects Found not to be Significant section of the Draft EIR.

6. Hazards and Hazardous Materials

A modified Phase I Environmental Site Assessment (Phase I ESA) was conducted by ENGEO on July 5, 2023.[2] This report summarized the current conditions of the site, as well as the historical conditions of the site. The site reconnaissance and records review did not find documentation or physical

[2] ENGEO. Phase 1 Environmental Site Assessment. July 5, 2023

evidence of soil, soil gas, or groundwater impairments associated with the use or past use of the property. A review of regulatory databases maintained by county, state, tribal, and federal agencies did not identify contaminated facilities within the appropriate American Society for Testing and Materials (ASTM) search distances that would reasonably be expected to impact the property and found no documentation of hazardous materials violations or discharge on the property. Since the property was historically used for agricultural activities, an agrichemical assessment of near-surface soil was conducted to evaluate the potential for residual concentrations of organochlorine pesticides (OCPs), lead, and arsenic. OCPs were detected above laboratory reporting limits but below their residential Environmental Screening Levels (ESLs) in all five composite samples. Lead and arsenic were detected above laboratory reporting limits in all 10 samples analyzed for these constituents. Lead was detected at a maximum concentration of 35.3 milligrams per kilogram (mg/kg), well below the residential ESL of 80 mg/kg. Arsenic was detected at a maximum concentration of 15.2 mg/kg.

In addition, a Soil Gas Report was prepared by ENGEO for the property dated July 5, 2023. The report was prepared to address potential environmental concerns associated with former off-site commercial/industrial facilities. While benzene was detected above its residential ESL in all five soil gas samples, the marginal exceedances of benzene residential ESLs are not an environmental concern given the overall oxygen levels are sufficient to support bio-attenuation.

Based on the findings of this assessment, no Recognized Environmental Conditions (RECs), no historical RECs and no controlled RECs were identified for the property. No further environmental studies were recommended and the property was deemed suitable for residential development.

Compliance with relevant General Plan Policies and adherence to the City's Standard Permit Conditions would ensure that the proposed project would not result in significant impacts related to Hazards and Hazardous Materials. This topic will be addressed in the Effects Found not to be Significant section of the Draft EIR.

General Plan Policies

Policy EC-7.1 For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine whether any potential environmental conditions exist that could adversely impact the community or environment.

Policy EC-7.2 Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, State, and federal laws, regulations, guidelines, and standards.

Policy EC-7.4 On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-based paint and asbestos-

containing materials, shall be implemented in accordance with State and federal laws and regulations.

Policy EC-7.5 On development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and State requirements.

City Standard Permit Conditions

Asbestos and Lead-based Paint

i. In conformance with State and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site building(s) to determine the presence of asbestos-containing materials (ACMs) and/or lead-based paint (LBP).

ii. During demolition activities, all building materials containing LBP shall be removed in accordance with Cal/OSHA Lead in Title 8, California Code of Regulations Section 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing LBP or coatings shall be disposed of at landfills that meet acceptance criteria for the type of lead being disposed.

iii. All potentially friable ACMs shall be removed in accordance with National Emission Standards for Air Pollution (NESHAP) guidelines prior to demolition or renovation activities that may disturb ACMs. All demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8, California Code of Regulations Section 1529, to protect workers from asbestos exposure.

iv. A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.

v. Materials containing more than 1 percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations. Removal of materials containing more than 1 percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.

7. Hydrology and Water Quality

Click and type text here.Stormwater management at the project site will traverse through a network of features, including multiple bioretention facilities and planters designed to collect stormwater along with a large landscaped self-retaining area situated at the southern portion of the site adjacent to River Oaks Parkway. Stormwater collected will be directed toward a 15-foot storm drainage pipe located beneath Iron Point Drive. In instances where runoff exceeds infiltration capacity, it would be directed into storm drainage lines via grates positioned around proposed internal streets, parking areas, and loading spaces. Runoff originating from most areas of the site will flow over rooftops, parking areas, sidewalks, and landscaped regions. It will then be directed toward vegetated buffer

strips and vegetated swales serving as pretreatment and treatment zones for stormwater quality. Along the frontage, runoff will be directed over landscaping toward the public right-of-way, where it will undergo self-treatment processes.

These project features would protect water quality, prevent erosion and siltation, prevent surface runoff, and control flooding. As the project site is already developed, development of the site would not impact groundwater recharge. Therefore, compliance with General Plan policies and adherence to City's Standard Permit Conditions would ensure impacts related to hydrology and water quality are less than significant. This topic will be addressed in the Effects Found not to be Significant section of the Draft EIR.

General Plan Policies

Policy IN-3.7 Design new projects to minimize potential damage due to stormwater and flooding to the site and other properties.

Policy IN-3.10 Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's NPDES permit.

Policy MS-3.4 Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.

Policy ER-8.1 Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.

Policy ER-8.3 Ensure that private development in San José includes adequate measures to treat stormwater runoff.

Policy EC-4.1 Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and Municipal Code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and stormwater controls.

Policy EC-5.7 Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.

City Standard Permit Conditions

Construction-related Water Quality

i. Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.

ii. Earthmoving or other dust-producing activities shall be suspended during periods of high winds.

iii. All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.

iv. Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.

v. All trucks hauling soil, sand, and other loose materials shall be covered and all trucks shall maintain at least two feet of freeboard.

vi. All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).

vii. Vegetation in disturbed areas shall be replanted as quickly as possible.

viii. All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system shall be installed if requested by the City.

ix. The project applicant shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.

8. Mineral Resources

The General Plan identifies Communications Hill as the only known area in the City to contain mineral deposits that are of regional significance as a source of construction aggregate materials; this area is approximately 4.12 miles northwest of the project site. No activities related to mineral resources occur within the project site and no portion of the project site is designated as relevant for mineral resources by the City or the State.[3] As such, the proposed project would not result in impacts related to mineral resources. This topic will be addressed in the Effects Found not to be Significant section of the Draft EIR.

9. Population and Housing

The project site is currently occupied by vacant office buildings. There are no residential units at the project site. The proposed project would develop 747 residential units. The proposed project aligns with the General Plan PEIR by not exceeding the growth projections established by the Association of Bay Area Governments (ABAG) for the San Francisco Bay Area. The Housing Element Update (2023) identified the project site as a potential area for future residential development, consistent with the growth projections in the General Plan. The Housing Element Update SEIR, incorporating ABAG's 2040 projections, indicates that San José's population is expected to reach 1,377,145 by 2040, an increase of 355,359 persons from 2019.

According to the U.S. Census Bureau, for the period from 2018 to 2022, the average household size in San José is 3.03 persons per household. The proposed project would result in 132 affordable apartment units, 505 market-rate apartment units, and 100 townhomes, totaling 737 units. Using the average household size, the proposed project would add approximately 2,234 people to the

[3] California Department of Conservation. California Geological Survey. Website: https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc. Accessed October 10, 2024

area. This increase represents about 0.006 percent of ABAG's total growth projections for the City. Therefore, the proposed project would be consistent with the growth projections outlined in both the General Plan PEIR and the Housing Element Update SEIR. This topic will be addressed in the Effects Found not to be Significant section of the Draft EIR.

10. Public Services

The proposed project would be served by existing public services throughout the San José area as envisioned under the 2040 San José General Plan. The closest fire station to the project site is San José Fire Department's Station 29, located on 199 Innovation Drive, approximately 0.25 miles southwest of the project site, which would presumably allow emergency personnel to reach the site within the City's target response time of 4 minutes. The San José Police Department operates out of their headquarters located at 201 West Mission Street, approximately 3.95 miles south of the project site. The project site is located within the existing response area and the multi-family residential use on the project site resulting from the proposed project would not increase response times for various calls for service as the proposed project is located in an area already currently served by police protection services with sufficient capacity to serve the proposed project. The project site is surrounded on all sides by existing industrial and residential uses that receive fire and police services from the San José Fire and Police Departments. Therefore, the proposed project would not cause the San José Fire or Police Departments to travel farther or require additional time to reach the project site. In addition, the proposed project would meet the California State Fire Code and City building requirements.

The project site falls within the jurisdiction of the Santa Clara Unified School District. As per the additional capacity outlined in Table 3.9-4 of the General Plan PEIR, the proposed project is situated in a district boasting the highest available additional capacity throughout San José, amounting to 3,566 additional student slots alongside planned construction of new facilities. Consequently, this student capacity aligns with the projected growth assessed in the General Plan. Considering both the potential increase in student population indirectly generated by the proposed project and its location within the district offering the greatest capacity, the proposed project is not expected to result in significant impacts on school capacity.

Other public services, such as parks and libraries, are also located in the immediate area and would serve the proposed project. Therefore, impacts to public services would be less than significant. This topic will be addressed in the Effects Found not to be Significant section of the Draft EIR.

General Plan Policies

Policy ES-3.1 Provide rapid and timely Level of Service response time to all emergencies:

1. For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of 11 minutes or less for 60 percent of all Priority 2 calls.
2. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.

3. Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies and operating models.
4. Measure service delivery to identify the degree to which services are meeting the needs of San José's community.
5. Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the City.

Policy ES-3.3 Locate police and fire service facilities so that essential services can most efficiently be provided and level of service goals met. Ensure that the development of police and fire facilities and delivery of services keeps pace with development and growth of the City.

Policy ES-3.6 Work with local, State, and federal public safety agencies to promote regional cooperation in the delivery of services. Maintain mutual aid agreements with surrounding jurisdictions for emergency response.

Policy ES-3.10 Incorporate universal design measures in new construction, and retrofit existing development to include design measures and equipment that support public safety for people with diverse abilities and needs. Work in partnership with appropriate agencies to incorporate technology in public and private development to increase public and personal safety.

Policy ES-3.11 Ensure that adequate water supplies are available for fire suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects

Policy PR-1.3 Provide 500 square feet per 1,000 population of community center space

Policy PR-2.4 To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a 3/4 mile radius of the project site that generates the funds.

Policy IP-15.1 Require new development to construct and dedicate to the City all public improvements directly attributable to the site. This includes neighborhood or community parks and recreation facilities, sewer extensions, sewer laterals, transportation network improvements, sidewalks, street lighting, fire hydrants and the like. In the implementation of the City Council Transportation Analysis Policy 5-1 for transportation, and level of service policies for sanitary sewers, and neighborhood and community parks, development is required to finance improvements to nearby intersections or downstream sewer mains in which capacity would be exceeded, and dedicate land, pay an in lieu fee or finance improvements for parks and recreation needs which would result from the development.

11. Recreation

The proposed project would be expected to increase demand for recreation areas in the planning vicinity. There is an existing park directly across the street from the proposed project, and open space areas would be provided within the proposed project. The applicant would be required to pay in lieu fees to cover any additional parkland requirement. Since growth from the proposed project is included in the projections of the General Plan, compliance with General Plan policies, including the parkland-to-resident ratio, would ensure that impacts to recreation would be less than significant. This topic will be addressed in the Effects Found not to be Significant section of the Draft EIR.

General Plan Policies

Policy PR-1.1 Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.

Policy PR-1.2 Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.

Policy PR-1.4 Provide access to high-quality recreation programs/services through a three-tiered multi-service hub, satellite, and neighborhood community center concept.

12. Utilities and Service Systems

The project site would be served by existing utility infrastructure from the surrounding urban areas. Water would be provided by the San José Water Company with Sanitary Sewer and Storm Drain being provided by The City of San José. Additionally, electricity would be provided by Pacific Gas and Electric Company (PG&E), telephone services would be provided by AT&T, and internet services would be provided by AT&T and Spectrum. No new utility lines would need to be built; thus, the proposed project would not result in significant effects related to Utilities and Service Systems. This topic will be addressed in the Effects Found not to be Significant section of the Draft EIR.

13. Wildfire

The proposed project is not located within or near a State Responsibility Area (SRA) or Very High Fire Hazard Severity Zone (VHFHSZ). The project site is located within the Urban Growth Boundary (UGB), whose entire area is non-VHFHSZ. As such, the proposed project would not result in significant impacts related to wildfire. The project site is mostly surrounded by urbanized uses and is currently connected to existing infrastructure. Furthermore, as part of the proposed project, landscaping and vegetation would be managed to avoid providing fuel for a fire. As such, the proposed project would not result in significant impacts related to wildfire. This topic will be addressed in the Effects Found not to be Significant section of the Draft EIR.