

**NOTICE OF PREPARATION OF A DRAFT
ENVIRONMENTAL IMPACT REPORT FOR THE
BAYPOINTE RESIDENTIAL DEVELOPMENT PROJECT**

November 2022

1.0 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 project and its potential for significant impacts on the environment, to examine methods of reducing adverse impacts, and to consider alternatives to the project.

As the Lead Agency, the City of San José will prepare an EIR to address the environmental effects of the proposed Baypointe Residential Development Project.

The EIR for the proposed project will be prepared and processed in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended. Consistent with the requirements of CEQA, the EIR will include the following:

- A project description;
- Project objectives
- A description of the existing environmental setting, probable 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 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.

2.0 PROJECT LOCATION AND SETTING

The 4.30-acre project site is located at 210 Baypointe Parkway, in north San José (Assessor Parcel Number [APN] 097-07-046). The existing on-site structures include a 67,984 square foot industrial building and surface parking lot which were constructed in 1985. The project site is less than 700 feet from the VTA Baypointe light rail station. There are 103 mature trees on the site. The site is surrounded by apartment buildings, commercial office buildings, and some vacant land. Regional, vicinity, and aerial maps of the project site are provided in Figures 1-3.

3.0 GENERAL PLAN AND ZONING

The site is zoned Industrial Park and is designated Industrial Park with a Transit Employment Residential Overlay in the General Plan. This General Plan designation allows residential development at an average density of 75–250 dwelling units per acre and a floor area ratio of 2.0–12.0.

4.0 PROJECT DESCRIPTION

The proposed project would develop the approximately 4.30-acre site with up to 42 three-story townhomes in six buildings and one 292-unit, seven-story apartment building with a site density of 77.6 units per acre. See Figure 3.0-1 for a conceptual site plan for the site.

The proposed project would include a publicly accessible paseo connecting to the current alignment of Casa Verde Street to Baypointe Parkway. The proposed project would include amenities such as a lobby, a work-from-home space, and bike parking located in the apartment building and plaza areas.

The building heights for the development would range from three to seven stories, plus roof decks.

As part of construction, 103 on-site trees, and four off-site trees would be removed and replaced with approximately 288 trees.

A total of 92 parking spaces would be provided within the townhomes in the form of a two-car garage for each unit. Eight on-site surface guest parking spaces would also be provided. A total of 331 parking spaces would be provided within a garage associated with the apartments with eight spaces located outside a resident gate, available to guests and future residents. As proposed, the project would include 208 bike parking spaces for residents. Additionally, approximately 84 motorcycle spaces are provided across the project.

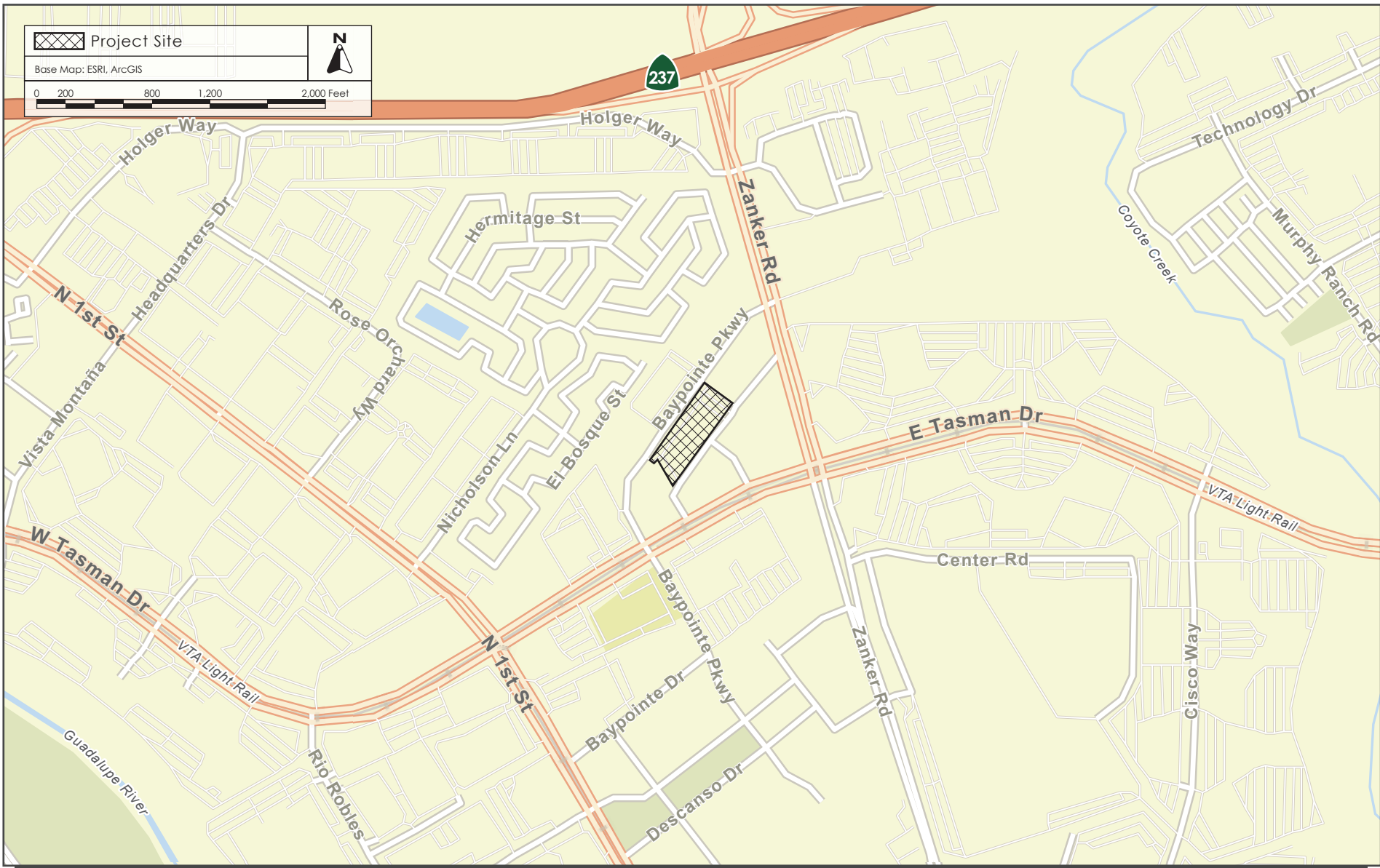
The proposed project would require a maximum excavation of six feet below the existing grade, or 7.5 feet below the finished grade. The excavation of the site would require approximately 4,100 cubic feet of soil removal and 1,100 cubic feet of soil fill. The total construction period is estimated to be 29 months for the townhomes and 32 months for the apartments with some overlap in the construction timing. Construction is proposed 7 AM to 7 PM Monday through Friday, and Saturday 8 AM to 5 PM



Base Map: ESRI, ArcGIS

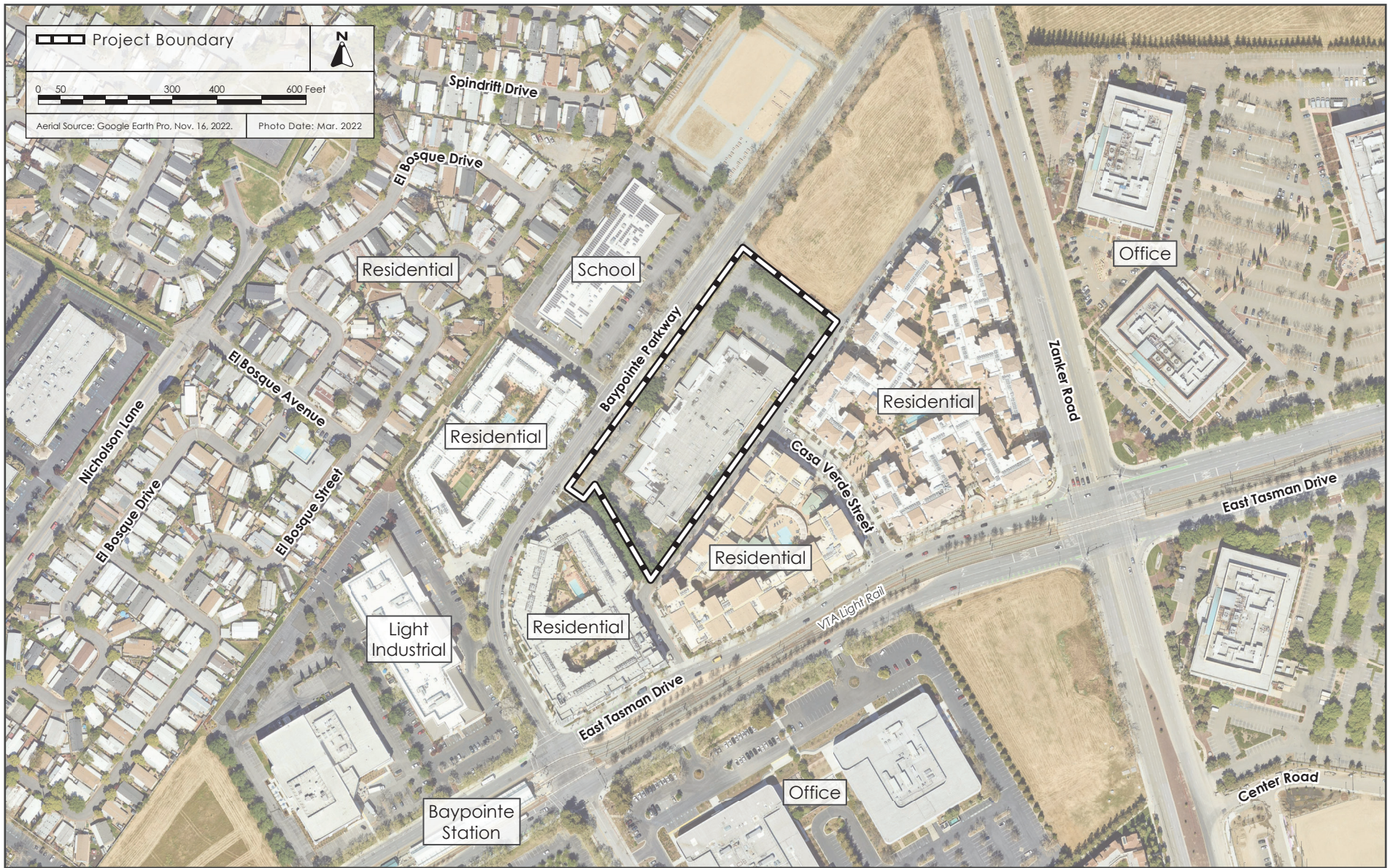
REGIONAL MAP

FIGURE 1



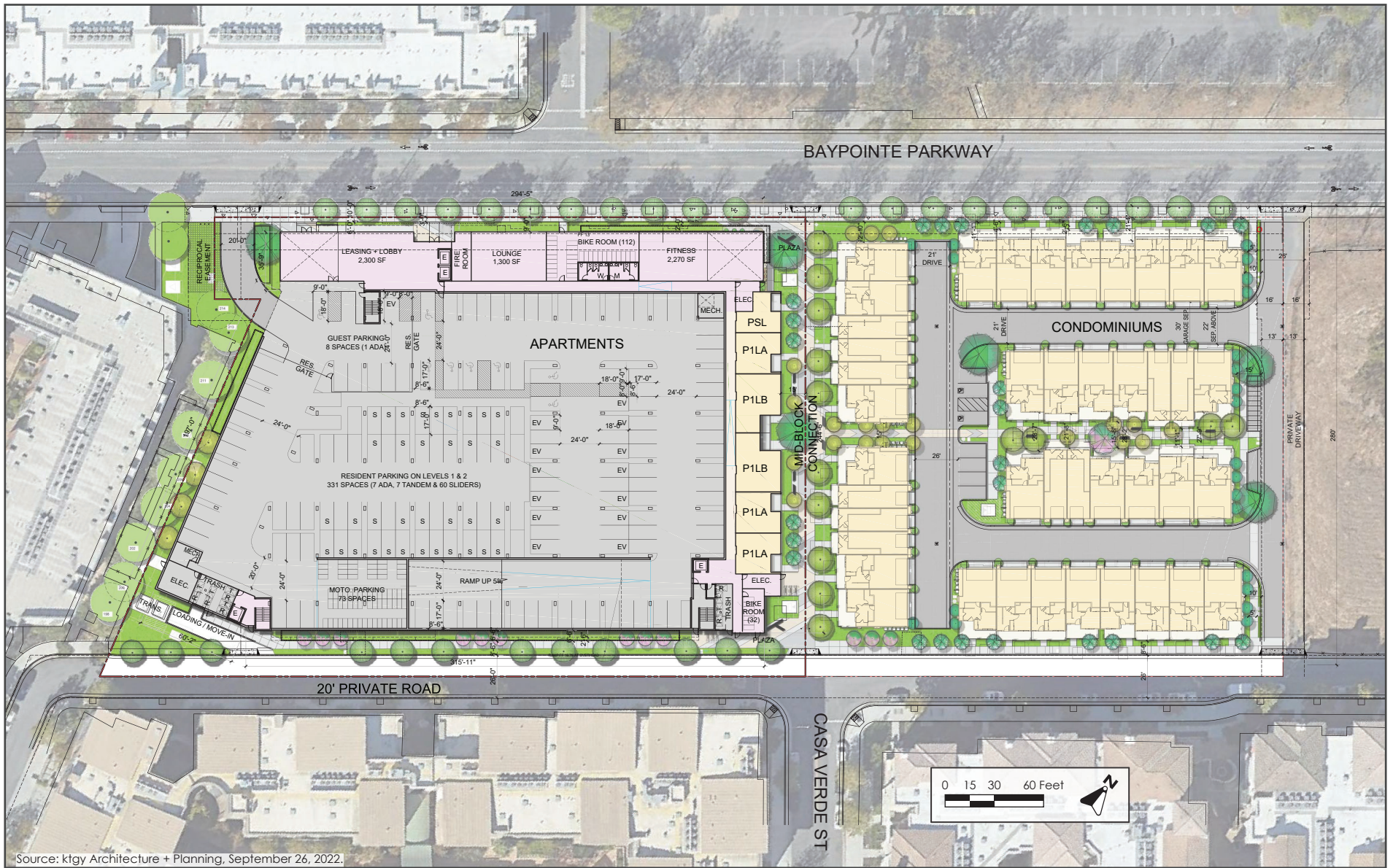
VICINITY MAP

FIGURE 2



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 3



CONCEPTUAL SITE PLAN

FIGURE 4

5.0 POTENTIAL ENVIRONMENTAL IMPACTS OF THE PROJECT

The EIR will address the environmental impacts associated with the proposed project. The City anticipates that the EIR will focus on the following issues:

- **Aesthetics** – The proposed development would demolish the existing industrial building on-site and construct an apartment building and townhouses. The EIR will describe the existing visual setting of the project area and the visual changes that are anticipated to occur as a result of the proposed project.
- **Air Quality** – The EIR will describe the existing air quality conditions in the Bay Area and will evaluate the air quality impacts of the project, based on a detailed air quality analysis prepared for the proposed project. Construction and operational air quality impacts will be evaluated. Mitigation and/or avoidance measures will be identified for significant air quality impacts, as appropriate.
- **Biological Resources** – The project site is currently developed with an industrial building and a parking lot. Habitats in the project area are low in species diversity and include predominately urban adapted birds and animals. The EIR will include a description of the existing biological setting and an analysis of impacts to biological resources including trees on the project site. The analysis will also discuss the project’s consistency with the Santa Clara County Habitat Conservation Plan. The EIR will provide mitigation measures necessary to reduce potentially significant impacts to less than significant levels under CEQA.
- **Cultural Resources** – Because of the early occupation and development in the project vicinity, there is the potential for subsurface resources associated with this early development to be located on-site. The potential for cultural resources, including archeological and historic resources, to be affected by the project will be evaluated based on a records search at the Northwest Information Center of the California Historical Resources Information System (CHRIS). The building on-site is not historic due to its age and will not be assessed for impacts on historic resources. Mitigation measures will be identified for significant cultural resource impacts, as appropriate.
- **Energy** – Implementation of the proposed project would result in an increased demand for energy on-site. The EIR will address the increase in energy usage on-site, consistency with the City’s Reach Code and other applicable policies, and proposed design measures to reduce energy consumption.
- **Geology and Soils** – The project site is located in a liquefaction zone. The EIR will discuss the possible geological impacts associated with seismic activity and the existing soil conditions on the project site.
- **Greenhouse Gas Emissions** – The EIR will address the project’s contribution to regional and global greenhouse gas (GHG) emissions and the project’s consistency with the City’s GHG Reduction Strategy. Proposed design measures to reduce energy consumption, which in turn would reduce GHG emissions, will be discussed.

- **Hazards and Hazardous Materials** – There is potential for soil contamination in the project area from previous land uses. The EIR will address the potential for hazardous materials contamination on the project site based on a Phase I Environmental Site Assessment report to be prepared for the site. Additionally, the project site is located within an area in which sea level rise may result in inundation of potentially contaminated soils, which will also be addressed. Mitigation measures will be identified to minimize significant hazardous material impacts, as appropriate.
- **Hydrology and Water Quality** – Based on the Federal Emergency Management Agency (FEMA) flood insurance rate maps the project site is Zone X which is an area of 0.2 percent annual chance of flood hazard with average depths of less than one foot over a drainage area of less than one square mile and a portion of the site is Zone AH. The EIR will address the effectiveness of the storm drainage system and the project’s effect on storm water quality consistent with the requirements of the Regional Water Quality Control Board (RWQCB).
- **Land Use** – The project site is located within an urbanized area of San José surrounded by residential, industrial, office, and commercial land uses. The EIR will describe the existing land uses adjacent to the project site and within the project area. Land use impacts that would occur as a result of the proposed project will be analyzed, including the consistency of the project with the City’s General Plan, zoning code, and compatibility of the proposed and existing land uses in the project area.
- **Noise and Vibration** – A noise and vibration analysis will be prepared for the project to determine if construction or operational noise would impact uses adjacent to the project site. The analysis will also address potential vibration impacts related to the construction and operation phases of the project. Mitigation measures will be identified to reduce noise and vibration impacts to a less than significant level, as necessary.
- **Public Services** – Implementation of the proposed project would increase the population and result in an increased demand on public services, including police and fire protection. The EIR will address the availability of public facilities and services.
- **Transportation** – The proposed project would result in changes to traffic patterns and trips generated by the project site. A Local Transportation Analysis (LTA) will be completed to evaluate the proposed site access/circulation and intersection operations in the project area to identify any necessary improvements. Additionally, the study will determine if the vehicle miles traveled (VMT) of the project would exceed the City threshold for transportation impacts. Any mitigation required would be implemented into the proposed project.
- **Tribal Cultural Resources** – The EIR will discuss the project’s potential for impacts to tribal cultural resources consistent with Assembly Bill 52.
- **Utilities and Service Systems** – Implementation of the proposed project would result in an increased demand on utilities and public facilities compared to existing conditions. The EIR will examine the impacts of the project on utilities such as sanitary sewer and storm drains, water supply/demand, and solid waste management.

- **Cumulative Impacts** – Pursuant to CEQA Guidelines Section 15130, the EIR will discuss the cumulative impacts of the project in combination with other past, present or reasonably foreseeable projects. Mitigation measures will be identified to reduce and/or avoid significant impacts, as appropriate.
- **Alternatives to the Project** – Pursuant to CEQA Guidelines Section 15126.6, the EIR will evaluate a range of reasonable alternatives to the project, based on the results of the environmental analysis. The alternatives discussion will focus on those alternatives that could feasibly accomplish most of the basic objectives of the proposed project and could avoid or substantially lessen one or more of the significant environmental effects identified in the EIR (CEQA Guidelines Section 15126.6). The environmentally superior alternative(s) will be identified based on the number and degree of associated environmental impacts. A No Project Alternative shall also be evaluated.

In addition, the EIR will briefly address the project's impacts on agricultural resources, population and housing, mineral resources, recreation, and wildfire. The EIR will also include all other sections required under the CEQA Guidelines (e.g., Significant Irreversible Environmental Changes, References, and EIR Authors). Relevant technical reports will be provided as appendices.