

## Sample Summary for Electronic Document Submittal

15 copies of this document may be included when a Lead Agency is submitting electronic copies of environmental impact reports, negative declarations, mitigated negative declarations, or notices of preparation to the SCH. The SCH will still accept other summaries, such as an EIR summary prepared pursuant to CEQA Guidelines Section 15123, attached to the electronic copies of the document.

SCH # 2018042084

Lead Agency: City of San Jose

Project Title: Charot Avenue Extension Project

Project Location: City of San Jose

County of Santa Clara

*City*

*County*

Please provide a Project Description (Proposed Actions, location, and/or consequences).

The City of San José proposes to extend Charcot Avenue from its eastern boundary at Paragon Drive, over Interstate 880 (I-880), to Oakland Road in the North San José area. The proposed two-lane extension is approximately 0.6-mile long and includes an overcrossing of O'Toole Avenue and I-880 that would be approximately 720 feet in length. Sidewalks and Class IV bikeways are proposed along the extension. In addition, the proposed project includes intersection modifications at Charcot Avenue/Paragon Drive, Charcot Avenue/O'Toole Avenue, Charcot Avenue/Silk Wood Lane, and Charcot Avenue/Oakland Road. A detailed description of the proposed improvements can be found in Section 2.3 of the Draft EIR.

The City has planned the Charcot Avenue Extension for over 25 years, as identified in the San José Focus on the Future 2020 General Plan (approved in 1994), the Envision San José 2040 General Plan (approved in 2011), the North San José Deficiency Plan, and the North San José Area Development Policy (approved in 2005) as a programmed roadway network changes to improve transportation connectivity in the North San José Area.

Please identify the project's significant or potentially significant effects and briefly describe any proposed mitigation measures that would reduce or avoid that effect.

See Attached

If applicable, please describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

As described in Section 8, Scoping and Coordination of the Draft EIR, the City has engaged in extensive public outreach regarding the proposed project. The outreach included a Community Meeting in 2017 and two EIR Scoping Meetings in 2018, each of which was well-attended. During the EIR scoping process, members of the public provided substantial oral and written comments to the City. A copy of each written comment is contained in Appendix C of the Draft EIR and the City's responses to each written comment are provided in Appendix B of the Draft EIR.

Most of the public input on the project has come from the Orchard Elementary School community (including parents, teachers, and administrators), nearby residents, and nearby business owners. Most of the input received was opposition to, and/or concerns regarding, various aspects of the Extension. Specific areas of concern/controversy include the following:

- The purpose for the project.
- Project location adjacent to an elementary school, including concerns related to increases in traffic, leading to safety, noise, and air pollution impacts.
- Project design that requires right-of-way from the school and directly impacts some of the school's existing recreational facilities.
- Project location adjacent to residences located on the north side of Silk Wood Lane.
- The severing of direct access from Charcot Avenue to the business parks located between Paragon Drive and O'Toole Avenue.

Please provide a list of the responsible or trustee agencies for the project.

The EIR will be used by Caltrans as part of their process to issue an Encroachment Permit for the I-880 overcrossing structure.

Table S-1: Summary of Environmental Impacts of the Proposed Project				
Impact Category	No Impact	Less Than Significant Impact	Less Than Significant Impact with Mitigation	Significant Unavoidable Impact
Aesthetics				☐
Air Quality		☐		
Agriculture and Forestry Resources	☐			
Biological Resources			☐	
Cultural Resources			☐	
Energy		☐		
Geology and Soils		☐		
Greenhouse Gas Emissions		☐		
Hazards and Hazardous Materials			☐	
Hydrology and Water Quality		☐		
Land Use and Planning	☐			
Mineral Resources	☐			
Noise			☐	
Population and Housing	☐			
Public Services	☐			
Recreation				☐
Transportation		☐		
Tribal Cultural Resources	☐			
Utilities and Service Systems		☐		
Wildfire	☐			
Growth Inducement		☐		

Table S-2: Summary of Significant Environmental Impacts and Mitigation Measures	
Significant Impact	Mitigation and Avoidance Measures
<b>AESTHETIC IMPACTS</b>	
<b>Impact AES-3:</b> The project would substantially alter the visual character along Charcot Avenue between Paragon Drive and O’Toole Avenue by removing approximately 37 mature trees. The trees and adjacent raised berms dominate the existing setting and screen views of the office buildings and associated parking from the road, and vice-versa. This segment of Charcot Avenue is designated as a “Gateway” in the <i>Envision San José 2040 General Plan</i> .	Due to the constraints posed by the presence of existing utility lines and the adjacent business parks, the planting of replacement trees as mitigation for this visual/aesthetic impact is not feasible.  <b>Conclusion: Significant Unavoidable Impact</b>
<b>Impact AES-3:</b> Based on the resource change and viewer response at the outdoor recreational	<b>MM AES-3.1:</b> As described under mitigation measure MM NOI-1.2 in Section 3.13, <i>Noise</i> , the proposed project shall construct a six-foot noise barrier in this segment along the

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<p>areas, the proposed roadway extension would result in a significant visual change and impact along the Silk Wood Lane segment.</p>	<p>Orchard School project frontage. The noise barrier will also provide a visual barrier between the proposed roadway extension and Orchard School outdoor recreation areas.</p> <p><b>MM AES-3.2:</b> Any noise barrier constructed as part of the project will include aesthetic treatment (e.g., color, texture, etc.) that are compatible with the surroundings.</p> <p><b>Conclusion: Less than Significant Impact with Mitigation Incorporated</b></p>
<p><b>BIOLOGICAL IMPACTS</b></p>	
<p><b>Impact BIO-1:</b> The project could impact protected nesting birds during the construction phase.</p>	<p><b>MM BIO-1.1:</b> <u>Avoidance and Inhibit Nesting.</u> Construction and tree removal/pruning activities shall be scheduled to avoid the nesting season. Tree removal and/or pruning shall be completed before the start of the nesting season to help preclude nesting. The nesting season for most birds and raptors in the San Francisco Bay Area extends from February 1<sup>st</sup> through August 31<sup>st</sup> (inclusive).</p> <p><b>MM BIO-1.2:</b> <u>Preconstruction Survey(s).</u> If it is not possible to schedule construction activities from September 1<sup>st</sup> through January 31<sup>st</sup> (inclusive), then a qualified ornithologist shall conduct a preconstruction survey for nesting raptors and other migratory birds within on-site trees as well as all trees within 250 feet of the site to identify active bird nests that may be disturbed during project construction. This survey shall be completed no more than fourteen (14) days prior to the initiation of demolition/construction activities (including tree removal and pruning). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats in and immediately adjacent to the construction areas for nests.</p> <p>If the survey does not identify any nesting birds that would be affected by construction activities, no further mitigation is required.</p> <p>If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist (in consultation with the CDFW) shall designate a construction-free buffer zone to be established around the nest to ensure that no nests of species protected by the MBTA and California Fish and Game Code will be disturbed during construction activities. The buffer shall remain in place until a qualified ornithologist has determined that the nest is no longer active.</p> <p><b>MM BIO-1.3:</b> <u>Reporting.</u> A final report on nesting birds and raptors, including survey methodology, survey date(s), map of identified active nests (if any), and protection measures (if required), shall be completed to the satisfaction of the Director</p>

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	<p>of Planning, Building, and Code Enforcement prior to the start of grading.</p> <p><b>Conclusion: Less than Significant Impact with Mitigation Incorporated</b></p>
<b>CULTURAL RESOURCES</b>	
<p><b>Impact CUL-2:</b> The project corridor is considered archaeologically sensitive and therefore the construction of the project could impact buried archaeological resources.</p> <p><b>Impact CUL-3:</b> Directly related to impact CUL-2, above, if any buried archaeological resources are impacted by the project, such resources could contain human remains.</p>	<p><b>MM CUL-2.1:</b> Avoid trenching, digging, and grading below eight (8) feet.</p> <p><b>MM CUL-2.2:</b> If trenching, digging, or grading below eight (8) feet is needed, archaeological monitoring shall be performed by a qualified archaeologist during such excavation and ground-disturbing activities.</p> <p><b>MM CUL-2.3:</b> In the event 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 the City’s Department of Planning, Building and Code Enforcement or his/her designee will be notified, and a qualified archaeologist will examine the find. The archaeologist will 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds. If the finds do not meet the definition of historical or archaeological resources, no further study or protection is necessary prior to project implementation. If the find(s) does meet the definition of a historical or archaeological resource, then it shall be avoided by project activities. Project personnel shall not collect or move any cultural material. Fill soils used for construction purposes shall not contain archaeological materials.</p> <p><b>MM CUL-2.4:</b> If the resource cannot be avoided, adverse effects to such resources shall be mitigated in accordance with the recommendations of the archaeologist. Recommendations may include, but are not limited to, collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to the Director of the City’s Department of Planning, Building and Code Enforcement or his/her designee and Historic Preservation Officer of the City’s Department of Planning, Building and Code Enforcement and the Northwest Information Center, Sonoma.</p> <p><b>MM CUL-2.5:</b> 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</p>

**Table S-2: Summary of Significant Environmental Impacts and Mitigation Measures**

Significant Impact	Mitigation and Avoidance Measures
	<p>through 5097.99, as amended per Assembly Bill 2641, shall be followed. 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 contractor shall immediately notify the Director of the City’s Department of Planning, Building, and Code Enforcement or his/her designee and the qualified archaeologist, who will then notify the Santa Clara County Coroner. The Coroner will determine if the remains are Native American.</p> <p><b>MM CUL-2.6:</b> If the remains are believed to be Native American, the Coroner will contact the NAHC within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts.</p> <p><b>MM CUL-2.7:</b> If one of the following conditions occurs, the Director of the City’s Department of Planning, Building, and Code Enforcement or his/her designee 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: 1) The NAHC is unable to identify a MLD; or 2) The MLD failed to make a recommendation within 24 hours after being notified by the NAHC; or 3) The landowner or his authorized representative rejects the recommendation of the MLD, and the mediation by the NAHC fails to provide measures acceptable to the landowner.</p> <p><b>Conclusion: Less than Significant Impact with Mitigation Incorporated</b></p>
<b>HAZARDS AND HAZARDOUS MATERIALS</b>	
<p><b>Impact HAZ-2:</b> The project could create a significant risk if hazardous materials in sufficient concentrations are present in soils and those materials are, in turn, released into the environment during construction.</p>	<p><b>MM HAZ-2.1:</b> Prior to demolition, grading, and excavation for the proposed road extension, soil within the project alignment shall be sampled and tested for organochlorine pesticides and lead to determine if soil contamination from previous agricultural use are above established RWQCB Environmental Screening Levels (ESLs) for construction worker safety and commercial/industrial standards. The result of soil sampling and testing will be provided to the Director of the City of San José Planning, Building, and Code Enforcement, or his/her designee, and the City’s Environmental Compliance Officer for review.</p> <p>If contaminated soils are found in concentrations above regulatory thresholds the project sponsor shall obtain regulatory oversight from the SCCDEH or DTSC. The SCCDEH or DTSC</p>

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Significant Impact	Mitigation and Avoidance Measures
	<p>will determine next steps including which documents are required such as a Site Management Plan (SMP), Removal Action Plan (RAP), or equivalent document which must be prepared by a qualified hazardous materials consultant. The plan must establish remedial measures and/or soil management practices to ensure construction worker safety and the health and safety of future workers and site users. The Plan and evidence of regulatory oversight shall be provided to the Director of the City of San José Planning, Building, and Code Enforcement or his/her designee, and the Environmental Compliance Officer in the City of San José’s Environmental Services Department.</p>
<b>NOISE</b>	
<p><b>Impact NOI-1:</b> Over the long-term, the operational phase of the project would result in noise levels in the vicinity of the project in excess of standards established by San José.</p>	<p><b>MM NOI-1.1:</b> At the start of project construction on the east side of I-880, the City shall replace the existing 5-foot high barrier along the north side of Silk Wood Lane with a 10-foot high noise barrier. The replacement barrier will be constructed at the side yard property line of 1820 Silk Wood Lane; at the rear yard property lines of 1052, 1058, 1064, 1070, and 1076 Bright Willow Lane; and at the rear property lines of 1931, 1937, and 1943 Bright Willow Circle. Per FHWA’s Traffic Noise Model, this 10-foot high barrier, which is shown on Figure 3.13 3, will reduce noise levels at these residences to acceptable levels of 60 dBA DNL or less.</p> <p><b>MM NOI-1.2:</b> At the start of project construction on the east side of I-880, the City shall construct a 10-foot high barrier at the side yard property line of 1813 Silk Wood Lane. In addition, the City shall construct an 8-foot high barrier at the rear property lines of 1813 and 1819 Silk Wood Lane. Per FHWA’s Traffic Noise Model, these barriers, which are shown on Figure 3.13 3, will reduce noise levels at these two residences to acceptable levels of 60 dBA DNL or less.</p> <p><b>MM NOI-1.3:</b> At the start of project construction on the east side of I-880, the City shall construct a 6-foot high barrier at the proposed right-of-way line on the southern side of Charcot Avenue along the Orchard School frontage. Per FHWA’s Traffic Noise Model, this barrier, which is shown on Figure 3.13 3, would reduce noise levels on the Orchard School outdoor field area and playground to 65 dBA DNL and exterior levels at the primary classrooms to 60 dBA DNL</p> <p><b>Conclusion: Less than Significant Impact with Mitigation Incorporated</b></p>
<p><b>Impact NOI-C:</b> The project would result in a cumulatively considerable contribution to a significant noise impact.</p>	<p><b>MM NOI-C.1:</b> The project shall implement MM NOI-1.1, MM NOI-1.2, and MM NOI-1.3, which consists of the construction of noise barriers adjacent to residences and Orchard School. These noise barriers would not only mitigate the significant noise impacts of the project but would also mitigate the significant cumulative noise impacts of the project.</p>

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<b>Significant Impact</b>	<b>Mitigation and Avoidance Measures</b>
	<b>Conclusion: Less than Significant Cumulative Impact with Mitigation Incorporated</b>
<b>RECREATIONAL IMPACTS</b>	
<p><b>Impact REC-2:</b> The right-of-way required for the project would directly impact recreational facilities at Orchard Elementary School and reduce the area available for recreation by 0.44 acre.</p>	<p><b>MM REC-2.1:</b> The City will work with Orchard School District to determine the appropriate amount of compensation for the approximate 0.44 acre required for the project. If an amount is not agreed upon, the City will follow local, state and federal laws to determine the appropriate compensation amount to the Orchard School District. The amount of compensation may include reimbursement to the Orchard School District the cost to reconfigure/reconstruct the existing recreational facilities affected by the project. This could involve shifting and reconstructing the affected facilities to the south of their current locations. The intent of this measure is that the replacement facilities would be comparable to the existing facilities in size, function, and quality.</p> <p>While the implementation of MM REC-2.1 would mitigate the project’s impact on the school’s recreational facilities, it would not replace the lost parkland/recreational acreage. Further, there is no vacant land available contiguous to Orchard School that could be purchased and added to the school. Therefore, the loss of 0.44 acre of recreational land would constitute an unavoidable effect of the project</p> <p><b>Conclusion: Significant Unavoidable Impact</b></p>
<b>TRIBAL CULTURAL RESOURCES</b>	
<p><b>Impact TCR-1:</b> The project may impact buried archaeological resources, such resources that may be determined to be tribal cultural resources eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code §5020.1(k).</p> <p><b>Impact TCR-2:</b> The project may impact buried archaeological resources, such resources that may be tribal cultural resources that are determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code §5024.1.</p>	<p><b>MM CUL-2.1 through MM CUL-2.7</b>, that are listed above for Cultural Resources, will also serve as mitigation for impacts to tribal cultural resources.</p> <p><b>Conclusion: Less than Significant Impact with Mitigation Incorporated</b></p>