# DRAFT EIR

**for the**

# EVERGREEN • EAST HILLS VISION STRATEGY PROJECT SAN JOSÉ, CALIFORNIA

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**CITY OF SAN JOSÉ**

**FEBRUARY 2006**

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## 1.1 INTRODUCTION

This Environmental Impact Report (EIR) has been prepared in accordance with the requirements of the California Environmental Quality Act (CEQA). The purpose of the EIR is to inform the public and various governmental agencies of the environmental effects of the proposed Evergreen • East Hills Vision Strategy (EEHVS). The proposed EEHVS consists of various actions which, when taken together, will provide a comprehensive vision and framework of land use policies for future development within the greater Evergreen • East Hills area of the City of San José (City). These actions, which are described in detail in Section 2, *Project Description*, include the following:

- Adoption of a revised *Evergreen Development Policy (EDP)*, including design guidelines; and
- Changes in General Plan land use designations and zonings on approximately 542 acres of land in Evergreen; and
- Construction of various transportation and community amenity projects in the Evergreen • East Hills area.

## 1.2 PROJECT LOCATION

The proposed project is located within the City of San José in an area commonly known as Evergreen. Per the City's *Evergreen Development Policy*, the area generally refers to the portion of the City of San José that lies east of U.S. 101 and south of Story Road, excluding properties south of the intersection of U.S. 101 and Hellyer Avenue. Properties within San José, but outside of the Urban Service Area (USA), are excluded.

Figures 1 - 3 depict the project location (Evergreen • East Hills area), including the specific locations ("opportunity sites") of the proposed General Plan and zoning changes. Figure 4 is an aerial photograph of the area.

## 1.3 BACKGROUND

In order to provide the reader with an understanding of the context in which the proposed EEHVS is being considered, the following discussion summarizes the growth and development of the area over the past several decades. Notable milestones are summarized in Table 1.

Figure 3 Project Boundary Map

Figure 4 Aerial of Project Area

**T A B L E 1**

**NOTABLE MILESTONES IN THE EVERGREEN AREA**
**[Mid-1970's - Present]**

| Date | Event |
|---|---|
| 1976 | Original EDP adopted, which provides the framework for development in Evergreen with regard to traffic and flood protection |
| 1980 | Evergreen/Berryessa Swap: 367 acres along Yerba Buena Road designated as *Campus Industrial* in the *San José General Plan* |
| 1981 | Zoning approval for 4.25 million square feet (11,700 employees) of *Campus Industrial* uses on 367 acres owned by the Exxon & Syntex Corporations |
| 1989 | Approval of the Silver Creek Planned Residential Community (2,610 dwelling units) |
| 1989 | Completion of the U.S. 101 at Yerba Buena Road Interchange |
| 1991 | Revised EDP adopted |
| 1991 | Approval of the Evergreen Specific Plan (2,996 dwelling units) |
| 1992 | 386,000 Sq. Ft. of *Campus Industrial* uses constructed on portion of Syntex site |
| 1995 | Revised EDP adopted |
| 1995 | Benefit Assessment District created to fund transportation improvements on U.S. 101, Capitol Expressway, Quimby Rd., Aborn Rd., and at various intersections |
| 1999 | Zoning modifications related to *Campus Industrial* uses on portions of former Exxon & Syntex sites: future approved development = 4.66 million square feet |
| 2000 | Approval of The Ranch at Silver Creek (538 dwelling units) |
| 2000 | Voters approved Measure A, designating funding for extension of light rail transit along Capitol Expressway to the Eastridge Shopping Mall |
| 2001 | Approval of the West Evergreen Neighborhood Improvement Plan |
| 2002 | Approval of the KONA Neighborhood Improvement Plan |
| 2003 | Evergreen Visioning Project process formally initiated |
| 2005 | City Council approves "Vision & Expected Outcomes" for the EEHVS |

EDP = Evergreen Development Policy EEHVS = Evergreen • East Hills Vision Strategy

**Sources:** City of San José, VTA, 2005.

### 1.3.1 Overall Development

In 1976, the San José City Council adopted the original EDP in response to analyses that concluded that transportation and flood protection deficiencies presented substantial constraints to development in Evergreen. The EDP identified specific programs and policies for correcting these deficiencies, summarized as follows:

- For traffic, the weighted average peak-hour level of service (LOS)[1] at the six primary intersections located at the perimeter of Evergreen must be maintained at LOS "D".[2] [Note: Impacts at internal Evergreen intersections were addressed on a project-by-project basis during the environmental review and zoning process, at which time impacts and required mitigation measures, if any, were identified.]

- For flooding, development could proceed only if 100-year flood protection was in place for each project and downstream of each project.

The traffic LOS criterion was met through an allocation system, whereby the number of dwelling units that were authorized for construction was determined, based on annual monitoring reports. Specifically, allocations were based on calculations that determined the number of dwelling units that could be built while maintaining the average LOS D at the six perimeter intersections.

Based on this system, 7,271 residential dwelling units were allotted through the year 1989. This total did not include the 2,610 dwelling units within the Silver Creek Planned Residential Community, which was approved on November 7, 1989. [Note: Traffic associated with units located within the southerly portion of the Silver Creek Planned Residential Community was assumed to utilize Silver Creek Valley Road as the primary access facility.]

In 1991, the City Council approved the Evergreen Specific Plan, which included the construction of 2,996 dwelling units and supportive commercial uses on an 865-acre site. On July 2, 1991, the City Council adopted a revised version of the EDP, which specified that there was traffic capacity for an additional 4,209 dwelling units in Evergreen. That number of additional units included the 2,996 units within the Evergreen Specific Plan. However, the revised EDP stated that full construction of the 4,209 dwelling units would require the following traffic improvements:

- Widening of Capitol Expressway to six lanes between U.S. 101 and I-680; and

[1]Level of service (LOS) uses the letters A through F to describe operations, with "A" representing optimal conditions and "F" representing very congested conditions. LOS is computed based upon a number of factors including the traffic demand, the number of traffic lanes, and traffic signal timing.

[2]Initially, there were five perimeter intersections (a.k.a. "screenline" intersections): Capitol/Silver Creek, Capitol/Story, King/Story, King/Tully, and Story/White. In 1990, with the completion of the U.S. 101/Yerba Buena Road interchange, Silver Creek/Yerba Buena was added as the sixth perimeter intersection.

- An auxiliary lane on northbound U.S. 101 between Capitol Expressway and I-280/I-680; and
- Widening of Quimby Road to four lanes between Capitol Expressway and White Road; and
- Restriping of Aborn Road to six lanes between Capitol Expressway and the boundaries of the Evergreen Specific Plan; and
- Various lane additions at the intersections of Capitol Expressway/Story Road, Capitol Expressway/Quimby Road, Capitol Expressway/Aborn Road, Capitol Expressway/Silver Creek Road, and White Road/San Felipe Road/Aborn Road.

Funding for these improvements was provided by developers through the establishment of a Benefit Assessment District (#91-209SJ) in 1995. Properties participating in the Benefit Assessment District were allocated 4,759 dwelling units.

On May 9, 1995, the City Council adopted another revision to the EDP to reflect these allocations and the traffic improvements being funded by the Benefit Assessment District. This 1995 version of the EDP, which is still in effect, reaffirmed the original EDP traffic goal of overall LOS "D" and the hydrologic goal of 100-year flood protection. The 1995 EDP, and a subsequent 1998 ordinance[3], also specified that all future projects in Evergreen would be required to prepare a traffic analysis and that traffic impacts requiring mitigation would be defined as follows:

1. An increase in traffic that causes a LOS designation to change; or

2. Residential Projects: The addition of any traffic in an intersection operating at LOS "E" or "F".

   Non-Residential Projects: The addition of more than a one-half percent (½%) increase in critical traffic movement in an intersection operating at LOS "E" or "F".

### 1.3.2 Campus Industrial Development

In 1976, during a comprehensive update of the *San José General Plan*, the City evaluated various long-term planning options to modify the County-wide land use pattern wherein most jobs were located in the north (e.g., Palo Alto, Mountain View, Sunnyvale, Santa Clara, and North San José) and most of the housing was located in the south. This pattern was causing a number of problems associated with long distance commuting, including traffic congestion, degradation of air quality, increased noise, and increased energy use.

[3]Ordinance 25658, adopted on August 18, 1998.

One result of this effort was referred to as the Evergreen/Berryessa Swap -- literally, a redesignation of land in the Berryessa area from *Industrial Park* to *Medium and High Density Residential*, and a redesignation of land in the Evergreen area from *Low and Medium Low Density Residential* to *Campus Industrial*. The explicitly stated purpose of these General Plan changes was to (1) encourage more residential development near the planned industrial uses of North San José and Berryessa, and (2) encourage employment in direct proximity to the rapidly developing residential areas of Evergreen.

An intended goal of the Evergreen/Berryessa Swap was what is commonly known as "trip internalization". This refers to the scenario where the amount of long distance commuting in and out of Evergreen would be reduced by locating jobs near housing within - "internal to" - Evergreen. The benefits of internalization would include shorter commutes, less congestion on the freeways, reduction in the emission of pollutants, less noise, energy savings, and improved quality of life.

The Evergreen portion of the Evergreen/Berryessa Swap was 367 acres located easterly of Yerba Buena Road, both north and south of Fowler Road, which was formerly owned by the Exxon and Syntex Corporations.

In 1981, the City approved Planned Development zonings for the 202-acre Exxon and 165-acre Syntex properties.[4] The zonings would allow for *Campus Industrial* uses to be constructed, up to approximately 4.25 million square feet of buildings and approximately 11,700 employees. Minimum lot size under the approved zoning was 20 acres.

Subsequent to 1981, construction occurred on approximately 36 acres of the Syntex site. Approximately 386,000 square feet of buildings was constructed. The buildings were formerly occupied by Dade-Behring, Inc. and are now occupied by Hitachi, Inc.

In 1999, the City approved a modification to the previously-approved zonings on the portions of *Campus Industrial* lands located south of Fowler Road. The modification changed the minimum lot size from 20 acres to five acres.[5]

According to the CEQA documents prepared for the 1999 zoning modification, the total amount of development that can occur - and for which zoning approvals are in place - on the undeveloped *Campus Industrial* lands is 4.66 million square feet of buildings.

[4]Exxon Property: PDC 81-3-17; Syntex Property PDC 80-11-279.

[5]PDC 98-05-035 (portion of former Exxon property located south of Fowler Road) and PDCSH 99-06-057 (Syntex property excluding the previously-developed, 36-acre, Dade-Behring/Hitachi site).

## 1.4 PROJECT OBJECTIVES

In the 2001-2003 time frame, a number of events occurred that led to the creation of the Evergreen Visioning Project (EVP) Task Force:

- In 2001 and 2002, respectively, the City Council accepted the West Evergreen and KONA Strong Neighborhoods Initiative (SNI) Improvement Plans. Based on significant community input, the Plans identify "top ten" action items to enhance existing - and create new - community facilities, trails, and other investments.

- In 2002, the Evergreen-Eastridge area was selected by the Knight Program in Community Building for a charrette, engaging the City, various stakeholder groups, the community at-large, graduate students, and outside technical experts in an intensive 5-day planning exercise. The result was a report suggesting options for future land use development, transportation, and community facilities, building upon prior planning efforts such as the West Evergreen and KONA SNI Improvement Plans.

- In 2002, two major Evergreen property owners applied for General Plan amendments to add housing and retail development. This proposal requires an update to the existing EDP because the traffic policy does not accommodate housing growth beyond the amount identified in the existing General Plan.

As a direct result of these events, the City determined to undertake a more comprehensive look at the EDP area, so as to develop a community-based vision regarding future development and the future character of the area. The benefits of a comprehensive, as opposed to a piecemeal, approach would be a more deliberate planning effort intended to result in an enhanced living and working environment in the greater Evergreen area.

To achieve this result, the EVP Task Force was formed in 2003. The Task Force included residents as well as representatives from Evergreen-area neighborhood associations, school districts, businesses, and community groups. City staff, technical consultants, and property owners participated with the Task Force in this process. In November of 2003, after a series of meetings and workshops, the Task Force developed various objectives and guiding principles for the EEHVS.

In 2005, the City Council expanded the Task Force to include additional stakeholders. In June 2005, the City Council adopted the following “Vision and Expected Outcomes” for the EEHVS project:

① Use the Guiding Principles (dated November 2003 and attached as Appendix A) as a basis for a vision of improved quality of life and enhanced livability by fostering vibrant commercial/business, mixed use, and residential areas linked by various transportation modes and community amenities. These Principles are incorporated by reference in their entirety in this Key Outcomes document.

② Maintain the delicate balance of the "three legged stool" between new development, transportation improvements, and community amenities.

③ Create a financially feasible plan with the appropriate use of Community Facilities District(s), developer contributions, and other mechanisms for the completion of transportation improvements and community amenities.

④ Explore the creation of affordable and mixed income housing to meet the needs of all household types by meeting the inclusionary housing requirements on sites in Redevelopment Project Areas and through other mechanisms, such as an inclusionary requirement on lands being converted from industrial uses.

⑤ Create opportunities for both home-ownership and rental units throughout the study area, and ensure a balance of ownership and rental housing on the Arcadia site.

⑥ Explore opportunities to increase workplace density on existing industrially zoned land to create mixed-use opportunities, utilizing information provided in the "Trade-Off Analysis."

⑦ Capture new retail and commercial opportunities while strengthening all existing retail including the commercial center at the Evergreen Village.

⑧ To the fullest extent possible, work with affected school districts to ensure adequate school capacity without sacrificing a high quality education environment.

⑨ Establish a ten-year supply, or "bank", of residential unit allocations beyond the four opportunity sites to facilitate infill and reuse development in the study area.

⑩ Protect, enhance, and/or restore natural resources, particularly streams, watersheds, and trees, as part of all private and public development (including parks, trails, etc.).

These ten expected outcomes are the objectives of the proposed project.

## 1.5 USES OF THE EIR

### 1.5.1 Lead and Responsible CEQA Agencies

The information contained in this EIR will be used by the City of San José (the CEQA Lead Agency) as it considers whether or not to approve the EEHVS. If the project is approved, the EIR will be used by the City in conjunction with various approvals and permits including the following:

- Amendments to the General Plan Land Use/Transportation Diagram
- General Plan Text Amendments
- Planned Development (PD) Rezonings
- Planned Development (PD) Permits
- Vesting Tentative Maps
- Creation of Community Facilities District and/or other financing mechanism(s)
- Protection of Capitol Expressway/Capitol Avenue Intersection
- Contracts for public infrastructure construction
- Adoption of revised *Evergreen Development Policy*
- Adoption of Evergreen • East Hills Design Guidelines
- Stormwater Pollution Prevention Permits
- Remove Major Collector designations for some streets
- Grading Permits
- Tree Removal Permits

In addition to the City of San José, various governmental agencies will use this EIR in conjunction with their role in reviewing, approving, and/or permitting various components of the EEHVS (see Table 2).

### 1.5.2 Level of Environmental Review Provided by this EIR

This EIR provides project-level environmental review for the following components of the EEHVS:

- General Plan Amendments and Rezonings on the Arcadia, Pleasant Hills Golf Course, Berg/IDS, Legacy Partners, and Evergreen Valley College properties.

- Revised Evergreen Development Policy (EDP)

- Intersection Protection (Capitol Expressway at Capitol Avenue)

- General Plan Amendments to reduce the designated number of traffic lanes on various Major-Collector streets

- Relocation of Fire Station 21 to the Pleasant Hills Golf Course property

**T A B L E 2**

**CEQA RESPONSIBLE AND TRUSTEE AGENCIES**

| Agency | Role(s) |
|---|---|
| Santa Clara County Local Agency Formation Commission (LAFCO) | • Approve the annexation of the Pleasant Hills Golf Course Property to the City of San José |
| Santa Clara County Airports Land Use Commission (ALUC) | • Review of the Arcadia Property development proposal for its consistency with the ALUC plan |
| Santa Clara County Roads and Airports Department | • Permit for any work within the Capitol Expressway right-of-way |
| Santa Clara Valley Transportation Authority | • Review transportation analysis<br>• Permit for any work affecting bus or LRT facilities |
| Santa Clara Valley Water District | • Review hydrologic analysis<br>• Permit for any work in, or within 50 feet of, creeks |
| California Department of Transportation (Caltrans) | • Encroachment permit for any work within the Caltrans right-of-way |
| California Department of Fish and Game | • Review biological analysis<br>• Permit for any relocations of Burrowing Owls<br>• Permit for any work below the top-of-bank of any creeks (e.g., new bridge over Evergreen Creek on Legacy Partners property) |
| Regional Water Quality Control Board | • Review water quality analysis |

This EIR provides project-level environmental review for many - but not all - of the transportation and community amenity projects that will be constructed and/or funded as part of the EEHVS. In some cases, because the scope and/or locations of various improvements are undetermined, this EIR provides no environmental analysis and CEQA compliance will be required prior to project approval. In addition, some of the projects that may be funded as part of the EEHVS have already undergone project level review under CEQA. For projects in the latter category, this EIR includes a review of the previous analysis.

Each of the transportation and community amenity projects that will be constructed or funded as part of the EEHVS is described below, along with a discussion of the level of CEQA review - if any - that is being provided by this EIR. Cross-references to analyses in Section 4 are provided, as appropriate. Documentation of prior CEQA review, if applicable, is also provided. For easy reference, all of this information is summarized in Table 3.

**T A B L E 3**

**CEQA COMPLIANCE MATRIX FOR TRANSPORTATION AND COMMUNITY AMENITY PROJECTS**

| Project | Previous/ Other CEQA Clearance | Project-Level Clearance in this EIR | Future CEQA Clearance Required |
|---|---|---|---|
| Improvements on U.S. 101 [2.2.1] | ✓ | | |
| Reconfiguration of White Road [2.2.2] | | ✓ | |
| Reconfiguration of Ocala Avenue [2.2.3] | | ✓ | |
| Improvements on Capitol Expressway [2.2.4] | | ✓ | |
| Intersection Improvements [2.2.5] | | ✓ | |
| New Traffic Signals [2.2.6] | | ✓ | |
| Miscellaneous Transportation Improvements [2.2.7] | | | ✓ |
| Evergreen Little League Sports Complex [2.2.8] | | ✓ | |
| Lake Cunningham Regional Skate Park [2.2.9] | | | ✓ |
| Upper Silver Creek Trail Extension [2.2.10] | ✓ | | |
| Lake Cunningham Park Improvements [2.2.11] | | | ✓ |
| Sports/Recreational Facilities at Various Schools [2.2.12] | | | ✓ |
| 3rd Classroom at Evergreen Community Center [2.2.13] | ✓ | | |
| Recreational Improvements at Boeger/Foothill Schools & Fernish Park [2.2.14] | | | ✓ |
| Development of Falls Creek Park [2.2.15] | | | ✓ |
| Renovation of Boggini Park [2.2.16] | | | ✓ |

**T A B L E 3**

**CEQA COMPLIANCE MATRIX FOR TRANSPORTATION AND COMMUNITY AMENITY PROJECTS**

| Project | Previous/ Other CEQA Clearance | Project-Level Clearance in this EIR | Future CEQA Clearance Required |
|---|---|---|---|
| Evergreen Park Renovation and Improvements [2.2.17] | | | ✓ |
| Renovation of Brigadoon Park [2.2.18] | | | ✓ |
| Development of Fowler Creek Park [2.2.19] | ✓ | | |
| New Trail/Open Space Connections [2.2.20] | | ✓ | |
| Ice Skating Rink [2.2.21] | | | ✓ |
| Southeast Branch Library [2.2.22] | | ✓ | |
| Arcadia Sports Complex & Community Ctr [2.2.23] | | ✓ | |
| Thompson Creek Trail [2.2.24] | ✓ | | |
| Pedestrian Overcrossing at Capitol/Nieman [2.2.25] | | | ✓ |
| Renovation of Our Park [2.2.26] | | | ✓ |
| Renovation of Hillview Park [2.2.27] | | | ✓ |
| Renovation of Mount Pleasant Park [2.2.28] | | | ✓ |
| Renovation of Welch Park [2.2.29] | | | ✓ |
| Renovation of Lopez Community Center [2.2.30] | | | ✓ |
| Improvements to Ocala Softball Fields [2.2.31] | | | ✓ |

[x.x.x.x] - EIR section where the project is described

**Operational Improvements on U.S. 101**

A description of this project can be found in Section 2.2.1 of this EIR. Project-level CEQA analysis of this project consisted of a 2005 Initial Study entitled *U.S. 101 Operational Improvements from I-280/I-680 to Yerba Buena Road*, which was prepared by Caltrans. Caltrans adopted a Mitigated Negative Declaration for the project on December 1, 2005.

The scope of the project has not changed from that evaluated in the Initial Study by Caltrans. Environmental conditions have not changed since the adoption of the Mitigated Negative Declaration.

***Conclusion:*** This project has project-level clearance under CEQA.

**Reconfiguration of White Road**

A description of this project can be found in Section 2.2.2 of this EIR. Project-level CEQA analysis for this project is provided by this EIR. The environmental setting, impacts, and mitigation for this project are described throughout Section 4 under the individual subject headings. Mitigation measures applicable to this project are for short-term noise impacts (Section 4.3.4.2), short-term air quality impacts (Section 4.4.4.2), and short-term water quality impacts (Section 4.8.4.2).

***Conclusion:*** This project has project-level clearance under CEQA.

**Reconfiguration of Ocala Avenue**

A description of this project can be found in Section 2.2.3 of this EIR. Project-level CEQA analysis for this project is provided by this EIR. The environmental setting, impacts, and mitigation for this project are described throughout Section 4 under the individual subject headings. Due to the fact that this project is limited to the restriping of a short segment of existing pavement, mitigation measures applicable to this project are limited to those for short-term noise impacts (Section 4.3.4.2).

***Conclusion:*** This project has project-level clearance under CEQA.

**Improvements on Capitol Expressway**

A description of this project can be found in Section 2.2.4 of this EIR.

Project-level CEQA analysis of this project is provided by this EIR. The largest component of this project would be the conversion of existing HOV lanes to mixed-flow lanes between U.S. 101 and Nieman Boulevard.[6] The impacts of this conversion on traffic are included as part of the analysis contained in Section 4.2. Air quality effects are accounted for in the analysis contained in Section 4.3. There would be no increase in noise due to this conversion as traffic would not be moved closer to adjacent receptors and peak noise levels, which currently occur when the lanes are open to mixed-flow traffic, would not change. Since no physical changes to the environment are needed to implement, this conversion, no other impacts would occur.

[6]The outside lane in each direction is restricted to carpools (defined as two or more persons in a vehicle) on weekdays between 6-9 AM and 3-7 PM. These lanes are open to all traffic during all other times.

This project also includes minor improvements consisting of new trees and landscaping, pavement maintenance, signal upgrades, new lighting, and new sidewalks, within the existing right-of-way, none of which would result in adverse environmental impacts.

***Conclusion:*** This project has project-level clearance under CEQA.

### Intersection Improvements

This project will improve traffic operations, primarily by adding new turning lanes, at 14 intersections in the Evergreen • East Hills area. A list of the 14 intersections, along with the specific improvements at each, can be found in Section 2.2.5 of this EIR.

Project-level CEQA analysis of this project is provided by this EIR. The benefits to peak-hour traffic operations that will result from these intersection improvements are included as part of the analysis contained in Section 4.2. At 12 of the 14 intersections, the proposed improvements will occur within the existing right-of-way and, therefore, will not affect adjacent land uses. At two intersections, additional right-of-way will be needed, the land use effect of which is shown in Table 16. In accordance with state and local law, property and/or business owners will be compensated at fair market value for the needed right-of-way.

At one of the 14 intersections, King Road at Tully Road, there is known contamination in the area where the proposed improvements will occur. This condition, along with its impact on the project, are described in Section 4.9. Mitigation measures for this impact are listed in Section 4.9.4.2.

Each of the 14 intersections are located along major roadways in an urbanized environment. No buildings will be impacted by the improvements. No biological resources of importance (e.g., wetlands, waterways, significant trees, etc.) are present. Existing roadway landscaping may be affected at some intersections, but this impact would not be significant and, consistent with City policy, replacement landscaping will be planted where feasible.

***Conclusion:*** This project has project-level clearance under CEQA.

### New Traffic Signals

This project consists of new traffic signals at the intersections listed in Section 2.2.6. The traffic signals would improve traffic operations and safety at these intersections. Project-level CEQA analysis of this project is provided by this EIR. Installation of the new signals would occur within the public rights-of-way and would be limited to temporary disturbance of existing pavement and sidewalks.

***Conclusion:*** This project has project-level clearance under CEQA.

### Miscellaneous Transportation Improvements

As described in Section 2.2.7, the EEHVS may fund other miscellaneous transportation improvement projects at to-be-determined locations in the EDP area. Such improvements may include, but would not necessarily be limited to, new traffic signals, new bicycle lanes, traffic calming, interconnection of traffic signals, new/enhanced transit stops, transit shuttles, street curb ramps for wheelchair accessibility, new street trees, and median landscaping.

Since the scopes and locations of these miscellaneous improvements are not known, it is not possible to assess the nature and severity of potential environmental impacts. Therefore, at the time such improvements are defined, and prior to their approval by the City, CEQA compliance will occur.

***Conclusion:*** This EIR does not provide CEQA analysis of these miscellaneous projects. At the time such projects are defined, CEQA clearance will be undertaken by the City.

### Evergreen Little League Sports Complex

A description of this project, which would be located in the southwest corner of the Legacy Partners property, can be found in Section 2.2.8 of this EIR.

Project-level CEQA analysis of this project is provided by this EIR. The environmental setting, impacts, and mitigation for this project are described throughout Section 4 under the individual subject headings. Due to the fact that this facility would not include nighttime lighting or a public address system, it was determined that it would be compatible with future adjacent residential uses, since noise and visual/aesthetic impacts would not be significant. Mitigation measures applicable to this project are for short-term air quality impacts (Section 4.4.4.2), tree removal and nesting raptor impacts (Section 4.6.4.2), and short-term water quality impacts (Section 4.8.4.2).

***Conclusion:*** This project has project-level clearance under CEQA.

### Lake Cunningham Regional Skate Park

A description of this project can be found in Section 2.2.9 of this EIR. Independently of the EEHVS, the City is presently undertaking CEQA review of this project as part of its efforts to update the approved *1990 Lake Cunningham Master Plan.*

***Conclusion:*** This EIR does not provide CEQA analysis of this project. CEQA clearance is presently being undertaken by the City as part of a separate park planning process.

### Upper Silver Creek Trail Extension

A description of this project, which would complete a 0.5-mile gap in the existing Upper Silver Creek Trail, can be found in Section 2.2.10 of this EIR. Project-level CEQA analysis of this project consisted of a July 1994 Initial Study entitled *Silver Creek Linear Park (PP92-07-017).* Subsequent to the circulation of the Initial Study, the City adopted a Mitigated Negative Declaration. The project was approved by the San José City Council on November 15, 1994.

The planned alignment of the trail, which will parallel Old Silver Creek Road, has not changed from that shown in the 1994 Initial Study. As noted in the Initial Study, the trail will be located outside of the riparian corridor of Upper Silver Creek and no sensitive habitat will be impacted.

In order to determine if changes to the environmental setting have occurred since the 1994 Initial Study was completed, a field review of the 0.5-mile trail alignment was undertaken during the preparation of this EIR. The field review determined that the setting is unchanged.

Based on the above discussion, it is concluded that the 1994 CEQA analysis for this project remains valid. When the trail is constructed, all applicable mitigation measures listed in the 1994 Initial Study will be implemented.

***Conclusion:*** This project has project-level clearance under CEQA.

### Lake Cunningham Park Improvements

A description of this project can be found in Section 2.2.11 of this EIR. The improvements that may be constructed are identified in the approved *1990 Lake Cunningham Park Master Plan*, for which an Initial Study was completed and a Mitigated Negative Declaration (PP89-07-165) was adopted.

It is not presently known as to whether the locations and scopes of the various improvements are consistent with those shown in the *1990 Lake Cunningham Park Master Plan*. Further, as described above, the *Master Plan* is currently undergoing revision to include a skate park, which could affect the size and location of future park improvements.

Since the scopes and locations of the various improvements are not known, it is not possible to assess the nature and severity of potential environmental impacts in this EIR, nor can the adequacy of the previous CEQA analysis be validated. Therefore, at the time such improvements are better defined, CEQA review will occur.

***Conclusion:*** This EIR does not provide CEQA analysis of these improvements to Lake Cunningham Park. At the time such projects are better defined, CEQA clearance will be undertaken by the City.

### Sports and Recreational Facility Improvements at Schools

As described in Section 2.2.12, the EEHVS may provide funding for improvements to sports and recreational facilities at to-be-determined schools in the EDP area. The nature and extent of such improvements are not presently known.

Since the scopes and locations of these improvements are not known, it is not possible to assess the nature and severity of potential environmental impacts. Therefore, at the time such improvements are defined, and prior to their approval by the individual school district(s), CEQA compliance will occur.

***Conclusion:*** This EIR does not provide CEQA analysis of these improvements. At the time such projects are defined, CEQA clearance will be undertaken by the school district(s).

### Third Classroom at the Evergreen Community Center

As described in Section 2.2.13, the City Council approved an expansion of the existing Evergreen Community Center in 2002. The expansion consisted of three new classrooms and additional onsite parking. Two of the three classrooms and the additional parking have been constructed. This project would complete the project by constructing the third classroom.

Prior to approving the project in 2002, the City determined that the expansion was eligible for a "Class 1" Categorical Exemption under CEQA because 1) the expansion was under 10,000 square feet in size, and 2) it was not located in an environmentally-sensitive area (PP02-05-103).

The third classroom would be the same size - and in the same location - as that depicted in 2002. Further, based on a field review undertaken in 2005, there are no changes in the environmental setting that would invalidate the project's eligibility for a Categorical Exemption.

***Conclusion:*** This project has project-level clearance under CEQA.

### Recreational Improvements at Boeger/Foothill Schools & Fernish Park

As described in Section 2.2.14, the City and the Mount Pleasant School District have been collaborating on a proposed joint effort to implement to-be-determined improvements to sports and recreational facilities at Boeger/Foothill Schools and Fernish Park.

Since the scopes and specific locations of these improvements are not known, it is not possible to assess the nature and severity of potential environmental impacts. Therefore, at the time such improvements are defined, and prior to their approval by the City and/or school district, CEQA compliance will occur.

***Conclusion:*** This EIR does not provide CEQA analysis of these improvements. At the time such projects are defined, CEQA clearance will be undertaken by the City and/or Mount Pleasant School District.

**Development of Falls Creek Park**

As described in Section 2.2.15, Falls Creek Park is a 1-acre undeveloped park that is located at the east end of Bowery Lane. The City plans to develop this site into a typical neighborhood-serving park. However, specific improvements will not be determined until completion of a future park planning and public input process.

Since the scope of the Falls Creek Park improvements is not known, it is not possible to assess the nature and severity of potential environmental impacts. Therefore, at the time such improvements are defined, and prior to their approval by the City, CEQA compliance will occur.

***Conclusion:*** This EIR does not provide CEQA analysis of this project. At the time the project is defined, CEQA clearance will be undertaken by the City.

**Renovation of Boggini Park**

As described in Section 2.2.16, Boggini Park is an existing 10-acre neighborhood park. The City plans to renovate this park. However, the scope of the renovation will not be determined until completion of a future design and public input process.

Since the scope of the Boggini Park renovation is not known, it is not possible to assess the nature and severity of potential environmental impacts. Therefore, at the time such improvements are defined, and prior to their approval by the City, CEQA compliance will occur.

***Conclusion:*** This EIR does not provide CEQA analysis of this project. At the time the project is defined, CEQA clearance will be undertaken by the City.

**Evergreen Park Renovation and Improvements**

As described in Section 2.2.17, Evergreen Park is an existing 16.4-acre neighborhood park. The City plans to renovate this park, as well as implement various signage, trail, and landscaping improvements. However, the scope of the renovation and improvements will not be determined until completion of a future design and public input process.

Since the scope of the project is not known, it is not possible to assess the nature and severity of potential environmental impacts. Therefore, at the time such improvements are defined, and prior to their approval by the City, CEQA compliance will occur.

***Conclusion:*** This EIR does not provide CEQA analysis of this project. At the time the project is defined, CEQA clearance will be undertaken by the City.

**Renovation of Brigadoon Park**

As described in Section 2.2.18, Brigadoon Park is an existing 5.5-acre neighborhood park. The City plans to renovate this park. However, the scope of the renovation will not be determined until completion of a future design and public input process.

Since the scope of the Brigadoon Park renovation is not known, it is not possible to assess the nature and severity of potential environmental impacts. Therefore, at the time such improvements are defined, and prior to their approval by the City, CEQA compliance will occur.

***Conclusion:*** This EIR does not provide CEQA analysis of this project. At the time the project is defined, CEQA clearance will be undertaken by the City.

**Development of Fowler Creek Park**

A description of this project can be found in Section 2.2.19 of this EIR. Project-level CEQA analysis of this project consisted of an August 2003 *Addendum to the Final EIR on the Evergreen Specific Plan for Fowler Creek Park (PP03-09-288).* The *Fowler Creek Park Master Plan* was approved by the San José City Council on October 21, 2003.

The development of Fowler Creek Park will occur in phases and future facilities will be as depicted in the approved *Master Plan.* Construction of the first phase, which is funded, is scheduled to commence in Spring 2006, with construction of subsequent phases occurring as funding permits. EEHVS funding may be used on the latter phase(s).

In order to determine if changes to the environmental setting have occurred since the 2003 Addendum was completed, a field review of the park site was undertaken during the preparation of this EIR. The field review determined that the setting is unchanged.

Based on the above discussion, it is concluded that the 2003 CEQA analysis for this project remains valid. When the various park improvements are constructed, all applicable mitigation measures listed in the Addendum and EIR will be implemented.

***Conclusion:*** This project has project-level clearance under CEQA.

### New Trail and Open Space Connections

This project consists of new trails and open space connections on the Berg/IDS and Legacy Partners properties. The trails and open space connections are part of the proposed development of those sites; see the text descriptions and the conceptual site plans in Section 2.1.

Project-level CEQA analysis of this project is provided by this EIR. The environmental setting, impacts, and mitigation for this project are described throughout Section 4 under the individual subject headings. Mitigation measures applicable to this project are for short-term air quality impacts (Section 4.4.4.2), tree removal and nesting raptor impacts (Section 4.6.4.2), and short-term water quality impacts (Section 4.8.4.2).

***Conclusion:*** This project has project-level clearance under CEQA.

### Ice Skating Rink

As described in Section 2.2.21, the EEHVS may provide funding for a new ice skating rink at a to-be-determined location in the Evergreen • East Hills area. The size of this facility, which would replace one that was demolished several years ago, has not been determined.

Since the size and location of this facility are not known, it is not possible to assess the nature and severity of potential environmental impacts. Therefore, at the time this project is defined, and prior to its approval by the City, CEQA compliance will occur.

***Conclusion:*** This EIR does not provide CEQA analysis of this project. At the time the project is defined, CEQA clearance will be undertaken by the City.

### Expansion of Planned Southeast Branch Library

As described in Section 2.2.22, this project would construct a new branch of the San José Public Library on the Evergreen Valley College property, which is one of the EEHVS opportunity sites. The library building would be approximately 23,000 square feet in size and the facility would include off-street parking for staff and patrons.

Project-level CEQA analysis of this project is provided by this EIR. The environmental setting, impacts, and mitigation for this project are described throughout Section 4 under the individual subject headings. Traffic to be generated by the library is included in the traffic analysis in Section 4.2. The effect of library traffic on noise and air quality is accounted for in the analyses in Sections 4.3 and 4.4, respectively.

Mitigation measures applicable to this project are listed under Evergreen College property and are for short-term air quality impacts (Section 4.4.4.2), cultural resources impacts (Section 4.5.3.2), tree

removal and nesting raptor impacts (Section 4.6.4.2), geologic impacts (Section 4.7.3.2), short-term water quality impacts (Section 4.8.4.2), and hazardous materials impacts (Section 4.9.4.2). The library building shall be constructed so as to comply with the City's Green Building policy for public buildings.

***Conclusion:*** This project has project-level clearance under CEQA.

**Arcadia Sports Complex and Community/Youth Center**

As described in Section 2.2.23, this project would construct a new adult sports complex and a new community/youth center on the Arcadia property, which is one of the EEHVS opportunity sites. The adult sports complex would consist of four outdoor playing fields, including lighting for nighttime games. The community/youth center building would be approximately 40,000 square feet in size, adjacent to which would be two outdoor swimming pools.

Project-level CEQA analysis of this project is provided by this EIR. The environmental setting, impacts, and mitigation for this project are described throughout Section 4 under the individual subject headings. Traffic to be generated by these facilities is included in the traffic analysis in Section 4.2. The effect of such traffic on noise and air quality is accounted for in the analyses in Sections 4.3 and 4.4, respectively.

Mitigation measures applicable to this project are for long-term noise impacts (Section 4.3.4.2), short- and long-term air quality impacts (Section 4.4.4.2), cultural resources impacts (Section 4.5.3.2), biological resources impacts (Section 4.6.4.2), geologic impacts (Section 4.7.3.2), short-term water quality impacts (Section 4.8.4.2), and visual/aesthetic impacts (Section 4.10.3.2). The community center building shall be constructed so as to comply with the City's Green Building policy for public buildings.

***Conclusion:*** This project has project-level clearance under CEQA.

**Thompson Creek Trail**

A description of this project, which would construct a 7-mile trail along Thompson Creek, can be found in Section 2.2.24 of this EIR. Project-level CEQA analysis of this project consisted of a December 2004 Initial Study entitled *Thompson Creek Trail Master Plan (PP04-283)*. Subsequent to the circulation of the Initial Study, the City adopted a Mitigated Negative Declaration. The project was approved by the San José City Council on April 26, 2005.

The trail would be constructed as described in the *Master Plan* and Initial Study. Since the CEQA clearance was just recently completed, no assessment to determine if there are changed environmental conditions was warranted.

Based on the above discussion, it is concluded that the 2005 CEQA analysis of this project remains valid. When the trail is constructed, all applicable mitigation measures listed in the December 2004 Initial Study and March 2005 Mitigation & Monitoring Plan will be implemented.

***Conclusion:*** This project has project-level clearance under CEQA.

**Pedestrian Overcrossing on Capitol Expressway near Nieman Boulevard**

A description of this project, which would construct a pedestrian/bicycle bridge over Capitol Expressway near Nieman Boulevard, can be found in Section 2.2.25 of this EIR. At this time, the exact location of the bridge has not been determined, nor has a design for the bridge been determined.

Since the design and location of this facility are not known, it is not possible to assess the nature and severity of potential environmental impacts. Therefore, at the time this project is defined, and prior to its approval by the City, CEQA compliance will occur.

***Conclusion:*** This EIR does not provide CEQA analysis of this project. At the time the project is defined, CEQA clearance will be undertaken by the City.

**Renovation of Our Park**

As described in Section 2.2.26, Our Park is an existing 0.5-acre neighborhood park. The City plans to renovate this park. However, the scope of the renovation will not be determined until completion of a future design and public input process.

Since the scope of the Our Park renovation is not known, it is not possible to assess the nature and severity of potential environmental impacts. Therefore, at the time such improvements are defined, and prior to their approval by the City, CEQA compliance will occur.

***Conclusion:*** This EIR does not provide CEQA analysis of this project. At the time the project is defined, CEQA clearance will be undertaken by the City.

**Renovation of Hillview Park**

As described in Section 2.2.27, Hillview Park is an existing 11.6-acre neighborhood park. The City plans to renovate this park. However, the scope of the renovation will not be determined until completion of a future design and public input process.

Since the scope of the Hillview Park renovation is not known, it is not possible to assess the nature and severity of potential environmental impacts. Therefore, at the time such improvements are defined, and prior to their approval by the City, CEQA compliance will occur.

***Conclusion:*** This EIR does not provide CEQA analysis of this project. At the time the project is defined, CEQA clearance will be undertaken by the City.

**Renovation of Mount Pleasant Park**

As described in Section 2.2.28, Mount Pleasant Park is an existing 5.4-acre neighborhood park. The City plans to renovate this park. However, the scope of the renovation will not be determined until completion of a future design and public input process.

Since the scope of the Mount Pleasant Park renovation is not known, it is not possible to assess the nature and severity of potential environmental impacts. Therefore, at the time such improvements are defined, and prior to their approval by the City, CEQA compliance will occur.

***Conclusion:*** This EIR does not provide CEQA analysis of this project. At the time the project is defined, CEQA clearance will be undertaken by the City.

**Renovation of Welch Park**

As described in Section 2.2.29, Welch Park is an existing 11.1-acre neighborhood park. The City plans to renovate this park. However, the scope of the renovation will not be determined until completion of a future design and public input process.

Since the scope of the Welch Park renovation is not known, it is not possible to assess the nature and severity of potential environmental impacts. Therefore, at the time such improvements are defined, and prior to their approval by the City, CEQA compliance will occur.

***Conclusion:*** This EIR does not provide CEQA analysis of this project. At the time the project is defined, CEQA clearance will be undertaken by the City.

**Renovation of the Hank Lopez Community Center**

As described in Section 2.2.30, the Hank Lopez Community Center an existing facility located north of Reid-Hillview Airport. The City plans to renovate this community center, as well as the adjacent building that was formerly the Hillview Branch Library. However, the scope of the renovation will not be determined until completion of a future design and public input process.

Since the scope of the renovation is not known, it is not possible to assess the nature and severity of potential environmental impacts. Therefore, at the time such improvements are defined, and prior to their approval by the City, CEQA compliance will occur.

***Conclusion:*** This EIR does not provide CEQA analysis of this project. At the time the project is defined, CEQA clearance will be undertaken by the City.

**Improvements to Ocala Softball Fields**

As described in Section 2.2.31, the Ocala Softball Fields consist of four lighted softball fields that may be declared as surplus by the Alum Rock School District. In that event, the City may acquire this facility and construct various improvements and upgrades. However, the scope of any improvements will not be determined until completion of a future design and public input process.

Since the scope of any proposed improvements is not known, it is not possible to assess the nature and severity of potential environmental impacts. Therefore, at the time such improvements are defined, and prior to their approval by the City, CEQA compliance will occur.

***Conclusion:*** This EIR does not provide CEQA analysis of this project. At the time the project is defined, CEQA clearance will be undertaken by the City.

# SECTION 2. DESCRIPTION OF THE PROPOSED PROJECT

As stated on page 1, there are three key components of the EEHVS. These three components, and the sections in which they are described, are as follows:

- ▣ Section 2.1: Land Use Development Scenarios/General Plan & Zoning Amendments
- ▣ Section 2.2: Transportation and Community Amenity Projects
- ▣ Section 2.3: Revised EDP

## 2.1 LAND USE DEVELOPMENT SCENARIOS

### 2.1.1 Introduction and Overview

Including the No Project Alternative, this EIR describes and evaluates six land use scenarios for future development in the EDP area. The development scenarios encompass various land uses, as well as a range of densities. The scenarios were developed based upon the criteria contained in the project objectives (see Section 1.4), taking into account substantial input from the public, property owners, and the EEHVS Task Force.

> The intent of fully evaluating six development scenarios in this EIR is to provide information as to the environmental effects of a reasonable range of alternatives pertaining to land use types and densities for the EDP area. While it is recognized that there are multiple variations for each of these alternatives, an EIR is not required to address such variations.

The bulk of the development that could occur under the six development scenarios would take place on five "opportunity" sites in the EDP area. These sites, which encompass a total of approximately 542 acres, are referred to as follows: 1) Arcadia Property, 2) Pleasant Hills Golf Course Property, 3) Berg/IDS Property, 4) Legacy Partners Property, and 5) Evergreen Valley College Property. Each site is described in detail, below.[7] Table 4 provides a summary overview of the five opportunity sites, including the existing land use designations and zonings.

Consistent with the objectives of the EEHVS, each of the development scenarios (except the No Project Alternative) includes a reserve traffic allotment or "trip pool" for the purpose of allowing for future infill non-residential development (e.g., restaurants, coffee shops, public facilities, etc.) on various properties located throughout the EDP area (see Table 5). By establishing a pool for vehicle trips associated with such development, the City's intent is to facilitate such minor development if and when such requests are made, provided that the City determines such development is appropriate and consistent with its goals and policies. This EIR addresses only the traffic impacts of the trip pool, but does not provide

[7]Note that other City documents refer to four opportunity sites, treating the Berg/IDS and Legacy Partners properties as a single "campus industrial" site.

**T A B L E 4**

**OVERVIEW OF OPPORTUNITY SITES**

| | Arcadia Property | Pleasant Hills Golf Course Property | Berg/ IDS Property [e] | Legacy Partners Property | Evergreen Valley College Property |
|---|---|---|---|---|---|
| Assessor Parcel Numbers | 670-20-71; 670-24-13, 45; 670-25-27; 670-29-02, 17, 20 | 649-23-01; 649-24-13 | 659-02-10; 660-33-01, 02, 06, 11, 12, 13, 14, 20, 25, 26, 27, 28 | 660-19-05, 20, 21 | 660-21-22, 23 |
| Size (acres) | 81 | 114 | 200 | 120 | 27 |
| Existing Land Use | vacant | golf course | vacant except for 2 houses | vacant | offices, police training ctr. |
| Existing General Plan Designation | See note a, below | Private Recreation [c] | Campus Industrial | Campus Industrial | Public/ Quasi-Public |
| Existing Zoning | R-1-8 [b], Commercial Office | Agriculture [c] | A(PD): 2.891 million sq.ft. of industrial uses [d] | A(PD): 1.769 million sq.ft. of industrial uses [d] | R-1-5 |

[a] Site is divided into five GP land use designations: *Public/Quasi-Public, Medium Low Density Residential, Office, Industrial Park* and *Public Park/Open Space*. In 1987, a Mixed Use Overlay was approved for the industrial, residential, and office areas.

[b] Per Benefit Assessment District 91-209SJ, this site has traffic allocation for 217 dwelling units.

[c] Site is unincorporated; existing land use designation & zoning is per the Santa Clara County General Plan & Zoning. The City's General Plan also designates the site as *Private Recreation.*

[d] Estimated based on the allocation of 4.66 million square feet of *Campus Industrial* uses that were approved in Evergreen on the former Exxon and Syntex properties, excluding the 36-acre Dade-Behring/Hitachi site [Source: PD's 82006, 98035, and 99057].

[e] Although this property is evaluated as one site in this EIR, separate zonings have been filed by Berg and IDS. The IDS portion is 24.3 acres consisting of APN's 660-33-27 and 660-33-28.

**T A B L E 5**

**SUMMARY OF LAND USE DEVELOPMENT SCENARIOS**

| | Scenario I (No Project) | Scenario II (Very Low) | Scenario III (Low) | Scenario IV (Medium) | Scenario V (High) | Scenario VI (Retain Industrial) |
|---|---|---|---|---|---|---|
| Residential (dwelling units) | 217 | 3,600 | 4,200 | 4,600 | 5,700 | 3,900 |
| Commercial (square feet) | 0 | 500,000 | 500,000 | 500,000 | 500,000 | 500,000 |
| Office (square feet) | 0 | 75,000 | 75,000 | 75,000 | 75,000 | 75,000 |
| Industrial (square feet) | 4,660,000 | 0 | 0 | 0 | 0 | 4,660,000 |
| Non-Residential Trip Pool (peak trips) | 0 | 500 | 500 | 500 | 500 | 500 |

**T A B L E 6**

**LOCATIONS OF RESIDENTIAL DWELLING UNITS BY SCENARIO**

| | Scenario I | Scenario II | Scenario III | Scenario IV | Scenario V | Scenario VI |
|---|---|---|---|---|---|---|
| Arcadia Property | 217 | 1,500 | 1,850 | 2,025 | 1,875 | 1,875 |
| Pleasant Hills Golf Course Property | 0 | 540 | 600 | 660 | 825 | 825 |
| Berg/IDS Property | 0 | 620 | 685 | 755 | 1,275 | 0 |
| Legacy Partners Property | 0 | 330 | 365 | 395 | 675 | 0 |
| Evergreen Valley College Property | 0 | 275 | 300 | 330 | 500 | 500 |
| Other Sites in Evergreen* | 0 | 335 | 400 | 435 | 550 | 700 |
| **Total** | **217** | **3,600** | **4,200** | **4,600** | **5,700** | **3,900** |

* Since specific sites are unknown, this EIR analyzes only the traffic impacts of these future residences in the EDP area.

**T A B L E 7**

**LOCATIONS OF COMMERCIAL USES BY SCENARIO**
**[Expressed in Square Feet]**

| | Scenario I | Scenario II | Scenario III | Scenario IV | Scenario V | Scenario VI |
|---|---|---|---|---|---|---|
| Arcadia Property Area | 0 | 300,000 | 300,000 | 300,000 | 300,000 | 300,000 |
| Pleasant Hills Golf Course Property | 0 | 0 | 0 | 0 | 0 | 0 |
| Berg/IDS Property | 0 | 0 | 0 | 0 | 0 | 0 |
| Legacy Partners Property | 0 | 0 | 0 | 0 | 0 | 0 |
| Evergreen Valley College Property | 0 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 |
| Quimby/White Area [a] | 0 | 35,000 | 35,000 | 35,000 | 35,000 | 35,000 |
| Other Sites in Evergreen [a] | 0 | 65,000 | 65,000 | 65,000 | 65,000 | 65,000 |
| **Total** | **0** | **500,000** | **500,000** | **500,000** | **500,000** | **500,000** |

[a] Traffic from such retail is accounted for in this EIR, but this EIR does not provide CEQA analysis of its construction.

CEQA analysis of such potential development on one or more to-be-determined properties. In other words, this EIR provides CEQA analysis of only the traffic impact component of such potential development; future CEQA analysis will be required for non-traffic issues.

The six EEHVS land use development scenarios, which are summarized in Tables 5 - 7, are as follows:

**Description of Scenario I (No Project)**

Scenario I, which is the No Project/Background Alternative, is defined as no changes to existing land use designations, zonings, or the EDP. Under this scenario, the 320 acres of the Berg/IDS and Legacy Partners properties would be developed with the approved land use, which includes up to 4.66 million square feet of *Campus Industrial* uses. The Arcadia property could be developed with 217 dwelling units. The Pleasant Hills Golf Course and Evergreen Valley College properties would remain in their current condition as there are no unbuilt entitlements on those sites.

Under Scenario I, none of the transportation improvement projects listed in Section 2.2 (see Table 14) would be constructed.

### Description of Scenario II (Very Low)

Scenario II, the "Very Low" scenario, would provide for the construction of up to 3,600 dwelling units in the EDP area. Most of the residences would be constructed on the five properties that are the focus of the EEHVS. *Campus Industrial* uses would not be constructed on the Berg/IDS and Legacy Partners properties. Scenario II would also provide for the construction of approximately 500,000 square feet of commercial uses throughout the EDP area. Approximately 75,000 square feet of additional office uses would be constructed on the Evergreen Valley College property. A reserve traffic "trip pool" of 500 peak-hour trips is included for future non-residential infill development in the EDP area. Scenario II includes the construction of the transportation improvement projects listed in Section 2.2 (see Table 14). It also includes EEHVS-related funding for various community amenity projects that are listed in Section 2.2 (see Table 15).

### Description of Scenario III (Low)

Scenario III, the "Low" scenario, would provide for the construction of up to 4,200 dwelling units in the EDP area. Most of the residences would be constructed on the five properties that are the focus of the EEHVS. *Campus Industrial* uses would not be constructed on the Berg/IDS and Legacy Partners properties. Scenario III would also provide for the construction of approximately 500,000 square feet of commercial uses throughout the EDP area. Approximately 75,000 square feet of additional office uses would be constructed on the Evergreen Valley College property. A reserve traffic "trip pool" of 500 peak-hour trips is included for future non-residential infill development in the EDP area. Scenario III includes the construction of the transportation improvement projects listed in Section 2.2 (see Table 14). It also includes EEHVS-related funding for various community amenity projects that are listed in Section 2.2 (see Table 15).

### Description of Scenario IV (Medium)

Scenario IV, the "Medium" scenario, would provide for the construction of up to 4,600 dwelling units in the EDP area. Most of the residences would be constructed on the five properties that are the focus of the EEHVS. *Campus Industrial* uses would not be constructed on the Berg/IDS and Legacy Partners properties. Scenario IV would also provide for the construction of approximately 500,000 square feet of commercial uses throughout the EDP area. Approximately 75,000 square feet of additional office uses would be constructed on the Evergreen Valley College property. A reserve traffic "trip pool" of 500 peak-hour trips is included for future non-residential infill development in the EDP area. Scenario IV includes the construction of the transportation improvement projects listed in Section 2.2 (see Table 14). It also includes EEHVS-related funding for various community amenity projects that are listed in Section 2.2 (see Table 15).

**Description of Scenario V (High)**

Scenario V, the "High" scenario, would provide for the construction of up to 5,700 dwelling units in the EDP area. Most of the residences would be constructed on the five properties that are the focus of the EEHVS. *Campus Industrial* uses would not be constructed on the Berg/IDS and Legacy Partners properties. Scenario V would also provide for the construction of approximately 500,000 square feet of commercial uses throughout the EDP area. Approximately 75,000 square feet of additional office uses would be constructed on the Evergreen Valley College property. A reserve traffic "trip pool" of 500 peak-hour trips is included for future non-residential infill development in the EDP area. Scenario V includes the construction of the transportation improvement projects listed in Section 2.2 (see Table 14). It also includes EEHVS-related funding for various community amenity projects that are listed in Section 2.2 (see Table 15).

**Description of Scenario VI (Retain Industrial)**

Scenario VI, the "Retain Industrial" scenario, would provide for the construction of up to 3,900 dwelling units in the EDP area while, at the same time, allowing for construction of the approved 4.66 million square feet of *Campus Industrial* uses on the Berg/IDS and Legacy Partners properties. Most of the 3,900 residences would be constructed on the Arcadia, Pleasant Hills Golf Course, and Evergreen Valley College properties. Scenario VI would also provide for the construction of approximately 500,000 square feet of commercial uses throughout the EDP area. Approximately 75,000 square feet of additional office uses would be constructed on the Evergreen Valley College property. A reserve traffic "trip pool" of 500 peak-hour trips is included for future non-residential infill development in the EDP area. Scenario VI includes the construction of the transportation improvement projects listed in Section 2.2 (see Table 14). It also includes EEHVS-related funding for various community amenity projects that are listed in Section 2.2 (see Table 15).

### 2.1.2 Development Scenarios for the Arcadia Property

The Arcadia property is a 81-acre site that is located just south of the Eastridge Shopping Mall. The site is bounded by Quimby Road on the north, industrial park uses and Capitol Expressway on the east, Meadowfair Park and LeyVa Middle School on the south, and single-family residences on the west. The site, which is vacant, is comprised of seven separate parcels (see Table 4). Figure 5 is an aerial photograph that shows the site and the surrounding area.

Per the adopted *San José General Plan*, there are five land use designations that apply to various portions of the Arcadia property: *Public/Quasi-Public, Medium Low Density Residential, Office, Industrial Park, and Public Park/Open Space*. In 1987, a Mixed Use Overlay was approved for the industrial, residential, and office areas. The *San José General Plan* also designates the southeast portion of the property as part of the Capitol Expressway Transit Oriented Development Corridor. Most of the

property is currently zoned R-1-8 (8 residential dwelling units per acre), with a 2-acre portion zoned Commercial Office.

#### 2.1.2.1 *Scenario I*

Under Scenario I, the No Project Alternative, the Arcadia property could potentially develop in accordance with the existing zoning designations, which are listed in the previous paragraph. The extent of such development would, however, be limited to that which could comply with the existing EDP. The traffic mitigation requirements of the existing EDP are substantial and, in effect, have limited new development approvals in Evergreen. Therefore, it is likely that future development on the Arcadia property under Scenario I would be limited to the site's existing traffic allocation of 217 dwelling units.[8]

#### 2.1.2.2 *Scenarios II-VI*

Under Scenarios II-VI, the General Plan land use designations and zonings on the Arcadia property would be changed to allow for the site's development with residential, commercial, and park/open space uses. Figure 6 depicts a conceptual site layout plan, with the final layout and densities to be based upon which development scenario is approved by the City. As shown in Table 8, the maximum number of residential dwelling units would range from a low of 1,500 under Scenario II to a high of 2,025 under Scenario IV. The maximum amount of new commercial uses, which would be 300,000 square feet, would be the same for Scenarios II-VI. Approximately 18 acres of the site would be for park/open spaces use under Scenarios II-VI.

**T A B L E 8**

**ARCADIA PROPERTY DEVELOPMENT SCENARIOS**

| | Scenario I | Scenario II | Scenario III | Scenario IV | Scenario V | Scenario VI |
|---|---|---|---|---|---|---|
| Residential[a] (dwelling units) | 217 | 1,500 | 1,850 | 2,025 | 1,875 | 1,875 |
| Commercial[a] (square feet) | 0 | 300,000 | 300,000 | 300,000 | 300,000 | 300,000 |
| Park/Open Space (acres) | 2.2 | 18 | 18 | 18 | 18 | 18 |

[a] Numbers for residential and commercial uses are maximums.

[8] Per Benefit Assessment District 91-209SJ.

Figure 6 Arcadia Property Conceptual Land Use Plan

### Residential Uses

Under Scenarios II-VI, residences would be constructed on the Arcadia property at densities ranging from 12-25 dwelling units per acre to 75 dwelling units per acre. These densities, which are relatively high, reflect the site's location within a designated Transit-Oriented Development Corridor, as well as within 2,000 feet of the planned Nieman Light Rail Transit (LRT) Station.

The medium high density units (i.e., 12-25 dwelling units per acre), which would be two stories in height, would primarily be located along the westerly border of the property adjacent to the existing single-family residential neighborhood. The highest density units would be located in the interior of the site, as well as in the easterly portion of the site near the planned LRT station. Buildings containing the highest density units would be up to six stories in height. Onsite parking would be a combination of surface parking and parking structures. All setbacks and other applicable criteria of the San José Residential Design Guidelines will be adhered to by the project.

### Commercial Uses

Under Scenarios II-VI, up to 300,000 square feet of commercial retail uses would be constructed on the Arcadia property. These uses would be contained in 2-story buildings and/or on the ground floor of buildings containing high density residential units. The commercial uses are proposed to be constructed along the new boulevards on the site that are proposed by the project. Parking would be a combination of on-street parking, surface lots, and parking structures. All setbacks and other applicable criteria of the San José Commercial Design Guidelines will be adhered to by the project.

### Park/Open Space Uses

Under Scenarios II-VI, approximately 18 acres of the Arcadia property would be used for parks and open space purposes. This acreage would include a 15-acre area in the northeasterly portion of the site. The 15-acre area would include a new community center and sports complex that would be constructed by the City; see 2.2.23 for details. There would also be a linear open space area in the central portion of the site that would provide a connection to the community center and sports complex for the future residents of the site, as well as for the residents of the existing neighborhood located to the west.

### Circulation and Parking

The primary onsite traffic circulation would consist of north/south and east/west boulevards that would connect to Quimby Road and Capitol Expressway (see Figure 6). There would be no new street connections to the existing residential neighborhood located to the west of the site. Onsite parking would be provided in accordance with the requirements of the San José Zoning Ordinance and the San José Residential and Commercial Design Guidelines. [Note: Additional analysis of onsite traffic operations will be required after a final site plan is developed.]

### 2.1.3 Development Scenarios for the Pleasant Hills Golf Course Property

The Pleasant Hills Golf Course property is a 114-acre site that is located in the northeast quadrant of the Tully Road/White Road intersection. The site is bordered by Flint Avenue and Vista Verde Drive to the east and single-family residences to the north. Figure 7 is an aerial photograph that shows the site and the surrounding area.

The site was developed in the 1960's into the privately-owned and operated Pleasant Hills Golf Course. The golf course was closed in 2004. Although the site is located in San José, the property itself is unincorporated. The current land use designation under the *Santa Clara County General Plan* and *San José 2020 General Plan* is *Private Recreation* and the current zoning is A (Agriculture).

#### 2.1.3.1 *Scenario I*

Under Scenario I, the No Project Alternative, the Pleasant Hills Golf Course property would remain a golf course or related private recreation use.

#### 2.1.3.2 *Scenarios II-VI*

Under Scenarios II-VI, the site would be annexed to the City of San José. The General Plan land use designations and zonings on the property would be changed to allow for the site's development with residential and park/open space uses. Figure 8 depicts a conceptual site layout plan, with the final layout and densities to be based upon which development scenario is approved by the City. As shown in Table 9, the maximum number of residential dwelling units would range from a low of 540 under Scenario II to a high of 825 under Scenarios V and VI. Approximately 21 acres of the site would be reserved for park/open space uses, and possibly a future school, under Scenarios II-VI. A fire station would be constructed on the site along White Road.

**Residential Uses**

Under Scenarios II-VI, the residential dwelling units would consist of a combination of single-family detached units and townhomes. Depending on the scenario, densities would range from medium low (8 dwelling units per acre) to medium high (12-25 dwelling units per acre). The single-family homes would be constructed along the northern and eastern boundaries of the site to reflect the adjacent single-family neighborhoods, as shown on Figure 8. The new homes along the northerly boundary of the site will have a minimum 20-foot setback from the single-family residences to the north. The townhomes would be located in the interior of the site and along portions of White Road. The buildings containing the townhomes would be 2-story over partially depressed parking.[9] All setbacks and other applicable criteria of the San José Residential Design Guidelines will be adhered to by the project.

[9]Partially depressed parking refers to parking that is constructed below ground. The depth below the ground surface is less than one full story.

Figure 7 Aerial Photo of Pleasant Hills Golf Course Property and Surrounding Area

**T A B L E 9**

**PLEASANT HILLS GOLF COURSE PROPERTY DEVELOPMENT SCENARIOS**

| | Scenario I | Scenario II | Scenario III | Scenario IV | Scenario V | Scenario VI |
|---|---|---|---|---|---|---|
| Residential* (dwelling units) | 0 | 540 | 600 | 660 | 825 | 825 |
| Fire Station (acres) | 0 | 1 | 1 | 1 | 1 | 1 |
| Park/Open Space (acres) | See Note a | 21** | 21** | 21** | 21** | 21** |

Note a: The site is currently a closed golf course (18-hole course and a 9-hole par 3 course).

*Numbers for residential uses are maximums.

**Approximately 5 of the 21 acres would be reserved for possible acquisition by the Mount Pleasant School District for a new elementary school, should the school district determine that there will be a need for such a facility.

### Park/Open Space Uses

Under Scenarios II-VI, public park and private open space uses would be constructed on the site. One would be located in the interior of the site and would be approximately 4.5 acres in size. The other would be located in the southwest corner of the site and would be approximately 10.5 acres in size. The parks would contain one or more of the following amenities that are part of most neighborhood parks: tot lot/playground, open turf area, picnic tables with barbeques, pathways, and landscaping.

### Option for Elementary School

Under Scenarios II-VI, a 5-acre area in the southern portion of the site, which would otherwise be used for park/open space uses, will be reserved for acquisition by the Mount Pleasant School District for a new elementary school, should the school district determine that there will be a need for such a facility. [Note: This EIR does not provide CEQA analysis of a future school at this location.]

### Fire Station

Under Scenarios II-VI, the project applicant will reserve a 1-acre parcel on the site, which would be located along White Road, so that a fire station can be built. The City would construct a new fire station

at this location, which would serve as relocated Station 21, per the San José Fire Department's long-range plans to improve service for this area.[10] The new station would be a 2-story building of approximately 13,000 to 15,000 square feet in size.[11]

**Circulation and Parking**

The primary onsite traffic circulation would consist of north/south and east/west boulevards that would connect to White and Tully Roads (see Figure 8). The connection to White Road would form the east leg of the existing White Road/Lake Cunningham Park signalized intersection. Secondary access would be via a residential street that would connect to Flint Avenue at Kohler Avenue. Onsite parking would be provided in accordance with the requirements of the San José Zoning Ordinance and the San José Residential Design Guidelines. [Note: Additional analysis of onsite traffic operations will be required after a final site plan is developed.]

### 2.1.4 Development Scenarios for the Berg/IDS Property

The Berg/IDS property is a 200-acre site located along the east side of Yerba Buena Road adjacent to the *Evergreen Specific Plan* area. The site is generally bounded by San José's Urban Growth Boundary to the east, a campus industrial site (Hitachi Headquarters) to the south, and single-family residences to the west and north. Figure 9 is an aerial photograph that shows the site and the surrounding area. With the exception of two single-family residences, the site is vacant.

Per the approved *San José General Plan*, the existing land use designation on the Berg/IDS property is *Campus Industrial*. As discussed above in Section 1.3.2 and as noted in Table 4, the site currently has a Planned Development (PD) zoning that would allow the development of up to approximately 2.891 million square feet of campus industrial buildings.

#### 2.1.4.1 *Scenarios II-V*

Under Scenarios II-V, the General Plan land use designations and zonings on the property would be changed to allow for the site's development with residential and park/open space uses. Figure 10 depicts a conceptual site layout plan for the residential development scenarios, with the final layout and densities to be based upon which development scenario is approved by the City. As shown in Table 10, the maximum number of residential dwelling units would range from a low of 620 under Scenario II to a

[10]The existing Station 21 is located nearby on Mount Pleasant Road, just north of Marten Avenue.

[11]The actual construction of the new fire station will be undertaken by the City with funding provided through the issuance of public safety bonds that were authorized by San José voters in March 2002. This EIR is intended to provide project-level CEQA analysis of the new fire station.

Figure 10a Berg Property Conceptual Land Use Plan for Residential Scenarios

Figure 10b IDS Property Conceptual Land Use Plan for Residential Scenarios

**T A B L E 1 0**

**BERG/IDS PROPERTY DEVELOPMENT SCENARIOS**

| | Scenario I | Scenario II | Scenario III | Scenario IV | Scenario V | Scenario VI |
|---|---|---|---|---|---|---|
| Residential[a] (dwelling units) | 0 | 620 | 685 | 755 | 1,275 | 0 |
| Industrial[a] (square feet) | 2,891,000 | 0 | 0 | 0 | 0 | 2,891,000 |
| Park/Open Space (acres) | 50** | 26* | 26* | 26* | 26* | 50** |

[a] Numbers for residential and industrial uses are maximums.

*Approximately 5 of the 26 acres would be reserved for possible acquisition by the Evergreen School District for a new elementary school, should the school district determine that there will be a need for such a facility.

**Landscaping and open areas located throughout the campus industrial development.

high of 1,275 under Scenario V. Approximately 26 acres of the site would be for park/open space uses, and possibly a future school, under Scenarios II-V.

### Residential Uses

Under Scenarios II-V, the residential dwelling units would consist of a combination of single-family detached units and townhomes. Densities would range from medium low (8 dwelling units per acre) to medium high (12-25 dwelling units per acre). The single-family homes would be constructed along the boundaries of the site to reflect the adjacent single-family neighborhoods and to provide a transition from the adjacent east foothills, as shown on Figure 10. The townhomes would be located in the interior of the site, south of Fowler Road. The buildings containing the townhomes would be 2-story over partially depressed parking. All setbacks and other applicable criteria of the San José Residential Design Guidelines will be adhered to by the project.

### Park/Open Space Uses

Under Scenarios II-V, a series of neighborhood parks and open space areas would be provided on the Berg/IDS property. These areas, which would total approximately 26 acres, would include multiple parks/private open space, each roughly one acre in size, located across the site. It would also include

a larger 11-acre park along the east side of Yerba Buena Road in the vicinity of Altia Avenue. The parks would contain one or more of the following amenities that are part of most neighborhood parks: tot lot/playground, open turf area, picnic tables with barbeques, pathways, and landscaping.

The open space would include a linear corridor along Fowler Creek. The corridor will have a width of 50 feet beyond the top-of-bank on each side of the creek. A multi-use, recreational trail would be constructed within the 50-foot corridor along the south side of the creek. The trail would connect to Fowler Creek Park, which is adjacent to the westerly boundary of the Berg/IDS property. The trail alignment would also continue south of Fowler Creek along the easterly boundary of the property where it would connect to a proposed trail on the Legacy Partners property.

**Option for Elementary School**

Under Scenarios II-V, a 5-acre area along the western border of the site, which would otherwise be part of the 11-acre park described above, will be reserved for acquisition by the Evergreen School District for a new elementary school, should the school district determine that there will be a need for such a facility. [Note: This EIR does not provide CEQA analysis of a future school at this location.]

**Circulation and Parking**

Figure 10 shows the primary components of the proposed street system for the Berg/IDS property under Scenarios II-V. Access would be from Aborn Road, a street extending east from Strada Circolare, and Yerba Buena Road. Onsite circulation would include a new north-south boulevard that would continue onto the adjacent Legacy Partners property, which in turn would connect to Yerba Buena Road. [Note: Additional analysis of onsite traffic operations will be required after a final site plan is developed.]

The street system would include the northerly extension of Yerba Buena Road from Fowler Road to Aborn Road. The Yerba Buena Road extension, which would include a crossing of Fowler Creek, would consist of one lane in each direction. The project would also complete planned improvements to Yerba Buena Road (e.g., curb, gutter, sidewalk) along the frontage of the Berg/IDS property. Bike lanes would be included on Yerba Buena Road.

Onsite parking would be provided in accordance with the requirements of the San José Zoning Ordinance and the San José Residential Design Guidelines.

#### 2.1.4.2 *Scenarios I and VI*

Under Scenarios I and VI, the Berg/IDS property could be developed under its existing PD zoning with up to approximately 2.891 million square feet of campus industrial buildings.[12] The estimated number of employees at the site would be 7,250. Allowed uses would include office, research and development

[12]PD Zonings 82006 and 98035.

(R&D), and product manufacturing and assembly. Buildings would be one to two stories in height. Approximately 30% of the property would be covered by buildings, 45% by parking and roadways, and 25% by open space/landscaping.

Similar to Scenarios II-V, the street system for Scenarios I and VI would include the northerly extension of Yerba Buena Road from Fowler Road to Aborn Road.

The use and storage of hazardous materials on the Berg/IDS property would be allowed as part of activities associated with the campus industrial uses. Such use and storage would, however, be required to comply with a number of regulatory programs that are designed to minimize the chance for accidental releases and/or contamination to occur. See Section 4.9, *Hazards and Hazardous Materials*, for an overview of this issue.

### 2.1.5 Development Scenarios for the Legacy Partners Property

The Legacy Partners property is a 120-acre site that is located along the east side of Yerba Buena Road and is directly south of the Berg/IDS property. The site is generally bounded by San José's Urban Growth Boundary to the east and south, a campus industrial site (Hitachi Headquarters) to the north, and Montgomery Hill Park to the west. Figure 9 is an aerial photograph that shows the site and the surrounding area. The site, which is vacant, is traversed by Evergreen Creek.

Per the approved *San José General Plan*, the existing land use designation on the Legacy Partners property is *Campus Industrial*. As discussed above in Section 1.3.2 and as noted in Table 4, the site currently has a PD zoning that would allow the development of up to approximately 1.769 million square feet of campus industrial buildings.

#### 2.1.5.1 *Scenarios II-V*

Under Scenarios II-V, the General Plan land use designations and zonings on the property would be changed to allow for the site's development with residential and park/open space uses. Figure 11 depicts a conceptual site layout plan for the residential development scenarios, with the final layout and densities to be based upon which development scenario is approved by the City. As shown in Table 11, the maximum number of residential dwelling units would range from a low of 330 under Scenario II to a high of 675 under Scenario V. Approximately 39 acres of the site would be for park/open space uses under Scenarios II-V.

**Residential Uses**

Under Scenarios II-V, the residential dwelling units would consist of a combination of single-family detached units and townhomes. Densities would range from medium low (8 dwelling units per acre) to medium high (12-25 dwelling units per acre). Single-family homes at the medium low density would

**TABLE 11**

**LEGACY PARTNERS PROPERTY DEVELOPMENT SCENARIOS**

| | Scenario I | Scenario II | Scenario III | Scenario IV | Scenario V | Scenario VI |
|---|---|---|---|---|---|---|
| Residential* (dwelling units) | 0 | 330 | 365 | 395 | 675 | 0 |
| Industrial* (square feet) | 1,769,000 | 0 | 0 | 0 | 0 | 1,769,000 |
| Park/Open Space (acres) | 30** | 39 | 39 | 39 | 39 | 30** |

*Numbers for residential and industrial uses are maximums.

**Landscaping and open areas located throughout the campus industrial development.

be constructed along the easterly boundary of the site to provide a transition from the adjacent east foothills, as shown on Figure 11. The townhomes would be located in the central and southerly portions of the site. The buildings containing the townhomes would be 2-story over partially depressed parking. All setbacks and other applicable criteria of the San José Residential Design Guidelines will be adhered to by the project.

**Park/Open Space Uses**

Under Scenarios II-V, approximately 39 acres of the site would be for park and open space uses. A portion of the open space would be along the easterly boundary of the site since that area is deemed unsuitable for development due to geologic hazards (see Section 4.7, *Geology*, for details). Other open space would be located in the southwest corner of the site and is proposed to be developed into a sports complex for the Evergreen Little League. The sports complex is described in Section 2.2.8.

The open space would include a linear corridor along Evergreen Creek. The corridor would have a width of 100 feet beyond the top-of-bank on each side of the creek. A multi-use, recreational trail would be constructed within the 100-foot corridor along the south side of the creek. The trail alignment would also continue north of Evergreen Creek along the easterly boundary of the property where it would connect to the proposed trail on the Berg/IDS property.

**Circulation and Parking**

Figure 11 shows the primary components of the proposed street system for the Legacy Partners property under Scenarios II-V. Access would be from Yerba Buena Road. Onsite circulation would include a new north-south boulevard that would continue onto the adjacent Berg/IDS property, which in turn

would connect to the planned extension of Yerba Buena Road. The north-south boulevard on the Legacy Partners property would cross Evergreen Creek on a new clear-span bridge. [Note: Additional analysis of onsite traffic operations will be required after a final site plan is developed.]

The project would also complete planned improvements to Yerba Buena Road (e.g., curb, gutter, sidewalk) along the frontage of the Legacy Partners property. Onsite parking would be provided in accordance with the requirements of the San José Zoning Ordinance and the San José Residential Design Guidelines.

#### 2.1.5.2 *Scenarios I and VI*

Under Scenarios I and VI, the Legacy Partners property could be developed under its existing PD zoning with up to approximately 1.769 million square feet of campus industrial buildings.[13] The estimated number of employees at the site would be 4,450. Allowed uses would include office, research and development (R&D), and product manufacturing and assembly. Buildings would be one to three stories in height. Approximately 30% of the property would be covered by buildings, 45% by parking and roadways, and 25% by open space/landscaping.

The use and storage of hazardous materials on the Legacy Partners property would be allowed as part of activities associated with the campus industrial uses. Such use and storage would, however, be required to comply with a number of regulatory programs that are designed to minimize the chance for accidental releases and/or contamination to occur. See Section 4.9, *Hazards and Hazardous Materials*, for an overview of this issue.

### 2.1.6 Development Scenarios for the Evergreen Valley College Property

Evergreen Valley College, which is owned and operated by the San José/Evergreen Community College District, is located on a 165-acre site in the northeast quadrant of the San Felipe Road/Yerba Buena Road intersection. Montgomery Hill Park is adjacent to the easterly boundary of the campus and Evergreen Creek forms the northerly boundary. Figure 9 is an aerial photograph that shows the site and the surrounding area. The site is designated *Public/Quasi-Public* in the General Plan and is currently zoned R-1-5 (5 residential dwelling units per acre).

The portion of the 165-acre campus that is part of the EEHVS is a 27-acre site that is located in the western portion of the campus (see Figure 9). The Community College District offices and a criminal justice training center occupy part of the 27 acres, with the balance of the site being vacant.

[13] PD Zoning 99057.

#### 2.1.6.1 *Scenario I*

Under Scenario I, the No Project Alternative, the use of the 27-acre Evergreen Valley College property would remain unchanged from existing conditions. Under Scenario I, the site could potentially redevelop in accordance with its existing R-1-5 zoning. The extent of such development would, however, be limited to that which could comply with the existing EDP. The traffic mitigation requirements of the existing EDP are substantial and, in effect, have limited new development approvals in Evergreen. Therefore, it is likely that future new development on the Evergreen Valley College property under Scenario I would be very limited.

#### 2.1.6.2 *Scenarios II-VI*

Under Scenarios II-VI, the existing offices and criminal justice training center would be demolished. The General Plan land use designations and zonings on the property would be changed to allow for the site's redevelopment with residential, commercial, public, and park/open space uses. Figure 12 depicts a conceptual site layout plan, with the final layout and densities to be based upon which development scenario is approved by the City. As shown in Table 12, the maximum number of residential dwelling units would range from a low of 275 under Scenario II to a high of 500 under Scenarios V and VI. The maximum amount of new office and commercial uses, which would be 75,000 square feet and 100,000 square feet, respectively, would be the same for Scenarios II-VI. Approximately one acre of the site would be for park/open spaces uses. Finally, a new branch of the San José Public Library would be constructed on a 2-acre area under Scenarios II-VI.

**Residential Uses**

Under Scenarios II-VI, the new residences would consist of multi-family units and townhouses in buildings ranging from two to four stories in height over partially depressed parking. The residences would be located in the central portion of the site. All setbacks and other applicable criteria of the San José Residential Design Guidelines will be adhered to by the project.

**Office Uses**

Under Scenarios II-VI, up to 95,000 square feet of office uses would be constructed on the Evergreen Valley College property. This would represent an increase of 75,000 square feet over existing conditions since the project would demolish a building that contains 20,000 square feet of office uses. The office building would be located in the southeast portion of the site and would be up to four stories in height. Parking would be in an adjacent surface lot. All setbacks and other applicable criteria of the San José Commercial Design Guidelines will be adhered to by the project.

Figure 12 Evergreen Valley College Property Conceptual Land Use Plan

**T A B L E 1 2**

**EVERGREEN VALLEY COLLEGE PROPERTY DEVELOPMENT SCENARIOS**

| | Scenario I | Scenario II | Scenario III | Scenario IV | Scenario V | Scenario VI |
|---|---|---|---|---|---|---|
| Residential* (dwelling units) | 0 | 275 | 300 | 330 | 500 | 500 |
| Office* (square feet) | 20,000 [existing] | 75,000 [net increase] | 75,000 [net increase] | 75,000 [net increase] | 75,000 [net increase] | 75,000 [net increase] |
| Educational (square feet) | 32,000 [existing] | -32,000 [net decrease] | -32,000 [net decrease] | -32,000 [net decrease] | -32,000 [net decrease] | -32,000 [net decrease] |
| Commercial* (square feet) | 0 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 |
| Library (acres) | 0 | 2 | 2 | 2 | 2 | 2 |
| Park/Open Space (acres) | See Note a | 1 | 1 | 1 | 1 | 1 |

Note a: A significant portion of the site is currently undeveloped open space.

*Numbers for residential, office, and commercial uses are maximums.

The existing Community College District offices (20,000 square feet) and criminal justice training center (32,000 square feet) would remain under Scenario I, but would be demolished under Scenarios II-VI. Under Scenarios II-VI, the District offices may utilize a portion of the new office space or other existing office space on the adjacent campus. The future location of the criminal justice training center is not known and is not part of the project.

### Commercial Uses

Under Scenarios II-VI, up to 100,000 square feet of commercial retail uses would be constructed on the Evergreen Valley College property. The uses would be concentrated in the westerly part of the site adjacent to the existing shopping center that is located on the northeast corner of San Felipe and Yerba Buena Roads. The buildings housing the retail would be single-story. Parking would be in adjacent surface lots. All setbacks and other applicable criteria of the San José Commercial Design Guidelines will be adhered to by the project.

**Public Uses**

Under Scenarios II-VI, the project applicant will reserve a 2-acre parcel on the site, which would be located north of Yerba Buena Road, so that a branch library can be built. The City would construct the new Southeast Branch Library at this location; see Section 2.2.22 for details.

**Park/Open Space Uses**

Under Scenarios II-VI, approximately one acre of the site would be for park/open space uses.

**Circulation and Parking**

Access to the site would be from both San Felipe Road and Yerba Buena Road. The San Felipe Road access would utilize the existing entrance to the campus known as Paseo de Arboles. Onsite parking would be provided in accordance with the requirements of the San José Zoning Ordinance, the San José Residential Design Guidelines, and the San José Commercial Design Guidelines. [Note: Additional analysis of onsite traffic operations will be required after a final site plan is developed.]

### 2.1.7 Other General Plan Amendments

Appendix E of the *San José 2020 General Plan* identifies those roadways in the City that are designated as Major Collector Streets. A major collector (60-90 ft. right-of-way), which can be two or four lanes, serves internal traffic within an area and connects this area with the arterial system.

As part of the EEHVS, the City is proposing to decrease the number of planned traffic lanes on a number of major collector streets in Evergreen from four to two, as shown in Table 13. Based on the most current traffic projections, the City believes that four lanes on these streets are not needed to accommodate future demand.

The EEHVS includes a proposed amendment to the text of the General Plan for the purpose of allowing buildings with heights of up to 60 feet on the Evergreen Valley College property. The existing height limit for this site is 50 feet.

**T A B L E 1 3**

**PROPOSED REDUCTION IN THE NUMBER OF PLANNED TRAFFIC LANES ON A NUMBER OF MAJOR COLLECTOR STREETS**

| Street Name | Segment | # of Lanes Planned for Year 2020 | |
|---|---|---|---|
| | | Approved GP | Proposed GP |
| Delta Road | entire length | 4 | see Note a |
| Murillo Avenue | Tully Road - Aborn Road | 4 | 2 |
| Nieman Boulevard | entire length | 4 | 2 |
| Quimby Road | east of White Road | 4 | 2 |
| Ruby Avenue | Kohler Avenue to Aborn Road | 4 | 2 |
| Ruby Avenue | Fowler Road to Delta Road | 4 | see Note a |
| Yerba Buena Road [b] | Old Yerba Buena Road - Aborn Road | 4 | 2 |

[a] Street would no longer be designated in the General Plan as a Major Collector.

[b] Street would remain as a 4-lane Major Collector under Scenarios I and VI.

**Note:** As with all streets in the City of San José, the number of lanes at intersections may be greater than shown in this table, so as to accommodate left-turns, thru traffic, and/or right-turns.

## 2.2 TRANSPORTATION AND COMMUNITY AMENITY PROJECTS

Consistent with the project objectives listed in Section 1.4, an important component of the EEHVS is the construction of various transportation and community amenity projects in the Evergreen • East Hills area. This section describes those projects.

The transportation and community amenity projects, which are listed in Tables 14 and 15, will receive funding from the developers of the opportunity sites, a community financing district, any other financing mechanism, or a combination thereof. The amount of funds that will be available to finance these improvements will, however, vary among Scenarios II - VI.

The transportation and community amenity projects fall into two general categories:

- Required Transportation Projects: These projects, which are listed in Table 14 and depicted on Figure 13, are assumed to be fully funded by an EEHVS financing plan, irrespective of which scenario is approved.

Figure 13

**T A B L E 1 4**

**REQUIRED TRANSPORTATION IMPROVEMENTS TO BE FUNDED BY THE EEHVS**

Operational Improvements on U.S. 101 between 280/680 & Yerba Buena Road [2.2.1]

Reconfigure White Road to 6 lanes between Ocala Avenue & Aborn Road [2.2.2]

Reconfigure Ocala Avenue to 4 lanes between Capitol Expressway & White Road [2.2.3]

Improvements to Capitol Expressway between U.S. 101 & Quimby Road [2.2.4]

Intersection Improvements [2.2.5]
- >> White Road/Ocala Avenue/Marten Avenue
- >> White Road/Tully Road
- >> White Road/Norwood Avenue
- >> White Road/Quimby Road
- >> White Road/Stevens Lane
- >> White Road/Aborn Road/San Felipe Road
- >> Yerba Buena Road/San Felipe Road
- >> Yerba Buena Road/Silver Creek Road
- >> King Road/Tully Road
- >> Aborn Road/Ruby Avenue
- >> Capitol Expressway/Quimby Road
- >> Capitol Expressway/Aborn Road
- >> Capitol Expressway/Silver Creek Road
- >> Capitol Expressway/McLaughlin Avenue

New Traffic Signals [2.2.6]
- >> Aborn Road/Murillo Avenue
- >> Ruby Avenue/Norwood Avenue
- >> I-680 Ramps (N)/Jackson Avenue
- >> King Road/Everglade Avenue
- >> Quimby Road/Gavilan Drive
- >> Ruby Avenue/Tully Road
- >> Quimby Road/Arcade Drive
- >> Story Road/Clayton Road
- >> Marten Avenue/Flint Avenue
- >> Yerba Buena Road/Evergreen Valley College
- >> Aborn Road at Voltaire Street.

[x.x.x.x] - EIR section where the improvement is described

Figure 14

**T A B L E 1 5**

**COMMUNITY IMPROVEMENT PROJECTS TO BE FUNDED[a] BY THE EEHVS**

| |
|---|
| Miscellaneous Transportation Improvements [2.2.7] |
| Evergreen Little League Sports Complex [2.2.8] |
| Lake Cunningham Regional Skate Park [2.2.9] |
| Upper Silver Creek Trail Extension [2.2.10] |
| Lake Cunningham Park Improvements [2.2.11] |
| Sports and Recreational Facility Improvements at Schools [2.2.12] |
| Third Classroom at the Evergreen Community Center [2.2.13] |
| Recreational Improvements at Boeger/Foothill Schools & Fernish Park [2.2.14] |
| Development of Falls Creek Park [2.2.15] |
| Renovation of Boggini Park [2.2.16] |
| Evergreen Park Renovation & Improvements [2.2.17] |
| Renovation of Brigadoon Park [2.2.18] |
| Development of Fowler Creek Park [2.2.19] |
| New Trail and Open Space Connections [2.2.20] |
| Ice Skating Rink [2.2.21] |
| Expansion of Planned Southeast Branch Library [2.2.22] |
| Arcadia Adult Sports Complex and Community/Youth Center [2.2.23] |
| Thompson Creek Trail [2.2.24] |
| Pedestrian Overcrossing on Capitol Expressway near Nieman Boulevard [2.2.25] |

[a] The level of EEHVS funding for each project will be determined by the City Council.

[x.x.x.x] - EIR section where the improvement is described

- Community Amenity Projects: These projects, which are listed in Table 15 and depicted on Figure 14, represent those improvements that *may* receive funding through an EEHVS financing plan. The percentage of each project's total cost that would be funded through the EEHVS financing program has not been determined; EEHVS-related contributions will vary and could range from no funding to full funding.

The following text provides a description of both the transportation improvements and the community amenity projects.

### 2.2.1 Operational Improvements on U.S. 101

As shown on Figure 15, the following improvements will be constructed on U.S. 101 between the I-280/I-680 interchange and the Yerba Buena Road interchange:

- An additional lane in the southbound direction from just south of Story Road to Yerba Buena Road.
- Reconfiguration of the U.S. 101/Tully Road interchange, converting the interchange from a full cloverleaf design to a partial cloverleaf design.[14]
- Reconfiguration of the U.S. 101/Capitol Expressway interchange, converting the interchange from a full cloverleaf design to a partial cloverleaf design.
- An auxiliary lane[15] in the southbound direction between the Tully Road and Capitol Expressway interchanges.
- Modification of the Northbound On-ramp at the U.S. 101/Yerba Buena Road interchange, to allow traffic from Yerba Buena Road to enter the freeway before Capitol Expressway.
- Modification of the Southbound Off-ramp at the U.S. 101/Yerba Buena Road interchange, to allow traffic to exit the freeway after Capitol Expressway.

All of these improvements will be constructed within the existing Caltrans right-of-way.

[14]A "full cloverleaf design" has loop ramps in all four quadrants of the interchange. A "partial cloverleaf design" replaces one or more of the loop ramps with diagonal ramps. Partial cloverleaf designs result in improved traffic operations at locations where traffic volumes are high.

[15]An auxiliary lane typically extends between two adjacent interchanges. It improves weaving and overall freeway operations. It is not a "thru" lane; traffic in an auxiliary lane must either merge into the adjacent thru lane or exit the freeway at the next off-ramp.

Figure 15 Operational Improvements on U.S. 101

### 2.2.2 Reconfigure White Road between Ocala Avenue and Aborn Road

White Road will be widened to six lanes, three in each direction, between Ocala Avenue on the north and Aborn Road on the south, a distance of approximately 2.1 miles. Within this segment, there is one location where White Road will remain four lanes due to insufficient right-of-way: an approximately 0.1-mile section between Remington Way and Stutz Way. [Note: The additional right-of-way needed to widen this 0.1-mile segment to six lanes would require the acquisition of four residences.]

Bike lanes will be included as part of the improvements and new traffic signals will be installed on White Road at Allenwood Drive and D'Amico Drive. Other improvements will include a new landscaped median island within the project limits, except between Remington Way and Stutz Way. The median island will have the effect of restricting left turns to/from White Road to various signalized and non-signalized intersections; mid-block left turns will no longer be permitted. In addition, left turns from the following side streets onto White Road will be prohibited: Sylvan Drive, Glen Como Way, and Westgrove Lane.

The above-described improvements to White Road will occur within the existing right-of-way. In many areas, the improvements will only require a restriping of existing pavement. In other locations, additional pavement will be needed, along with curb, gutter, and sidewalk additions.

### 2.2.3 Reconfigure Ocala Avenue between Capitol Expressway and White Road

Ocala Avenue will be widened to four lanes, two in each direction, between Capitol Expressway on the west and White Road on the east, a distance of approximately 0.7 miles. The work will occur within the existing right-of-way and the "widening" will consist of restriping a short segment of pavement just west of White Road.

### 2.2.4 Improvements along Capitol Expressway between Quimby Road and U.S. 101

The existing High Occupancy Vehicle (HOV) lanes between U.S. 101 and Nieman Boulevard will be converted to "mixed-flow" lanes, meaning that their use during weekday peak commute periods will no longer be restricted to vehicles with two or more occupants. [Note: Independently of this project, the planned and approved Capitol Expressway LRT extension will be removing the HOV lanes on Capitol Expressway between Nieman Boulevard and I-680.]

Other improvements on Capitol Expressway between U.S. 101 and Quimby Road will consist of the addition of sidewalks, landscaping of the median, the addition of street lights, the planting of trees, pavement work, and traffic signal upgrade/modification. All work will occur within the existing right-of-way. The timing of these improvements will coincide with the LRT project and/or the relinquishment of Capitol Expressway from County jurisdiction to City jurisdiction. [Note: Independently of this project, the ownership and operation of Capitol Expressway is proposed to be transferred from the County of Santa Clara to the City of San José.]

### 2.2.5 Intersection Improvements

**White Road/Ocala Avenue/Marten Avenue**

The capacity of the White Road/Ocala Avenue/Marten Avenue intersection will be increased by implementing the following improvements: 1) a second westbound thru lane will be added, and 2) the eastbound approach will be restriped to accommodate a second thru lane. These improvements will require additional right-of-way; see Table 16 for details.

**TABLE 16**

**RIGHT-OF-WAY REQUIRED FOR TRANSPORTATION IMPROVEMENTS**

| APN | Property Address | Existing Land Use | ROW Required[a] | Impact of Acquisition | Associated Project |
|---|---|---|---|---|---|
| 647-33-004 | 1750 S. White Rd. | Mt Pleasant High School | 3,500 $ft^2$ (≅6' strip) | partial loss of landscaping | White/Ocala Intersection |
| 670-15-019 | 3197 Silver Creek Rd. | commer-cial | 650 $ft^2$ (≅3' strip) | partial loss of landscaping | Capitol/Silver Creek Intersection |
| 491-25-034 | 1685 Tully Rd. | super-market | 1,700 $ft^2$ (≅4' strip) | partial loss of landscaping | King/Tully Intersection |
| 670-02-007 | 1698 Tully Rd. | service station | 600 $ft^2$ (≅4' strip) | loss of 1 pump island | King/Tully Intersection |
| 670-02-034 | 1696 Tully Rd. | restaur-ant | 600 $ft^2$ (≅4' strip) | partial loss of landscaping | King/Tully Intersection |

APN = Assessor's Parcel Number ROW = Right-of-Way

[a] Right-of-way requirements are estimates and are subject to revision.

**White Road/Tully Road**

The capacity of the White Road/Tully Road intersection will be increased by implementing the following improvements: 1) a second left-turn lane will be added to each of the four approaches to the intersection, 2) a third southbound thru lane will be added, 3) a third northbound thru lane will be added, and 4) a third eastbound thru lane will be added. All work will occur within the existing right-of-way.

**White Road/Norwood Avenue**

The capacity of the White Road/Norwood Avenue intersection will be increased by implementing the following improvements: 1) a third southbound thru lane will be added, 2) a third northbound thru lane will be added, and 3) a left/U-turn lane will be added to the northbound White Road approach. All work will occur within the existing right-of-way.

**White Road/Quimby Road**

The capacity of the White Road/Quimby Road intersection will be increased by implementing the following improvements: 1) a second left-turn lane will be added to each of the four approaches to the intersection, 2) a third southbound thru lane will be added, and 3) a third northbound thru lane will be added. All work will occur within the existing right-of-way.

**White Road/Stevens Lane**

The capacity of the White Road/Stevens Lane intersection will be increased by implementing the following improvements: 1) a third northbound thru lane will be added, and 2) a left/U-turn lane will be added to the northbound White Road approach. All work will occur within the existing right-of-way.

**White Road/Aborn Road/San Felipe Road**

The capacity of the White Road/Aborn Road/San Felipe Road intersection will be increased by implementing the following improvements: 1) a second left-turn lane from westbound Aborn Road to southbound San Felipe Road will be added, and 2) a third southbound thru lane will be added. All work will occur within the existing right-of-way.

**Yerba Buena Road/San Felipe Road**

The capacity of the Yerba Buena Road/San Felipe Road intersection will be increased by implementing the following improvements: 1) a second left-turn lane from eastbound Yerba Buena Road to northbound San Felipe Road will be added, 2) a second left-turn lane from westbound Yerba Buena Road to southbound San Felipe Road will be added, 3) a second left-turn lane from southbound San Felipe Road to eastbound Yerba Buena Road will be added, and 4) the northbound left-turn pockets will be extended. All work will occur within the existing right-of-way.

**Yerba Buena Road/Silver Creek Road**

The operation of the Yerba Buena Road/Silver Creek Road intersection will be improved by 1) realigning the eastbound and westbound lanes, and 2) extending the southbound left-turn pocket. These improvements will occur within the existing right-of-way.

**King Road/Tully Road**

The capacity of the King Road/Tully Road intersection will be increased by implementing the following improvements: 1) a second left-turn lane from southbound King Road to eastbound Tully Road will be added, and 2) a right-turn lane from eastbound Tully Road to southbound King Road will be added. These improvements will require additional right-of-way; see Table 16 for details.

**Aborn Road/Ruby Avenue**

The operation of the Aborn Road/Ruby Avenue intersection will be improved by modifying the phasing of the existing traffic signal. The modification will provide for protected left-turns from Ruby Avenue to Aborn Road.[16]

**Capitol Expressway/Quimby Road**

The operation of the Capitol Expressway/Quimby Road intersection will be improved by adding a second left-turn lane from eastbound Quimby Road to northbound Capitol Expressway. This improvement will be implemented within the existing right-of-way.

**Capitol Expressway/Aborn Road**

The capacity of the Capitol Expressway/Aborn Road intersection will be increased by adding a second left-turn lane from northbound Capitol Expressway to westbound Aborn Road. All work will occur within the existing right-of-way.

**Capitol Expressway/Silver Creek Road**

The operation of the Capitol Expressway/Silver Creek Road intersection will be improved by 1) widening the curb along the west quadrant of the intersection to accommodate vehicles turning into the adjacent shopping center, and 2) extending the eastbound left-turn pocket. These improvements will require additional right-of-way; see Table 16 for details.

**Capitol Expressway/McLaughlin Avenue**

The operation of the Capitol Expressway/McLaughlin Avenue intersection will be improved by 1) adding a second left-turn lane from northbound McLaughlin Avenue to westbound Capitol Expressway, 2) adding a second left-turn lane from southbound McLaughlin Avenue to eastbound Capitol Expressway, and 3) modifying the signal phasing. These improvements will be implemented within the existing right-of-way.

[16]A "protected" left-turn is where the turn is made on a green arrow with thru traffic in the opposite direction stopped by a red light.

### 2.2.6 New Traffic Signals

New traffic signals will be installed at the following intersections: 1) Aborn Road at Murillo Avenue; 2) Ruby Avenue at Norwood Avenue; 3) I-680 Ramps (N) at Jackson Avenue; 4) King Road at Everglade Avenue; 5) Quimby Road at Gavilan Drive, 6) Ruby Avenue at Tully Road; 7) Quimby Road at Arcade Drive; 8) Story Road at Clayton Road; 9) Marten Avenue at Flint Avenue; 10) Yerba Buena Road at Evergreen Valley College; and 11) Aborn Road at Voltaire Street.

### 2.2.7 Miscellaneous Transportation Improvements

The EEHVS may contribute funds toward one or more transportation improvement projects at to-be-determined locations in the EDP area. Such improvements may include, but would not necessarily be limited to, new traffic signals, new bicycle lanes, traffic calming, interconnection of traffic signals, new/enhanced transit stops, transit shuttles, street curb ramps for wheelchair accessibility, new street trees, other potential intersection/traffic signal modifications, and median landscaping.

### 2.2.8 Evergreen Little League Sports Complex

This project consists of an approximately 12-acre sports complex for the Evergreen Little League along the east side of Yerba Buena Road in the southwest corner of the Legacy Partners site. The complex, which would be owned by the City, will include three baseball fields, picnic tables, a support building (restrooms, concessions, storage, etc.), and a maintenance building. A conceptual site plan for this facility is shown on Figure 16.

Parking for the sports complex will consist of approximately 55 diagonal spaces along the Yerba Buena Road frontage. Usage of the facility will be limited to daylight hours because no lighting will be installed. The facility will not include a public address system.

### 2.2.9 Lake Cunningham Regional Skate Park

This project consists of a new regional skate park on an approximately 3-acre site within Lake Cunningham Regional Park, which is a 202-acre facility that is bounded by Capitol Expressway on the west, Tully Road on the south, White Road on the east, and Cunningham Avenue on the north. The proposed site for the skate park, which is vacant, is located in the southeast corner of the park.

The skate park will include approximately 50,000 square feet of skateable area with both a bowl and street elements to allow for combined use by skaters, inline skaters, and bikers. The facility will include a drop-off area along Tully Road, as well as parking for approximately 44 vehicles, with access to the parking lot provided via the existing entrances to the park on Tully and White Roads. The skate park will also include an approximately 2,000 square foot building to house restrooms, concessions, lockers, showers, and a pro shop.

Figure 16 Evergreen Little League Facility Conceptual Plan

The skate park was the subject of a feasibility study that was completed in 2003.[17] The City is presently revising the *1990 Lake Cunningham Master Plan* to include the regional skate park. The revision to the Master Plan is necessary because the 3-acre site for the skate park is currently designated for a future swim lagoon.

### 2.2.10 Upper Silver Creek Trail Extension

This project is the construction of a 0.5-mile segment of the Upper Silver Creek Trail within Silver Creek Linear Park (see Figure 14). The trail, which will extend from Hassler Parkway on the south to the Park's picnic area on the north, will generally parallel Old Silver Creek Road. It will have a paved width of 12 feet with 2-foot shoulders. The new trail segment will connect to existing segments of the Upper Silver Creek Trail to the north and south.

The trail is included as part of the *Silver Creek Linear Park Master Plan Report*, which was approved by the San José City Council on November 15, 1994.

### 2.2.11 Lake Cunningham Park Improvements

This project will construct a number of improvements that are identified in the approved *1990 Lake Cunningham Park Master Plan.*[18] The improvements may include an emergency access road, an amphitheater, additional restrooms, park headquarters, and/or a food concession building.

### 2.2.12 Sports and Recreational Facility Improvements at Schools

The City of San José's *Greenprint, 20-Year Strategic Plan for Parks, Community Facilities and Programs*[19] recommends improvements to sports and recreational facilities at to-be-determined schools in the EDP area. The identification of the schools and the specific improvements to be constructed will be made through joint collaboration between the City and the school districts, with substantial input from the neighborhoods and the community. When specific improvements and locations are determined, environmental review under CEQA will occur.

The EEHVS may provide some funding toward the cost of designing and/or constructing some of the facility improvements. The funding will most likely be in the form of grants to the school districts.

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[17]"Lake Cunningham Regional Skate Park Feasibility Study", prepared by the beals group for the City of San José, February 2003.

[18]The original Master Plan for Lake Cunningham Park was approved in 1978. The Master Plan was revised in 1983 to include a water-theme attraction (i.e., Raging Waters), and again in 1990 for the purpose of improving circulation, parking, trails, and other facilities.

[19]The *Greenprint*, which was adopted by the City Council on September 5, 2000, addresses future recreational/community facility needs within each of the ten city council districts in San José.

### 2.2.13 Third Classroom at the Evergreen Community Center

The Evergreen Community Center is located within Evergreen Park, in the southeast quadrant of the Yerba Buena Road/San Felipe Road intersection (see Figure 14). In 2002, the City Council approved an expansion of the Community Center, consisting of three new classrooms and additional onsite parking. Two of the three classrooms and the additional parking have been constructed.

### 2.2.14 Recreational Improvements at Boeger/Foothill Schools & Fernish Park

August Boeger Junior High School, Foothill Intermediate School, and Fernish Park occupy adjacent sites. The sites, which total roughly 38 acres, are located on the south side of Marten Avenue between Flint Avenue and Fernish Drive (see Figure 14). The City and the Mount Pleasant School District have been collaborating on a proposed joint effort to renovate and expand the sports and recreational facilities at the two schools and park.

The planning phase for these improvements, including community input, is not yet completed. Improvements being considered include additional little league/softball fields, soccer fields, onsite parking, picnic areas, walkways, landscaping, and building(s) for restrooms, concessions, and maintenance. Renovation of existing facilities would also occur. When specific improvements are determined, environmental review under CEQA will occur.

### 2.2.15 Development of Falls Creek Park

Falls Creek Park is an approximately 1-acre undeveloped park site that is located at the east end of Bowery Lane (see Figure 14).[20] The site was dedicated to the City of San José by the developer of a 142-lot residential subdivision known as *Madison by Brookfield*.[21]

The City plans to develop this site into a typical neighborhood-serving park with facilities such as a combination tot/youth lot, turf area, landscaping, a small picnic area, pathways, etc. Specific facilities will be determined through a park master planning process, which will include substantial input from the neighborhood. When specific improvements are determined, environmental review under CEQA will occur.

### 2.2.16 Renovation of Boggini Park

Boggini Park is located on a 10-acre site that is bounded by Remington Way on the north, Millbrook Avenue on the west, Stevens Lane on the south, and Quimby Oak Middle School on the east (see Figure

[20] Assessor's Parcel Number 660-22-135, 1.05 acres, owned by the City of San José.

[21] The project (File Number T00-05-077) was approved on November 8, 2000.

14). The park, which is owned and operated by the City of San José, contains a picnic area with barbeque facilities, a playground, a softball field, and a soccer field.

This project will renovate the existing facilities within Boggini Park. The extent of the renovation will be determined by the City, with substantial input from the neighborhood. When specific improvements are determined, environmental review under CEQA will occur.

### 2.2.17 Evergreen Park Renovation and Improvements

Evergreen Park is located on a 16.4-acre site that is bounded by Yerba Buena Road on the north, San Felipe Road on the west, Park Estates Way on the south, and Villa Vista Road on the east (see Figure 14). The park, which is owned and operated by the City of San José, contains a picnic area with barbeque facilities, a playground, and restrooms.

This project will renovate the existing facilities within Evergreen Park. The project will also implement signage, trail, and landscaping improvements along the northerly edge of the park (i.e., along the south side of Yerba Buena Road), such improvements identified in the approved *Montgomery Hill Evergreen Park Master Plan.* Due to proximity to Yerba Buena Creek, these improvements will comply with the design and setback requirements of the City's *Riparian Corridor Policy Study*.

### 2.2.18 Renovation of Brigadoon Park

Brigadoon Park is located on a 5.5-acre site that is bounded by Daniel Maloney Drive on the north, Brigadoon Way on the west, Camperdown Way on the south, and Montgomery Elementary School on the east (see Figure 14). The park, which is owned and operated by the City of San José, contains a picnic area with barbeque facilities and two playgrounds.

The project will renovate the existing park facilities. Dependent upon the outcome of a planning and community input process, the renovation may include the addition of a skate park, possibly in the open area located in the northeast corner of the park. Neighborhood skate parks in San José typically consist of about 9,000 to 10,000 square feet of skateable area. When specific improvements are determined, environmental review under CEQA will occur.

### 2.2.19 Development of Fowler Creek Park

Fowler Creek Park is located on a 12-acre site that is bounded by Michaelangelo Drive and Strada Circle on the north, Botticelli Drive and Angelico Drive on the west, Cortona Drive on the south, and Altia Drive on the east (see Figure 14). In 2003, the City Council approved the *Fowler Creek Park Master Plan Report*, which contains the blueprint for the development of this City-owned facility.[22] The park,

[22]The *Fowler Creek Park Master Plan* was approved on October 21, 2003 (PP03-09-288). The Master Plan is a revision to the original (1988) master plan for Fowler Creek Park.

which is envisioned to be developed in three phases, will include a community center, a swim center, a playground/tot lot, tennis courts, bocce ball courts, family and group picnic areas, an open turf area, pathways, a hilltop overlook area, a water play area, restrooms, onsite parking, lighting, and landscaping.

The City anticipates commencing construction on the Phase 1 improvements in 2006. Phase 1 improvements include most of the above-described improvements except for the community and swim centers.

### 2.2.20 New Trail and Open Space Connections

The proposed development of the Berg/IDS and Legacy Partners properties, which is described above, includes new trail and open space connections.

### 2.2.21 Ice Skating Rink

This project will construct an ice skating rink at a to-be-determined location in the EDP area. The new ice skating rink would replace the rink that was recently demolished as part of the renovation of the Eastridge Shopping Mall. The building design for the new rink would include one sheet of ice, office space, concession rental space, a food concession area, restrooms, and changing rooms. Off-street parking would also be provided.

When the proposed location, size, and scope of this facility are determined, environmental review under CEQA will occur prior to its approval.

### 2.2.22 Expansion of Planned Southeast Branch Library

The City of San José is planning on constructing a new branch library in Evergreen, to be known as the Southeast Branch. The library would be approximately 12,000 square feet in size and would be located on a site that is presently part of the Evergreen Valley College campus (see Figure 12). Funding will consist of bonds issued under the Branch Library Bond Measure, as approved by voters in November of 2000.[23]

Under the proposed project, the size of the planned Southeast Branch would be increased by 11,000 square feet, bringing the size of the 1- or 2-story building to 23,000 square feet. Access to the library would be via Yerba Buena Road. Approximately 66 off-street parking spaces will be provided for patrons.[24]

[23]San José's Branch Library Bond Measure is expected to provide $212 million over ten years for the construction of six new branch libraries and 14 expanded branch libraries.

[24]Public parking standards for branch libraries in San José are one space per 250 square feet for the first 10,000 square feet of building, and one space per 500 square feet of building over 10,000 square feet.

### 2.2.23 Arcadia Adult Sports Complex and Community/Youth Center

On November 20, 2001, the City Council approved the *West Evergreen Neighborhood Improvement Plan*.[25] The top priority in this Plan is the expansion and improvement of Meadowfair Park, including a new community/youth center, a new gymnasium, and a new adult sports complex. Meadowfair Park is located on an 8.4-acre site near the intersection of Barberry Lane and Corda Drive, adjacent to LeyVa Middle School (see Figure 14). The park, which is owned and operated by the City of San José, contains a picnic area with barbeque facilities, a playground, soccer field, and restrooms.

This project would construct a new public park in the vicinity of Meadowfair Park. The new park would be an approximately 15-acre facility in the northeast portion of the Arcadia Property. As shown on Figure 17 and as described below, the new park would include a new community/youth center, swimming pools, and an adult sports complex with softball and soccer fields. This location is proposed as the park site because 1) it would create a buffer between the existing neighborhood adjacent to Meadowfair Park and the sports complex, and 2) unlike residences, it is compatible with the Reid-Hillview Airport safety zone in which it would be constructed.

The southerly portion of the park site would include a new community center (approximately 40,000 square feet) and two outdoor swimming pools. [Note: Figure 17 includes an alternate location for the community center.] The northerly portion of the park would consist of the outdoor adult sports complex, which would include two softball and two soccer fields. The fields would have lighting for nighttime use and a public address system would be installed. The complex would include a building for restrooms and concessions. The park would include parking for a minimum of 235 vehicles.

The City projects that there would be an average of approximately 30 people in attendance at each game on each field. Thus, if games were played on all four fields simultaneously, total attendance is projected to average approximately 120 persons.

### 2.2.24 Thompson Creek Trail

On April 26, 2005, the City Council adopted the *Thompson Creek Trail Master Plan*.[26] The project will construct a multi-use recreational trail along Thompson Creek between Lake Cunningham Park on the north and San Felipe Road/Heartland Way on the south (see Figure 14). The trail, which will be approximately seven miles in length when all segments are constructed, will typically consist of a 12-foot paved pathway. Due to its proximity to the riparian habitat of Thompson Creek, the trail design and alignment will comply with the requirements of City's *Riparian Corridor Policy Study*.

[25]The *West Evergreen Neighborhood Improvement Plan* is part of the City's *Strong Neighborhoods Initiative (SNI) Redevelopment Program*. The SNI sets forth goals, objectives, programs, and projects to preserve and revitalize 22 neighborhoods located throughout San José.

[26]PP04-283. CEQA clearance was an Initial Study/Mitigated Negative Declaration.

Figure 17 Arcadia Community Center/Sports Complex Conceptual Site Plan

### 2.2.25 Pedestrian Overcrossing on Capitol Expressway near Nieman Boulevard

Priority #15 in the adopted *West Evergreen Neighborhood Improvement Plan* is a new pedestrian and bicycle overcrossing on Capitol Expressway in the vicinity of Nieman Boulevard. One option would consist of integrating the overcrossing into the design of the planned Nieman LRT Station. The overcrossing would provide for a safer pedestrian/bicycle crossing of Capitol Expressway and would improve connections between local neighborhoods, parks, trails, and schools.

When the specific location and design of this overcrossing are determined, environmental review under CEQA will occur prior to its approval.

### 2.2.26 Renovation of Our Park

Our Park is located on a 0.5-acre site near the intersection of Story Road and Galahad Avenue. The park, which is owned and operated by the City of San José, contains a pedestrian walkway.

This project will renovate the existing facilities within Our Park. The extent of the renovation will be determined by the City, with substantial input from the neighborhood. When specific improvements are determined, environmental review under CEQA will occur.

### 2.2.27 Renovation of Hillview Park

Hillview Park is located on a 11.6-acre site at the intersection of Adrian Way and Ocala Avenue, just north of Reid-Hillview Airport (see Figure 14). The park, which is owned and operated by the City of San José, contains a picnic area with barbeque facilities, restrooms, a playground, a softball field, and a basketball court.

This project will renovate the existing facilities within Hillview Park. The extent of the renovation will be determined by the City, with substantial input from the neighborhood. When specific improvements are determined, environmental review under CEQA will occur.

### 2.2.28 Renovation of Mount Pleasant Park

Mount Pleasant Park is located on a 5.4-acre site at the intersection of Aramis Drive and Park Pleasant Circle (see Figure 14). The park, which is owned and operated by the City of San José, contains a picnic area with barbeque facilities, a playground, and two tennis courts.

This project will renovate the existing facilities within Mount Pleasant Park. The extent of the renovation will be determined by the City, with substantial input from the neighborhood. When specific improvements are determined, environmental review under CEQA will occur.

### 2.2.29 Renovation of Welch Park

Welch Park is located on a 11-acre site at the intersection of Clarice Drive and Huran Drive (see Figure 14). The park, which is owned and operated by the City of San José, contains a picnic area with barbeque facilities, restrooms, two playgrounds, a softball field, and a soccer field.

This project will renovate the existing facilities within Welch Park. The extent of the renovation will be determined by the City, with substantial input from the neighborhood. When specific improvements are determined, environmental review under CEQA will occur.

### 2.2.30 Renovation of Hank Lopez Community Center

The Hank Lopez Community Center is located at 1694 Adrian Way, adjacent to Hillview Park and just north of Reid-Hillview Airport (see Figure 14).

This project would renovate the community center, as well as the adjacent building that was formerly the Hillview Branch Library. The extent of the renovation will be determined by the City, with substantial input from the neighborhood. When specific improvements are determined, environmental review under CEQA will occur.

### 2.2.31 Improvements to Ocala Softball Fields

The Ocala Softballs Fields are located on the south side of Ocala Avenue between Capitol Expressway and White Road (see Figure 14). The facility consists of four lighted softball fields, which are part of the Ocala School and are owned by the Alum Rock School District. The School District is considering declaring this facility as a surplus site.

If the facility is declared surplus, this project would consist of the City taking it over. The softball fields would be preserved and improvements would be constructed, such as restrooms, off-street parking, and picnic areas. The extent of any improvements will be determined by the City, with substantial input from the neighborhood. When specific improvements are determined, environmental review under CEQA will occur.

## 2.3 PROPOSED REVISION TO THE EVERGREEN DEVELOPMENT POLICY

As described previously, the original *Evergreen Development Policy (EDP)* was adopted in 1976 and has undergone a number of subsequent revisions. Along with the San José General Plan, the EDP is an important document for the Evergreen • East Hills area because it provides a comprehensive policy framework for future development in the project area.

**Evergreen Development Policy**

The EDP is important because it is the document that ties the amount and timing of new development in the Evergreen • East Hills area to the implementation of specific transportation and community amenity improvement projects, and establishes a specific traffic level of service policy for the EDP area..

An important component of the EEHVS is a proposed revision to the existing EDP. The revision is necessary so that any future development that might be approved by the City as an outcome of the EEHVS will be timed and linked to the construction of specific transportation and community amenity improvement projects. A copy of the proposed revised EDP is found in Appendix B. The reader will note that the policy contains blank spaces as to amount of future development that would be allowed, because that decision has not yet been made. In fact, the primary purpose of this EIR is to describe and evaluate a range of future development scenarios for this part of San José.

## 2.4 INTERSECTION PROTECTION

As part of the EEHVS, the City is proposing to add the intersection of Capitol Expressway at Capitol Avenue to its list of "protected" intersections. A "protected" intersection is defined by San José's *Transportation Impact Policy* as one that is built to its maximum capacity, and the City has determined that further expansion would cause significant adverse effects upon existing or approved transit facilities, nearby land uses, or local neighborhoods. In the case of Capitol Expressway at Capitol Avenue, the intersection has been widened to its maximum capacity. Any further widening will directly affect the planned/approved Capitol Corridor light rail transit system.

The effect of adding Capitol Expressway/Capitol Avenue to the list of protected intersections is that any nearby development that impacts this intersection will not be required to expand the vehicular capacity of the intersection. Such development will, however, be required to pay directly for specific improvements to other segments of the citywide transportation system. Such improvements must increase overall transportation system capacity and/or enhance systems or facilities for mobile non-auto travel modes.[27]

[27]Source: Draft EIR for Modifications to the San José Transportation Impact Policy, 2004.

# SECTION 3. CONSISTENCY WITH ADOPTED PLANS

This section complies with CEQA Guidelines Section 15125(d), which requires an EIR to discuss any inconsistencies between the proposed project and applicable general plans and regional plans.

## 3.1 SAN JOSÉ 2020 GENERAL PLAN

The *San José 2020 General Plan* (the "General Plan") is the document that contains the City's official policies regarding the future character and quality of development in San José. The General Plan includes major strategies, along with numerous policies that are designed to achieve the goals that are embodied in the major strategies.

The following text describes those General Plan strategies and policies that are applicable to this phase of the EEHVS, as well as any inconsistencies between the two. To assist the reader, a summary of the text discussion is presented in Table 17.

### 3.1.1 Land Use/Transportation Diagram

The Land Use/Transportation Diagram is essentially a large map that depicts all of the existing and future land uses throughout San José, plus the primary transportation network that supports such land uses. The land uses that are shown on the Diagram are the product of comprehensive land use planning, with a goal of promoting efficient and compatible uses of land.

The existing land use designations for the five major properties that are included in the proposed project are shown in Table 4.

> **Consistency:** Scenario I (No Project) is consistent with the General Plan land use designations on each of the five major properties, as listed in Table 4. Scenarios II-V would change the land use designations on all five properties. Scenario VI is consistent with the land use designations on the Berg/IDS and Legacy Partners properties, but would change the land use designations on the Arcadia, Pleasant Hills Golf Course, and Evergreen Valley College properties.

### 3.1.2 Major Strategies

#### 3.1.2.1 *Economic Development Strategy*

The City of San José Economic Development Strategy strives to make San José a more "balanced community" by encouraging more commercial and industrial development to balance the existing residential development. San José currently has a surplus of housing in relation to employment opportunities, which is referred to as a jobs/housing imbalance. This imbalance makes it difficult to

**T A B L E 1 7**

**SUMMARY OF CONSISTENCY WITH SAN JOSÉ GENERAL PLAN**

**[ ● = scenario is inconsistent ]**

| Name of General Plan Strategy/Policy | EEHVS Scenario | | | | | |
|---|---|---|---|---|---|---|
| | I | II | III | IV | V | VI |
| **Land Use/Transportation Diagram** | | ● | ● | ● | ● | ● |
| **Major Strategies** | | | | | | |
| Economic Development Strategy | | ● | ● | ● | ● | |
| Housing Strategy | ● | | | | | |
| Sustainable City Strategy | | | | | | |
| Growth Management Strategy | | | | | | |
| **Balanced Community Policies** | | | | | | |
| #1: Achieve Jobs/Housing Balance | | ● | ● | ● | ● | |
| #2: Vary Residential Densities, Higher Densities near Transit | ● | | | | | |
| **Residential Land Use Policies** | | | | | | |
| #1: Provide Adequate Services/Facilities | | | | | | |
| #3: Higher Density Development near Transit | ● | | | | | |
| #5: Adequately Mitigate Hazards | | | | | | |
| **Commercial Land Use Policies** | | | | | | |
| #2: Locate New Commercial in Existing or New Shopping Centers | | | | | | |
| #11: Maximize Community Access | | | | | | |
| **Industrial Land Use Policies** | | | | | | |
| #2: Develop in Locations that Facilitate Efficient Commute Patterns | | ● | ● | ● | ● | |
| **Economic Development Policies** | | | | | | |
| #1: Strive for Jobs/Housing Balance | | ● | ● | ● | ● | |
| **Greenline/Urban Growth Boundary Policies** | | | | | | |
| #1: Keep Urban Development within Greenline | | | | | | |
| **Urban Design Policies** | | | | | | |
| #1: Utilize Architectural/Site Design Controls | | | | | | |
| #4: Provide Access to Parks/Open Space Areas | | | | | | |

**T A B L E 1 7**

**SUMMARY OF CONSISTENCY WITH SAN JOSÉ GENERAL PLAN**

**[ ● = scenario is inconsistent ]**

| Name of General Plan Strategy/Policy | EEHVS Scenario | | | | | |
|---|---|---|---|---|---|---|
| | I | II | III | IV | V | VI |
| #7: Place New Utility Lines Underground | | | | | | |
| #10: 50-Foot Building Height Limitation except near Rail Stations | | ● | ● | ● | ● | ● |
| **Housing Policies** | | | | | | |
| #1: Provide Variety/Mix of Housing Choices | ● | | | | | |
| **Level of Service Policies** | | | | | | |
| #2: New Development Should Finance Capital and Facility Needs | | | | | | |
| #5: Consistency with the Existing *Evergreen Development Policy* | | ● | ● | ● | ● | ● |
| #6: Maintain LOS D for Sanitary Sewers | | | | | | |
| #7: Approve Growth Only if Sewage Treatment Capacity is Available | | | | | | |
| #16: Consistency with LOS Goals for Police, Fire, Parks, and Libraries | | | | | | |
| #20: Maintain Communication between City and School Districts | | | | | | |
| #21: Early Discussion between Developers & School Districts | | | | | | |
| #22: Evaluate the Effects of Changing Population on Schools | | | | | | |
| #25: Fosters Joint Planning between City and School District | | | | | | |
| **Transportation Policies** | | | | | | |
| #48: Consider ALUC Safety Zones | | | | | | |
| #49: Dedicate Avigation Easements | | | | | | |
| **Historic, Archaeologic, Cultural Policies** | | | | | | |
| #8: Mitigate Impacts to Archaeological Resources | | | | | | |
| **Trails & Pathways Policies** | | | | | | |
| #1: Avoid Development within Trail Corridors | | | | | | |
| **Riparian/Wetlands Policies** | | | | | | |
| #2: Comply with Riparian Corridor Policy Study | | | | | | |
| **Species of Concern Policies** | | | | | | |
| #4: Mitigate for Loss of Burrowing Owl Habitat | ● | ● | ● | ● | ● | ● |

**T A B L E 1 7**

**SUMMARY OF CONSISTENCY WITH SAN JOSÉ GENERAL PLAN**

**[ ● = scenario is inconsistent ]**

| Name of General Plan Strategy/Policy | EEHVS Scenario | | | | | |
|---|---|---|---|---|---|---|
| | I | II | III | IV | V | VI |
| **Urban Forest Policies** | | | | | | |
| #2: Minimize & Mitigate for Tree Loss | | | | | | |
| **Water Resources Policies** | | | | | | |
| #12: Include Stormwater Runoff Controls in Projects | | | | | | |
| **Air Quality Policies** | | | | | | |
| #5: Design Development to Encourage Ridership at Transit Stations | ● | | | | | |
| **Energy Policies** | | | | | | |
| #1: Place Higher Density Development near Transit | ● | | | | | |
| #2: Consider Proximity of Jobs to Housing | | ● | ● | ● | ● | |
| #4: Consider the Energy Efficiency of New Development | | | | | | |
| **Hazards Policies** | | | | | | |
| #1: Develop only if Hazards are Mitigated | | | | | | |
| **Soils & Geologic Policies** | | | | | | |
| #6: Mitigate all Soils & Geologic Hazards | | | | | | |
| #9: Mitigate/Remediate Soils Contamination | | | | | | |
| **Earthquakes Policies** | | | | | | |
| #3: Develop only if Seismic Hazards are Mitigated | | | | | | |
| **Flooding Policies** | | | | | | |
| #1: Protect Development from 100-Year Flood | | | | | | |
| #7: Provide Adequate Onsite Stormwater Retention | | | | | | |
| **Noise Policies** | | | | | | |
| #1: Comply with City's Noise Goals | | | | | | |

provide adequate urban services because residential development does not generate sufficient revenue to cover service demands. Economic development is, therefore, a basic priority for San José.

> **Consistency:** Under Scenarios II-V, 320 acres of land in Evergreen that are designated for up to 4.66 million square feet of *Campus Industrial* land uses would be developed with residential uses, which would preclude 10,383 future jobs that are planned for by the City. Scenarios I and VI would retain the *Campus Industrial* uses. Thus, Scenarios I and VI would be consistent with this major strategy, while Scenarios II-V would be inconsistent with this major strategy. See Section 4.13, *Population, Jobs, and Housing*, for details.

#### 3.1.2.2 *Housing Strategy*

The goal of the City's Housing Strategy is to provide a wide variety of housing opportunities to meet the needs of all the economic segments of the community. The strategy seeks to maximize housing opportunities on infill parcels already served by the City. It also seeks to provide sufficient housing opportunities for new workers to encourage and support economic development. Finally, the strategy includes financial assistance and other measures to encourage the construction, rehabilitation, and conservation of affordable housing.

> **Consistency:** Scenario I would not be consistent with this strategy because it would result in only one type of housing, namely 217 single-family detached dwellings on large lots. Scenarios II-VI would be consistent with this strategy because they would result in a variety of housing types, as well as mixed uses at several locations.

#### 3.1.2.3 *Sustainable City Strategy*

The Sustainable City Strategy is a statement of the City's commitment to becoming an environmentally and economically sustainable city. Programs promoted under this strategy include recycling, waste disposal, water conservation, transportation demand management, and energy efficiency. The Sustainable City Strategy is intended to support these efforts by ensuring that development is designed and built in a manner consistent with the efficient use of resources and environmental protection.

> **Consistency:** Each of the EEHVS scenarios has features that support this strategy. For example, Scenarios I and VI will locate over 10,000 jobs near a large supply of housing. Scenarios II-VI will create high density mixed uses on the Arcadia property adjacent to a planned LRT Station. All of the EEHVS scenarios would constitute infill development. Therefore, the EEHVS is consistent with the sustainable city strategy.

#### 3.1.2.4 *Growth Management Strategy*

The purpose of the Growth Management Strategy is to find the delicate balance between the need to house new population and the need to balance the City's budget, while providing acceptable levels of service. The City's strategy for growth management can best be described as the prudent location of new development to maximize the efficient use of urban facilities and services and, to this end, the General Plan encourages infill development within urbanized areas.

> **Consistency:** All of the EEHVS scenarios constitute infill development within the City's Greenline/Urban Growth Boundary. Therefore, the EEHVS is consistent with the City's growth management strategy.

### 3.1.3 Goals and Policies[28]

The General Plan contains hundreds of policies regarding land use development, provision of services and facilities, and the protection of environmental resources. The following discussion focuses on those policies that are most relevant to the pending decisions regarding whether to approve the requested general plan amendments and zonings. Policies that will be addressed during subsequent design-specific entitlements (e.g., PD permits, site development permits, tentative maps, conditional use permits, etc.) are not discussed.

#### 3.1.3.1 *Balanced Community Policies*

Policy #1: The City should foster development patterns which will achieve a whole and complete community in San José, particularly with respect to improving the balance between jobs and economic development on one hand, and housing resources and a resident work force on the other.

> **Consistency:** Under Scenarios II-V, 320 acres of land in Evergreen that are designated for up to 4.66 million square feet of *Campus Industrial* land uses would be developed with residential uses, which would preclude 10,383 future jobs that are planned for by the City. Scenarios I and VI would retain the *Campus Industrial* uses. Thus, Scenarios I and VI would be consistent with this policy, while Scenarios II-V would be inconsistent with this policy. See Section 4.13, *Population, Jobs, and Housing*, for details.

Policy #2: Varied residential densities, housing types, styles, and tenure opportunities should be equitably and appropriately distributed throughout the community and integrated with the transportation system, including roads, bicycle, and pedestrian facilities. Higher densities are encouraged near passenger rail lines and other major transportation facilities to support the use of public transit.

[28] As amended through July 2004.

**Consistency:** Scenario I would not be consistent with this policy because a) it would result in only one type of housing, namely 217 single-family detached dwellings on large lots, and b) would not include higher density development near the planned Nieman LRT Station. Scenarios II-VI would be consistent with this policy because they would result in a) a variety of housing types, b) mixed uses at several locations, and c) higher density development adjacent to the planned Nieman LRT Station.

#### 3.1.3.2 *Residential Land Use Policies*

Policy #1: Residential development at urban densities (one dwelling unit per acre or greater) should be located only where adequate services and facilities can be feasibly provided.

**Consistency:** All of the residential development proposed by this project will be located within the City's existing Urban Service Area. Therefore, the EEHVS is consistent with this policy.

Policy #3: Higher residential densities should be distributed throughout the community. Locations near commercial and financial centers, employment centers, the rail transit stations and along bus transit routes are preferable for higher density housing.

**Consistency:** Scenario I would not be consistent with this policy because it would not include higher density housing near the planned Nieman LRT Station. Scenarios II-VI would be consistent with this policy because they would construct higher density housing adjacent to the planned Nieman LRT Station.

Policy #5: Residential development should be allowed in areas with identified hazards to human habitation only if those hazards are adequately mitigated.

**Consistency:** Based on the analyses found in Section 4, any geologic or hazardous materials risks will be avoided or mitigated prior to the construction of new residential development. Therefore, the EEHVS is consistent with this policy.

#### 3.1.3.3 *Commercial Land Use Policies*

Policy #2: New commercial uses should be located in existing or new shopping centers or in established strip commercial areas.

**Consistency:** All of the commercial uses proposed by the EEHVS will be located in existing or new shopping centers. Therefore, the EEHVS is consistent with this policy.

Policy #11: Commercial land in San José should be distributed in a manner that maximizes community accessibility to a variety of retail commercial outlets and services and minimizes the need for automobile travel.

> **Consistency:** The commercial uses proposed under Scenarios II-VI will be located throughout the project area for the purpose of maximizing community access to such services. Therefore, the EEHVS is consistent with this policy.

#### 3.1.3.4 *Industrial Land Use Policies*

Policy #2: The City should encourage the development of new industrial areas and the redevelopment of existing older or marginal industrial areas, particularly in locations which facilitate efficient commute patterns.

> **Consistency:** Scenarios I and VI are consistent with this policy because they would locate over 10,000 industrial jobs adjacent to a large supply of housing, thereby facilitating efficient commute patterns. Scenarios II-V are inconsistent with this policy since they would construct housing on the sites that have been designated for the 10,000+ industrial jobs.

#### 3.1.3.5 *Economic Development Policies*

Policy #1: The City should reduce the present imbalance between housing and employment by seeking to obtain and maintain an improved balance between jobs and workers residing in San José. A perfect balance between the number of jobs and employed residents may not be achievable but the City should strive to achieve a minimum ratio of 0.80 jobs/employed resident to attain greater fiscal stability.

> **Consistency:** Under Scenarios II-V, 320 acres of land in Evergreen that are designated for up to 4.66 million square feet of *Campus Industrial* land uses would be developed with residential uses, which would preclude 10,383 future jobs that are planned for by the City. Scenarios I and VI would retain the *Campus Industrial* uses. Thus, Scenarios I and VI would be consistent with this policy, while Scenarios II-V would be inconsistent with this policy. See Section 4.13, *Population, Jobs, and Housing*, for details.

#### 3.1.3.6 *Greenline/Urban Growth Boundary Policies*

Policy #1: No urban development should extend outside of the Greenline/Urban Growth Boundary which separates those lands planned and reserved for urban uses from those that should remain rural in nature.

**Consistency:** All of the development being considered as part of this project is within the existing Greenline/Urban Growth Boundary of San José. Therefore, the EEHVS is consistent with this policy.

### 3.1.3.7 *Urban Design Policies*

Policy #1: The City should continue to apply strong architectural and site design controls on all types of development for the protection and development of neighborhood character and for the proper transition between areas with different types of land uses.

**Consistency:** All of the development that would occur under any of the EEHVS scenarios will comply with the City's Residential, Commercial, and Industrial Design Guidelines, as applicable. Therefore, the EEHVS is consistent with this policy.

Policy #4: Residential developments which are adjacent to parks or open spaces should be encouraged to provide direct access to, and common open space contiguous to, such areas.

**Consistency:** All of the residential development that would occur under any of the EEHVS scenarios will include access to park and open space areas. Therefore, the EEHVS is consistent with this policy.

Policy #7: The City should require the undergrounding of distribution utility lines serving new development sites as well as proposed redevelopment sites.

**Consistency:** All utility lines within the areas proposed for development by the project will be undergrounded. Therefore, the EEHVS is consistent with this policy.

Policy #10: Building height, including all elements of a building whether occupied space or building features, should not exceed 50 feet, with the following exceptions: within a reasonable walking distance of an existing or planned passenger rail station, the maximum building height shall not exceed 120 feet ("reasonable walking distance" is generally assumed to be approximately 2,000 feet along a safe pedestrian walkway).[29]

**Consistency:** Scenario I would be consistent with this policy. Scenarios II-VI would include buildings with heights of 60 feet on the Evergreen Valley College property, which would exceed the 50' limitation. Scenarios II-VI would include buildings with heights of approximately 90 feet on the Arcadia property, which would be consistent with the 120' exception allowed on sites that are adjacent to transit facilities.

[29]There are other exceptions to the 50' height limitation, but other than the exception for proximity to transit that applies to the Arcadia property, none are applicable to the sites that are part of the EEHVS.

### 3.1.3.8 *Housing Policies*

Policy #1: The City encourages a variety and mix in housing types to provide adequate choices for housing to persons of all income levels in San José. Where appropriate, implementation of this policy in large-scale development projects should be considered.

> **Consistency:** Scenario I would not be consistent with this policy because it would result in only one type of housing, namely 217 single-family detached dwellings on large lots. Scenarios II-VI would be consistent with this policy because they would result in a variety of housing types throughout the project area.

### 3.1.3.9 *Level of Service Policies*

Policy #2: Capital and facility needs generated by new development should be financed by new development. The existing community should not be burdened by increased taxes or by lowered service levels to accommodate the needs created by new growth. The City Council may provide a system whereby funds for capital and facility needs may be advanced and later repaid by the affected property owners.

> **Consistency:** Infrastructure (e.g., utility lines, roadway improvements, etc.) needed to accommodate the level of development that would occur under each EEHVS scenario will be financed by the project. Therefore, the EEHVS is consistent with this policy.

Policy #5: The minimum overall performance of City streets during peak travel periods should be level of service "D"...the City Council has adopted three Area Development Policies for Evergreen, North San José, and Edenvale.

> **Consistency:** Scenario I (No Project) is consistent with the existing *Evergreen Development Policy (EDP)*. Under Scenarios II-VI, the EDP would be revised. Therefore, by definition, Scenarios II-VI are inconsistent with the existing EDP.

Policy #6: The minimum performance standard for sanitary sewer lines should be level of service "D", defined as restricted sewage flow during peak flow conditions. Development which will have the potential to reduce the downstream level of service to worse than "D", or development which would be served by downstream lines already operating at a level of service worse than "D", should be required to provide mitigation measures to improve the level of service to "D" or better.

> **Consistency:** New sanitary sewer lines will be constructed and existing lines will be upgraded, as necessary, to maintain LOS D or better. Therefore, the EEHVS is consistent with this policy.

Policy #7: The City should monitor and regulate growth so that the cumulative sewage treatment demand of all development can be accommodated by San José's share of the treatment capacity of the San José/Santa Clara Water Pollution Control Plant (WPCP).

> **Consistency:** The demand for wastewater treatment due to development associated with the EEHVS scenarios will not exceed the capacity of the WPCP. Please see Section 4.11, *Utilities*, for details. Therefore, the EEHVS is consistent with this policy.

Policy #16: Utilize the following Citywide level of service measures as benchmarks to be used to evaluate major General Plan land use and policy changes, such as expansions of the Urban Service Area or land use changes from non-residential to residential:

- For police protection, achieve a response time of six minutes or less for 60 percent of all Priority 1 calls, achieve a response time of eleven minutes or less for 60 percent of all Priority 2 calls.
- For fire protection, a 4-minute average response time to all calls.
- For parks and recreation, 3.5 acres of neighborhood and community serving recreational lands per 1,000 population, of which a minimum is 1.5 acres of neighborhood, community or locally serving regional/City-wide park lands and up to 2 acres of school playgrounds, and all of which is located within a reasonable walking distance of the project; 7.5 acres of regional/City-wide park lands per 1,000 population; and 500 square feet of community center floor area per 1,000 population.
- For libraries, 2.75 volumes (items) held in the San José Public Library system per capita and .59 square feet of library space per capita.

> **Consistency:** Development under each of the EEHVS scenarios will conform to these level of service standards. Please see Section 5, *Availability of Public Services*, for a discussion of police department services, fire department services, park and recreation facilities, and library facilities.

Policy #20: The City supports a system of open communication between the City, the public school districts and the development community in order to coordinate the activities of each to achieve the highest quality of education for all public school students.

> **Consistency:** The EEHVS planning process complies with this policy. Membership on the EEHVS Task Force includes a representative from each of the public school districts (i.e., Evergreen Elementary School District, Mount Pleasant Elementary School District, and East Side Union High School District) that serve the Evergreen • East Hills area.

Policy #21: The City encourages school districts and developers to engage in early discussions regarding the nature and scope of proposed projects and possible fiscal impacts and mitigation measures.

**Consistency:** The EEHVS planning process complies with this policy. Membership on the EEHVS Task Force includes a representative from each of the public school districts (i.e., Evergreen Elementary School District, Mount Pleasant Elementary School District, and East Side Union High School District) that serve the Evergreen • East Hills area.

Policy #22: The City should cooperate with school districts in identifying and evaluating the impacts of population and demographic changes which may affect the need for new schools, may lead to school closures, may require the re-opening of closed schools, or may lead to the decision that existing school sites should be preserved for meeting future needs.

**Consistency:** Consistent with this policy, changes in population that would occur under each of the EEHVS Scenarios are quantified in Section 5.3, *Schools*, of this EIR. These changes are evaluated in the context of projected school capacity, based on information provided by the three school districts.

Policy #25: The City and school districts should cooperate in the joint planning, development, and use of public school facilities combined with other public facilities and services. The City should provide all pertinent information on General Plan amendments, rezonings and other development proposals to all affected school districts in a timely manner.

**Consistency:** The EEHVS planning process complies with this policy. Membership on the EEHVS Task Force includes a representative from each of the public school districts (i.e., Evergreen Elementary School District, Mount Pleasant Elementary School District, and East Side Union High School District) that serve the Evergreen • East Hills area.

#### 3.1.3.10 *Transportation Policies*

Policy #48: Development in the vicinity of airports should take into consideration the safety areas identified in Airport Land Use Commission (ALUC) policies.

**Consistency:** A portion of one of the sites that is the subject of this EIR, the Arcadia property, is located within a designated ALUC safety zone for Reid-Hillview Airport. Scenarios II-VI would construct four outdoor playing fields within the safety zone, which would conform to the safety criteria for this area set forth by the ALUC. Therefore, the EEHVS is consistent with this policy.

Policy #49: As a condition of approval of development in the vicinity of airports, the City should require avigation easement dedications.

**Consistency:** As required by ALUC Policy G-3, all development anywhere on the Arcadia property will grant an avigation easement to the Santa Clara County Roads & Airports Department. Therefore, the EEHVS is consistent with this policy.

### 3.1.3.11 *Historic, Archaeological and Cultural Resources Policies*

Policy #8: For proposed development sites which have been identified as archaeologically sensitive, the City should require investigation during the planning process in order to determine whether valuable archaeological remains may be affected by the project and should also require that appropriate mitigation measures be incorporated into the project design.

> **Consistency:** All of the sites that are the subject of this EIR have undergone cultural resource investigations. Where appropriate, measures are included to avoid impacts to archaeological resources. Therefore, the EEHVS is consistent with this policy.

### 3.1.3.12 *Trails and Pathways Policies*

Policy #1: The City should control land development along designated Trails and Pathways Corridors in order to provide sufficient trail right-of-way and to ensure that new development adjacent to the corridors does not compromise safe trail access nor detract from the scenic and aesthetic qualities of the corridor.

> **Consistency:** None of the EEHVS scenarios include development that would encroach into designated Trails & Pathways Corridors. Therefore, the EEHVS is consistent with this policy.

### 3.1.3.13 *Riparian Corridors and Upland Wetlands Policies*

Policy #2: New public and private development adjacent to riparian corridors should be consistent with the provisions of the Riparian Corridor Policy Study.

> **Consistency:** All development that could occur under any of the EEHVS scenarios will comply with the City's Riparian Corridor Policy Study. Therefore, the EEHVS is consistent with this policy.

### 3.1.3.14 *Species of Concern Policies*

Policy #4: New development on undeveloped properties throughout the City contributes to the regional loss of Burrowing Owl habitat. To offset this loss of habitat, the City should require either habitat preservation on or off site or other appropriate measures for habitat acquisition, habitat enhancement and maintenance of local habitat bank.

> **Consistency:** As discussed in Section 4.6, *Biology*, development on the Arcadia property will result in a significant loss of burrowing owl habitat. As proposed by the applicant, the project does not include mitigation for this impact. Therefore, the project is inconsistent with this policy.

### 3.1.3.15 *Urban Forest Policies*

Policy #2: Development projects should include the preservation of ordinance-sized, and other significant trees. Any adverse affect on the health and longevity of native oaks, ordinance sized or other significant trees should be avoided through appropriate design measures and construction practices. When tree preservation is not feasible, the project should include appropriate tree replacement.

> **Consistency:** All development under the EEHVS scenarios will be designed to retain as many trees as feasible. All trees to be removed will be replaced at the ratios specified in Section 4.6, *Biology*. Therefore, the EEHVS is consistent with this policy.

### 3.1.3.16 *Water Resources Policies*

Policy #12: For all new discretionary development permits for projects incorporating large paved areas or other hard surfaces (e.g., building roofs), or major expansion of a building or use, the City should require specific construction and post-construction measures to control the quantity and improve the water quality of urban runoff.

> **Consistency:** All development under the EEHVS scenarios will minimize the potential for the degradation of water quality by the inclusion of both construction and post-construction features in their designs. These features are described in Section 4.8, *Hydrology*. Therefore, the EEHVS is consistent with this policy.

### 3.1.3.17 *Air Quality Policies*

Policy #5: In order to reduce vehicle miles traveled and traffic congestion, new development within 1,000 feet of an existing or planned transit station should be designed to encourage the usage of public transit and minimize the dependence on the automobile through the application of site design guidelines.

> **Consistency:** The Arcadia property is located adjacent to the planned Nieman LRT Station. Development on this site under Scenario I would be low-density and would not maximize potential transit ridership. Conversely, development on this site under Scenarios II-VI would be higher density, mixed-use, and would be designed to facilitate use of the LRT.

### 3.1.3.18 *Energy Policies*

Policy #1: The City should promote development in areas served by public transit and other existing services. Higher residential densities should be encouraged to locate in areas served by primary public transit routes and close to major employment centers.

**Consistency:** While the entire project area is served by various VTA bus routes, only the Arcadia property is located adjacent to a planned rail line and station. Scenario I is inconsistent with the intent of this policy because it would not result in higher density development on the Arcadia property. Scenarios II-VI would be consistent with this policy because higher density development would occur on the Arcadia property.

Policy #2: Decisions on land use should consider the proximity of industrial and commercial uses to major residential areas in order to reduce the energy used for commuting.

**Consistency:** Scenarios II-V would reverse a 1981 decision by the City to designate the Berg/IDS and Legacy Partners properties for industrial use, a decision which took into account these properties' proximity to a large supply of housing. Scenarios I and VI would retain the industrial land use designation on these properties.

Policy #4: The energy-efficiency of proposed new development should be considered when land use and development review decisions are made. The City's design techniques include provisions for solar access, for siting structures to maximize natural heating and cooling, and for landscaping to aid passive cooling protection from prevailing winds and maximum year-round solar access.

**Consistency:** Development that would occur under the EEHVS scenarios will meet all existing requirements that pertain to energy efficiency. As described in Section 4.12, *Energy*, there are additional features that could be incorporated into the various developments that would increase energy efficiency, but such features are not part of the project, as currently proposed.

#### 3.1.3.19 *Hazards Policies*

Policy #1: Development should only be permitted in those areas where potential danger to the health, safety, and welfare of the residents of the community can be mitigated to an acceptable level.

**Consistency:** Based on the analyses found in Section 4, any geologic or hazardous materials risks will be avoided or mitigated prior to the construction of new development. Therefore, the EEHVS is consistent with this policy.

#### 3.1.3.20 *Soils and Geologic Conditions Policies*

Policy #6: Development in areas subject to soils and geologic hazards should incorporate adequate mitigation measures.

**Consistency:** Geologic investigations have been completed on all of the sites that are the subject of this EIR. The development that could occur on these sites will comply with the recommendations of these investigations regarding the mitigation and

avoidance of soils and geologic hazards. These recommendations are described in Section 4.7, *Geology*. Therefore, the EEHVS is consistent with this policy.

Policy #9: Residential development proposed on property formerly used for agricultural or heavy industrial uses should incorporate adequate mitigation/remediation for soils contamination as recommended through the Development Review process.

**Consistency:** Phase II investigations have been completed on all of the sites that are the subject of this EIR. These investigations quantified the amount of pesticides and/or heavy metals that are present in the soils of each site. Where such substances were found to be present in concentrations that exceed recommended standards for residences, measures were recommended (and are included in the project) to mitigate such hazards. These measures are described in Section 4.9, *Hazards & Hazardous Materials*. Therefore, the EEHVS is consistent with this policy.

### 3.1.3.21 *Earthquakes Policies*

Policy #3: The City should only approve new development in areas of identified seismic hazard if such hazard can be appropriately mitigated.

**Consistency:** As described in Section 4.7, *Geology*, there are fault-related hazard zones on and adjacent to the Berg/IDS and Legacy Partners properties. Consistent with the recommendations of the site-specific geotechnical investigations, no buildings will be sited within these hazard zones. Therefore, the EEHVS is consistent with this policy.

### 3.1.3.22 *Flooding Policies*

Policy #1: New development should be designed to provide protection from potential impacts of flooding during the "1%" or "100-year" flood.

**Consistency:** As described in Section 4.8, *Hydrology*, all development that would occur under any of the EEHVS scenarios will be designed to provide protection from the 100-Year Flood. Therefore, the EEHVS is consistent with this policy.

Policy #7: The City should require new urban development to provide adequate flood control retention facilities.

**Consistency:** Development on each of the sites that is the subject of this EIR will include sufficient onsite stormwater retention so as to meet the requirements of the Santa Clara Valley Pollution Prevention Program, of which the City of San José is a participant. Detention facilities are described in Section 4.8, *Hydrology*. Therefore, the EEHVS is consistent with this policy.

#### 3.1.3.23 *Noise Policies*

Policy #1: The City's acceptable noise level objectives are 55 DNL as the long-range exterior noise quality level, 60 DNL as the short-range exterior noise quality level, 45 DNL as the interior noise quality level, and 76 DNL as the maximum exterior noise level necessary to avoid significant adverse health effects.

> **Consistency:** Based on the noise assessment prepared for the EEHVS (see Section 4.3, *Noise*), development that would occur under the EEHVS scenarios will comply with these objectives. Therefore, the EEHVS is consistent with this policy.

## 3.2 SANTA CLARA COUNTY CONGESTION MANAGEMENT PROGRAM

The Santa Clara Valley Transportation Authority (VTA) oversees the *Santa Clara County Congestion Management Program* (CMP). The relevant state legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county's share of the increased gas tax revenues. The CMP legislation requires that each CMP contain the following five mandatory elements: 1) a system definition and traffic level of service standard element; 2) a transit service and standards element; 3) a trip reduction and transportation demand management element; 4) a land use impact analysis program element; and 5) a capital improvement element. The Santa Clara County CMP includes the five mandated elements and three additional elements, including: a county-wide transportation model and data base element, an annual monitoring and conformance element, and a deficiency plan element.

> **Consistency:** The EEHVS will result in both beneficial and adverse effects on the CMP network. Beneficial impacts include the construction, under Scenarios II-VI, of high density, mixed-use, transit-oriented development on land that is adjacent to the planned Nieman LRT Station, which is consistent with the goals of the CMP. Other benefits include the EEHVS funding of significant improvements on two CMP facilities: U.S. 101 and Capitol Expressway. Adverse effects include significant unavoidable level of service impacts at various CMP intersections along Capitol Expressway. For details, please see Section 4.2, *Transportation and Traffic*.

## 3.3 LAND USE PLAN FOR AREAS SURROUNDING SANTA CLARA COUNTY AIRPORTS

The Santa Clara County Airports Land Use Commission (ALUC) has adopted a Land Use Plan for those areas in the vicinity of Norman Y. Mineta San José International, Reid-Hillview, Palo Alto, and South

County Airports.[30] The goal of the Land Use Plan, which is in the process of being updated by the ALUC, is to ensure that new land uses near the airports are such that the public's exposure to excessive noise and safety hazards are minimized. The Land Use Plan includes policies that set forth maximum noise exposure levels. It also includes safety zones that limit the type and density of development, as well as building heights, near the airports.

One of the sites that is the subject of the EEHVS, the 81-acre Arcadia property, is located within the "ALUC Land Use Referral Boundary" for nearby Reid-Hillview Airport. This means that the ALUC is required to review the proposed development on the Arcadia property for consistency with its Land Use Plan. If the ALUC determines that the proposed development is inconsistent with the Land Use Plan, there must be a 2/3 vote of the San José City Council to override the ALUC's decision and such a vote must be accompanied by specific findings.

**Consistency:** The ALUC's Land Use Plan states that all land uses are compatible with Reid-Hillview Airport if the aircraft-related noise level is less than 60 decibels.[31] The Arcadia property is located outside of both the existing and future (2007) 60-dB noise contours for Reid-Hillview Airport.[32]

An approximately 12-acre portion of the Arcadia property is located within a designated ALUC safety zone for Reid-Hillview Airport. The EEHVS would construct four outdoor playing fields within the safety zone, which would conform to the safety criteria for this area set forth by the ALUC. For a more detailed discussion of the issue, please see Section 4.1, *Land Use*.

Building heights on the Arcadia property would not exceed the height limitations, which are specified in the Land Use Plan and based on FAA criteria.

Consistent with ALUC Land Use Plan Policy G-3, all development anywhere on the Arcadia property will grant an avigation easement to the Santa Clara County Roads & Airports Department.

At its meeting of November 16, 2005, the ALUC determined that the EEHVS is consistent with the its adopted Land Use Plan.

[30]The current Land Use Plan was adopted by the ALUC in September 1992.

[31]As calculated using a noise descriptor known as the Community Noise Equivalent Level (CNEL).

[32]Source: Reid-Hillview Airport Part 150 Noise Compatibility Program Report, which was adopted by the Santa Clara County Board of Supervisors on October 29, 2002.

## 3.4 SANTA CLARA VALLEY URBAN RUNOFF POLLUTION PREVENTION PROGRAM

The Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP), previously called the Santa Clara Valley Nonpoint Source Program, was developed in accordance with the requirements of the 1986 San Francisco Bay Basin Water Quality Control Plan, for the purpose of reducing water pollution associated with urban stormwater runoff. This program was also designed to fulfill the requirements of Section 304(1) of the Federal Clean Water Act, which mandated that the EPA develop National Pollution Discharge Elimination System (NPDES) Permit application requirements for various stormwater discharges, including those from municipal storm drain systems and construction sites.

Additional water quality control measures were approved in October 2001, when the Regional Water Quality Control Board (RWQCB) adopted an amendment to the NPDES permit for Santa Clara County. This amendment requires all new and redevelopment projects that result in the addition or replacement of impervious surfaces totaling one-acre or more, to be designed with Best Management Practices (BMPs) that reduce stormwater pollution to the maximum extent practicable through source control measures and stormwater treatment measures.

> **Consistency:** The development that would occur under each of the EEHVS scenarios has been designed to comply with the SCVURPPP. For a detailed discussion of this issue, please see Section 4.8, *Hydrology*.

## 3.5 BAY AREA 2000 CLEAN AIR PLAN

The 1982 *Bay Area Air Quality Plan* and 2000 *Clean Air Plan* (CAP) establish regional policies and guidelines to meet the requirements of the Clean Air Act, as amended through 1990. The Bay Area is a non-attainment area for ozone and $PM_{10}$, since federal standards are exceeded for these pollutants. The CAP includes measures and improvements to help the Bay Area comply with the State's ozone standard, and is the current regional strategy for improving air quality. The CAP proposes the adoption of transportation, mobile source and stationary source controls on a variety of pollutant sources to offset population growth and provide improvement in air quality.

The consistency of the proposed project with the CAP is primarily a question of consistency with population/employment assumptions that were utilized in developing the CAP. The CAP was based on the City's General Plan in effect at the time the CAP was approved and on the Association of Bay Area Governments (ABAG) *Projections '98*.

> **Consistency:** Scenarios II-VI would result in an amount and intensity of growth that is not foreseen in the current San José General Plan, and therefore was not included in the projections used for the CAP. Therefore, except for Scenario I (No Project), the EEHVS is not consistent with the CAP.

# SECTION 4. ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION

***Introductory Note Regarding Mitigation and Avoidance Measures****: The project evaluated in this EIR includes both proposed amendments to the adopted San José General Plan and site-specific planned development rezonings. The analyses of impacts are, therefore, on both a program-level and a project-level. As such, the mitigation and avoidance measures identified in each impact category include both program-level and project-level measures. This process of identifying both types of mitigation is necessary because an amendment to the General Plan, particularly a change in land use designation on a piece of property, will continue to be in effect whether or not a given property owner chooses to implement it at any particular point in time.*

*Program-level mitigation and avoidance measures consist of the policies of the adopted General Plan, as well as other adopted City ordinances, laws, and policies. Project-level mitigation and avoidance measures fall into one of two categories: 1) specific measures that are included in the project as proposed; or 2) specific measures that could reasonably be expected to reduce adverse impacts, but are not included in the project as proposed. The latter category is important because it provides information to decision-makers regarding potential mitigation measures, such measures that could be required as conditions of project approval.*

## 4.1 LAND USE

### Introduction

Many of the policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. All future development addressed by this EIR would be subject to the land use policies listed in Chapter 4, *Goals and Policies*, of the City's General Plan, including the following:

- *Balanced Community Policy #2*: Construct a Variety of Housing Densities/Types
- *Residential Land Use Policy #1:* Provide Adequate Services and Facilities
- *Residential Land Use Policy #3:* Higher Density near Transit Stations/Routes
- *Residential Land Use Policy #5:* Mitigation of Hazards
- *Residential Land Use Policy #11*: Provide for Adequate Open Space/Recreation
- *Residential Land Use Policy #20:* Maximize Energy Efficiency
- *Residential Land Use Policy #22*: Development along Transit Corridors
- *Residential Land Use Policy #23*: Protect Neighborhoods near Transit-Oriented-Development
- *Residential Land Use Policy #24*: Create Pedestrian-friendly Environment

- *Commercial Land Use Policy #1*: Maximize Community Access to Retail/Commercial Services
- *Urban Design Policy #1*: Utilize Architectural/Site Design Controls
- *Urban Design Policy #2*: Provide Adequate & Energy-efficient Landscaping
- *Urban Design Policy #3*: Design for Circulation within Neighborhoods
- *Urban Design Policy #4*: Access to Park & Open Space Areas
- *Urban Design Policy #6*: Compatibility with Existing Neighborhoods
- *Urban Design Policy #7*: Undergrounding of Utility Lines
- *Urban Design Policy #8*: Designs to Address Security, Aesthetics, Public Safety
- *Urban Design Policy #10*: Limits on Building Height
- *Urban Design Policy #13*: Designs for Development at Edge of Valley Floor
- *Urban Design Policy #16*: Designs for Development Adjacent to Parks
- *Urban Design Policy #17*: Use of Native Plants near Creeks
- *Urban Design Policy #18*: Sound Attenuation Guidelines
- *Urban Design Policy #24*: Tree Preservation/Replacement
- *Transportation Policy #48*: Consider ALUC Safety Zones
- *Park and Recreation Policy #1*: Provide Parks within Walking Distance of Residences
- *Hazards Policy #1*: Develop When Hazards can be Mitigated to Acceptable Level
- *Earthquakes Policy #3*: Mitigation of Seismic Hazards
- *Fire Hazards Policy #3*: Requirements for Development near Grasslands/Hillsides

In addition to the policies of the adopted General Plan, the City has adopted a number of other policies, programs, and ordinances that are designed to avoid or minimize potential land use conflicts. These include the following:

- San José Residential Design Guidelines
- San José Commercial Design Guidelines
- San José Industrial Design Guidelines

These design guidelines include parameters for setbacks, building design, landscaping, screening, and lighting, all of which are factors in ensuring land use compatibility.

## 4.1.1 Existing Conditions

### 4.1.1.1 *Arcadia Property*

The 81-acre Arcadia property is shown on Figure 5. The property, which is undeveloped, is located immediately south of the Eastridge Shopping Mall across Quimby Road. Adjacent to the northeast corner of the property are commercial uses within the Lion Business Park. Capitol Expressway forms the eastern boundary of the site. Existing land uses along the southern boundary of the site are Meadowfair Park, LeyVa Middle School, and the Moss Creek Mobilehome Park. Single-family residences abut the western boundary of the site.

The Arcadia property is presently divided into five General Plan Land Use Designations: *Public/Quasi-Public, Medium Low Density Residential (8 du/acre), Office, Industrial Park,* and *Public Park/Open Space.* In 1987, a Mixed Use Overlay was approved for the industrial, residential, and office areas. A 2-acre portion of the site (APN 670-29-002) along Quimby Road is currently zoned CO (commercial office). The remainder of the site is currently zoned R-1-8 (residential, minimum lot size 5,445 square feet). Per Benefit Assessment District 91-209SJ, this site has traffic allocation for 217 dwelling units.

One notable constraint related to the Arcadia property affects the suitability of the site for various types of development:

- ***Reid-Hillview Airport Safety Zone:*** As shown on Figure 18, an approximately 12-acre area in the northern part of the property is located within a designated safety zone (i.e., Safety Zone II) for nearby Reid-Hillview Airport. According to the *Land Use Plan for Areas Surrounding Santa Clara County Airports (1992)*, allowed land uses within Safety Zone II are non-residential uses with low population density (e.g., agriculture, parks, 1-story warehousing, automobile parking).[33] Low population density is defined as a maximum of 10 persons per acre on an annual average, with a maximum of 25 persons per acre at any one time.[34]

#### 4.1.1.2 *Pleasant Hills Golf Course Property*

The 114-acre Pleasant Hills Golf Course property is shown on Figure 7. The property was developed in the 1960's into a privately-owned and operated golf course. The golf course was closed in 2004. Single-family residences are located along the northerly and easterly boundaries of the site. Tully Road forms the southerly boundary of the property, and single-family residences are located across Tully Road from the site. White Road forms the westerly boundary of the property, and Lake Cunningham Regional Park is located across White Road from the site.

The Pleasant Hills Golf Course property itself, while located in San José, is unincorporated. The property's land use designation in the Santa Clara County General Plan is *Private Recreation* and the current County zoning is A (Agriculture).

#### 4.1.1.3 *Berg/IDS Property*

The Berg/IDS property is a 200-acre site that is shown on Figure 9. It is located along the east side of Yerba Buena Road adjacent to the *Evergreen Specific Plan* area. With the exception of two single-family residences, the site is vacant. Adjacent land uses are as follows: open space/ranch lands are

[33] As described in Section 3.3, this plan is prepared by the Santa Clara County Airport Land Use Commission (ALUC). The ALUC is in the process of updating the current plan.

[34] Santa Clara County Airport Land Use Commission, September 1992.

Figure 18 Reid-Hillview Airport Safety Zones

located to the east, a campus industrial site (Hitachi Headquarters) is located to the south, and single-family residences are located to the west and north.

Per the approved San José General Plan, the existing land use designation on the Berg/IDS property is *Campus Industrial*. As discussed above in Section 1.3.2 and as noted in Table 4, the site currently has a Planned Development (PD) zoning that would allow the development of up to approximately 2.891 million square feet of campus industrial buildings.

There are two issues and constraints related to the Berg/IDS site:

- ***Fowler Creek:*** Fowler Creek traverses the northerly portion of the Berg/IDS site. San José's *Riparian Corridor Policy Study*, which recognizes the ecological importance of riparian habitat, sets forth policies and requirements for avoiding impacts to this resource. The Policy's standard setback for development is 100 feet from the edge of riparian corridors. At this location, due to the minimal value of the existing habitat, a reduced setback of 50 feet may be appropriate; see Section 4.6, *Biological Resources*, for details.

- ***Adjacent Industrial Use:*** The 36-acre Hitachi industrial/R&D facility is adjacent to the southerly boundary of the Berg/IDS property. Consistent with the site's land use designation and zoning, hazardous materials may be used, stored, and generated on the Hitachi property.

#### 4.1.1.4 *Legacy Partners Property*

The Legacy Partners property is located directly south of the Berg/IDS property (see Figure 9). The property, which is undeveloped, is a 120-acre site that is located along the east side of Yerba Buena Road adjacent to Montgomery Park. Adjacent land uses are as follows: open space/ranch lands are located to the south and east, a campus industrial site (Hitachi Headquarters) is located to the northwest, and Montgomery Park is located to the west across Yerba Buena Road.

Per the approved San José General Plan, the existing land use designation on the Legacy Partners property is *Campus Industrial*. As discussed above in Section 1.3.2 and as noted in Table 4, the site currently has a Planned Development (PD) zoning that would allow the development of up to approximately 1.769 million square feet of campus industrial buildings.

There are three issues and constraints related to the Legacy Partners site:

- ***Evergreen Creek:*** Evergreen Creek traverses the central portion of the Legacy Partners site. San José's *Riparian Corridor Policy Study*, which recognizes the ecological importance of riparian habitat, sets forth policies and requirements for avoiding impacts to this resource. The Policy's standard setback for development is 100 feet from the edge of riparian corridors see Section 4.6, *Biological Resources*, for details.

- ***Fault and Shear Zones:*** The Quimby Fault is located along the easterly edge of the site. In addition, a subsurface shear plane, which is most likely a local fault trace, is located on the site. These geologic features are considered inappropriate locations for building; see Section 4.7, *Geology*, for details.

- ***Adjacent Industrial Use:*** The 36-acre Hitachi industrial/R&D facility is adjacent to the northwesterly boundary of the Legacy Partners property. Consistent with the site's land use designation and zoning, hazardous materials may be used, stored, and generated on the Hitachi property.

#### 4.1.1.5 *Evergreen Valley College Property*

The Evergreen Valley College property is a 27-acre site that is part of the larger 165-acre Evergreen Valley College campus. As shown on Figure 9, the site is located at the west end of the campus near the intersection of Yerba Buena and San Felipe Roads. A portion of the 27-acre site is occupied by the offices of the San José/Evergreen Community College District and a criminal justice training center, with the balance of the site being vacant. Adjacent land uses consist of the facilities of Evergreen Valley College to the northeast and east, Evergreen Park to the south, a shopping center to the southwest, a senior center to the west across San Felipe Road, and Evergreen Creek to the north.

#### 4.1.1.6 *Ocala Avenue/White Road Corridor*

The existing land use along Ocala Avenue between Capitol Expressway and White Road is residential. The area where the roadway would be widened is within the existing public right-of-way and is devoid of any structures.

The primary existing land use along White Road between Ocala Avenue and Aborn Road is residential. In addition, there are retail commercial uses at the intersection of White Road with Norwood Avenue, Quimby Road and Aborn Road. Lake Cunningham Regional Park is located along the west side of White Road, north of Tully Road. The area where the roadway would be widened is within the existing public right-of-way and is devoid of any structures.

### 4.1.2 Land Use Impacts

#### 4.1.2.1 *Thresholds of Significance*

For the purposes of this EIR, a significant land use impact will occur if the project would:

- convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping & Monitoring Program of the California Resources Agency, to non-agricultural use; or

- conflict with existing zoning for agricultural use, or a Williamson Act contract; or
- involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use; or
- physically divide an established community; or
- place incompatible land uses adjacent to existing uses; or
- 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; or
- conflict with any applicable habitat conservation plan (HCP) or natural community conservation plan (NCCP).

#### 4.1.2.2 *Land Use Conflicts*

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

**Land Use Conflicts: Arcadia Property**

The Arcadia property is located approximately 2,600 feet south of Reid-Hillview Airport. Land use conflicts associated with airports typically center on the issues of noise and safety. The Arcadia property is located outside of the Reid-Hillview noise impact area, as defined by both the existing and future (2007) 60-dB noise contours.[35] Therefore, the following discussion focuses on safety.

As noted above in Section 4.1.1, *Existing Conditions*, a 12-acre portion of the site is located within one of the Airport's designated safety zones. The safety zones have been established at specific locations near the ends of runways because aviation statistics show that most off-airport airplane crashes and emergency landings occur in these locations. Avoiding or minimizing development in these areas enhances safety for both persons on the ground and the occupants of aircraft.

[35]Source: Reid-Hillview Airport Part 150 Noise Compatibility Program Report, which was adopted by the Santa Clara County Board of Supervisors on October 29, 2002.

Under Scenarios II-VI, four outdoor playing fields would be constructed within the 12-acre safety zone. Parks are an allowed use within this safety zone, provided that usage does not exceed a maximum of 10 persons per acre on an annual average, with a maximum of 25 persons per acre at any one time. As described in Section 2.2.23, the City projects an average of approximately 30 people in attendance at each game on each field. Thus, if games were played on all four fields simultaneously, total attendance is projected to average approximately 120 persons. This population would be substantially below the 300-person maximum (i.e., 12 acres x 25 persons/acre = 300) specified in the safety zone criterion.[36] Based on this assessment, the proposed outdoor sports complex would be compatible with Reid-Hillview Airport. **[Less-than-Significant Impact]**

[Note: For a discussion of nighttime lighting at the sports complex and the potential for such lighting to interfere with aircraft operations, please see Section 4.10, *Visual and Aesthetics*.]

Another safety-related issue related to Reid-Hillview Airport is that of building heights. The heights of buildings and structures near airports are a safety issue because, by definition, aircraft are operating at relatively low altitudes. ALUC height restrictions are based on criteria promulgated by the Federal Aviation Administration (FAA).[37]

Under Scenarios II-VI, maximum building heights on the Arcadia property would be six stories, which equates to approximately 90 feet. Conservatively, the ALUC height limitation for the Arcadia property at the most restrictive location is approximately 280 feet above mean seas level (msl).[38] Since the elevation of the property is approximately 140 feet msl, the tops of 90-foot buildings would be 230 feet msl. This would be below the most restrictive 280-feet limitation. **[Less-than-Significant Impact]**

Scenarios II-VI would construct commercial uses on the Arcadia property in proximity to existing and proposed residences. Various activities associated with the commercial uses may result in land use conflicts with adjacent residences. For example, residents frequently object to nighttime noise from loading docks, delivery truck traffic, idling refrigerator trucks, garbage pickups, and parking lot sweepers. Residents commonly object to very bright outdoor lighting, odors, outdoor storage, and noise from large air conditioning units. Similarly, residential uses can impinge on adjacent commercial uses by causing restrictions to be placed on those operations.

[36]A true worst-case scenario would occur when four games are simultaneously scheduled, with four more games following immediately. During the change-over between games, the 120-person occupancy could double to 240, but that short-term increase would still fall within the 300-person maximum allowed under the safety zone criterion.

[37]FAA height criteria are set forth in Part 77 of the Federal Aviation Regulations.

[38]Source: "ALUC Height Restriction Boundary for Reid-Hillview Airport", a map contained within the ALUC's *Land Use Plan for Areas Surrounding Santa Clara County Airports*, 1992.

Potential conflicts between the commercial and residential uses will be minimized by constructing the new uses in accordance with the San José Residential and Commercial Design Guidelines, which require setbacks and building orientation to minimize conflicts. The Guidelines also require the construction of masonry walls between residential and commercial uses for the purpose of minimizing conflicts. **[Less-than-Significant Impact]**

**Land Use Conflicts: Pleasant Hills Golf Course Property**

The proposed development of the 114-acre golf course property with residential and park uses would be compatible with the existing surrounding uses, which themselves are residential and park uses. To maintain compatibility with the single-family residences that are located along the eastern and northern boundaries of the site, the project proposes single-family residences in those portions of the property. In addition, the new homes along the northerly boundary of the site will have a minimum 20-foot setback from the single-family residences to the north. The higher density townhomes, which would be 2-story over partially depressed parking, would be located in the interior of the site and along White Road.

All of the proposed residences would comply with the City's *Residential Design Guidelines*, which were adopted with the intent of avoiding impacts to existing residential neighborhoods, ensuring compatibility between adjacent land uses, minimizing environmental intrusions, and minimizing loss of privacy.

Based on these facts, the proposed development of the Pleasant Hills Golf Course property under Scenarios II-VI would not result in any significant land use compatibility conflicts. **[Less-than-Significant Impact]**

**Land Use Conflicts: Berg/IDS Property**

Scenarios II-V would develop the 200-acre Berg/IDS property with residential and park uses. These uses are compatible with the existing residential and open space uses that are located to the north, west, and east of the property. Single-family detached residences would be constructed along the eastern portion of the property, which is the edge of the City's Urban Growth Boundary. The higher density townhomes would be constructed more toward the interior of the site along a planned extension of Murillo Avenue.

Development under Scenarios I-VI would not encroach into Fowler Creek and a 50-foot buffer would be established along each side of this drainage. With the exception of a recreational trail, no development will occur within this buffer. Given this proposed buffer, as well as the fact that there is no riparian habitat in this reach of Fowler Creek, no land use conflict would occur. Please see Section 4.6, *Biological Resources*, for details.

Scenarios II-V would construct residential uses next to the 36-acre Hitachi industrial/R&D facility, which is adjacent to the southerly boundary of the Berg/IDS property. Similarly, Scenarios I and VI would construct industrial/R&D uses on the Berg/IDS property in proximity to existing residences. The

placement of residences adjacent to industrial sites creates the potential for conflicts between the two land uses. Hazardous materials are commonly used, stored, and generated on industrial sites. Residents frequently object to nighttime noise from loading docks, truck traffic, movement of heavy equipment, and parking lot sweepers. Residents are also more likely to object to very bright outdoor lighting, odors, outdoor storage, noise from large air conditioning units, and the use of emergency generators.

Similarly, the industrial facilities can be affected by the residential land use because complaints from residents can often result in limits being placed on the industrial businesses. Some legal activities permitted by both zoning and General Plan, such as the use of hazardous materials, may have to be discontinued due to liability concerns. Limitations on the industrial businesses adversely impact their viability in particular areas, which would be inconsistent with a number of General Plan policies, including the Economic Development Strategy and Economic Development Policies.

The above-described conflicts would be mitigated through the adherence of the new development with the City's Residential and Industrial Design Guidelines, which require setbacks and building orientation to minimize conflicts. Further, the zoning on industrial properties forbids noise, dust and odors from being perceptible at the property line.

Based on these facts, the development of the Berg/IDS property under Scenarios I-VI would not result in any significant land use compatibility conflicts. **[Less-than-Significant Impact]**

**Land Use Conflicts: Legacy Partners Property**

Scenarios II-V would develop the 120-acre Legacy Partners property with residential and park uses, the latter including a little league sports complex. These uses are compatible with the existing park and open space uses that are located to the south, west, and east of the property. Single-family detached residences would be constructed along the eastern portion of the property, which is the edge of the City's Urban Growth Boundary. The higher density townhomes would be constructed more toward the interior of the site.

Development under Scenarios I-VI would not encroach into Evergreen Creek and a 100-foot buffer would be established along each side of the riparian corridor. With the exception of a recreational trail, no development will occur within this buffer. See Section 4.6, *Biological Resources*, for details.

Development under Scenarios I-VI would not construct buildings within the portions of the site that are considered geologically unsuitable for such uses. See Section 4.7, *Geology*, for details.

Scenarios II-V would construct residential uses next to the 36-acre Hitachi industrial/R&D facility, which is adjacent to the northwesterly boundary of the Legacy Partners property. The placement of residences adjacent to the Hitachi facility creates the potential for conflicts between the two land uses. The nature of the potential conflicts is described in the above paragraphs under "Land Use Conflicts: Berg/IDS Property". The above-described conflicts would be mitigated through the adherence of the

new development with the City's Residential and Industrial Design Guidelines, which require setbacks and building orientation to minimize conflicts. Further, the zoning on industrial properties forbids noise, dust and odors from being perceptible at the property line.

Based on these facts, the development of the Legacy Partners property under Scenarios I-VI would not result in any significant land use compatibility conflicts. **[Less-than-Significant Impact]**

**Land Use Conflicts: Evergreen Valley College Property**

Scenarios II-VI would construct a mix of residential, commercial, open space, and public uses on the 27-acre Evergreen Valley College property. Within the new development, potential land uses conflicts, such as between adjacent residential and commercial uses, will be minimized because the project will comply with the City's Residential Design Guidelines and Commercial Design Guidelines.

To the northeast and east of the project site, across the main college access road, are surface parking lots and tennis courts that are part of the Evergreen Valley College campus. The proposed development would be separated from these facilities by approximately 200 feet.

Potential conflicts between the existing shopping center and proposed residences will be minimized by constructing the new residences in accordance with the San José Residential Design Guidelines, which require setbacks and building orientation to minimize conflicts. The Guidelines also require the construction of masonry walls between residential and commercial uses for the purpose of minimizing conflicts.

Based on these facts, the development of the Evergreen Valley College property under Scenarios II-VI would not result in any significant land use compatibility conflicts. **[Less-than-Significant Impact]**

#### 4.1.2.3 *Loss of Agricultural Land*

A 33-acre portion of the Berg/IDS property is designated as Prime Farmland on the *Santa Clara County Important Farmlands 2004* map (California Department of Conservation, 2005). The area of the site with this designation is located in the southeast quadrant of the Yerba Buena Road/Fowler Road intersection (see Figure 19). This area will be converted to urbanized, non-agricultural uses under Scenarios I-VI. **[Significant Impact]**

A 17-acre portion of the Evergreen Valley College property is designated as Farmland of Local Importance on the above-referenced map. The area with this designation is located on the north side of Yerba Buena Road, immediately east of the Evergreen Commons Shopping Center (see Figure 19). This area will be converted to urbanized, non-agricultural uses under Scenarios II-VI. **[Significant Impact]**

Figure 19 Mapped Farmland

#### 4.1.2.4 *Loss of Open Space*

The properties in the EDP area that are the subject of this EIR are mostly undeveloped. The exceptions are the 27-acre Evergreen Valley College property that is approximately 40% developed and the 114-acre Pleasant Hills Golf Course property that is a golf course. The open space characteristics of the undeveloped properties, especially the Arcadia, Berg/IDS, and Legacy Partners sites, are considered a visual resource. [Note: See also Section 4.10, *Visual and Aesthetics*.]

The proposed project will result in the loss of most of the existing open space that is present on the affected properties. Each of the developments on the individual properties will, however, retain acreage for open space and park uses, as shown in Tables 8-12.

The proposed project will affect only lands within the City's Urban Growth Boundary. No lands designated as permanent open space in the City's General Plan will be developed by the project and, therefore, the loss of open space on these sites is already accounted for in the General Plan. For example, development will not occur within the riparian corridors of Fowler Creek and Evergreen Creek, and will not occur on the hillsides that are adjacent to the Berg/IDS and Legacy Partners properties.

Based on the above facts, it is concluded that the impact of the EEHVS scenarios on open space resources will not be significant. **[Less-than-Significant Impact]**

#### 4.1.2.5 *Conflicts with Land Use Plans and Policies*

This section of the EIR analyzes the EEHVS scenarios with regard to any potential conflicts with adopted land use plans and policies, such plans and policies adopted for the purpose of avoiding or mitigating an environmental effect.

**Arcadia Property**

The *Land Use Plan for Areas Surrounding Santa Clara County Airports* was adopted by the Santa Clara County ALUC for the purpose of avoiding and minimizing environmental effects associated with placing development near airports. The ALUC's *Land Use Plan* includes designated safety zones for each airport in the County, with accompanying criteria designed to minimize human exposure to risks associated with aircraft accidents.

A 12-acre area in the northern portion of the Arcadia property is within a designated safety zone for Reid-Hillview Airport. Scenarios II-VI would construct outdoor playing fields in this safety zone, which are an allowed land use. Usage of the playing fields would also comply with the population density criteria of the safety zone. At its meeting of November 16, 2005, the ALUC determined that the EEHVS is consistent with the its adopted Land Use Plan. For details, please see Section 4.1.2.2, *Land Use Conflicts*. **[No Impact]**

**Pleasant Hills Golf Course Property**

None of the development alternatives for the Pleasant Hills Golf Course property would conflict with an applicable land use plan (i.e., City's General Plan) that was adopted for the purpose of avoiding or mitigating an environmental effect. **[No Impact]**

**Berg/IDS Property**

As described in detail in Section 1.3, *Background*, the existing San José General Plan's *Campus Industrial* land use designation for the Berg/IDS property was adopted in 1980, for the purpose of minimizing environmental effects. Specifically, by designating this and adjacent lands (including the Legacy Partners property) for industrial development, it would place jobs near a large supply of housing. This, in turn, would reduce the environmental effects associated with long distance commuting, such adverse effects including traffic congestion, degradation of air quality, increased noise, and increased energy use.

Scenarios II-V would conflict with this part of the San José General Plan because residential and park use development would preclude the future creation of jobs at this location, which could result in increased traffic congestion, degradation of air quality, and increased energy usage. **[Significant Impact]**

**Legacy Partners Property**

As described in detail in Section 1.3, *Background*, the existing San José General Plan's *Campus Industrial* land use designation for the Legacy Partners property was adopted in 1980, for the purpose of minimizing environmental effects. Specifically, by designating this and adjacent lands (including the Berg/IDS property) for industrial development, it would place jobs near a large supply of housing. This, in turn, would reduce the environmental effects associated with long distance commuting, such adverse effects being traffic congestion, degradation of air quality, increased noise, and increased energy use.

Scenarios II-V would conflict with this part of the San José General Plan because residential and park use development would preclude the future creation of jobs at this location, which could result in increased traffic congestion, degradation of air quality, and increased energy usage. **[Significant Impact]**

**Evergreen Valley College Property**

None of the development alternatives for the Evergreen Valley College property would conflict with an applicable land use plan (i.e., City's General Plan) that was adopted for the purpose of avoiding or mitigating an environmental effect. **[No Impact]**

#### 4.1.2.6 Other Land Use Impacts

Development of the Arcadia property would not physically divide an established community. Further, there is no HCP or NCCP that is applicable to this site. **[No Impact]**

### 4.1.3 Mitigation and Avoidance Measures for Land Use Impacts

#### 4.1.3.1 *Mitigation for Land Use Conflicts*

All potential land use conflicts caused by adjacent incompatible development will be avoided or reduced to a less-than-significant level by the following measures that are part of the project:

**MM 4.1-1** All EEHVS-related development shall comply with the City's Residential, Commercial, and Industrial design Guidelines, as applicable.

**MM 4.1-2** As required by ALUC Policy G-3, all development anywhere on the Arcadia property shall grant an avigation easement to the Santa Clara County Roads & Airports Department.

#### 4.1.3.2 *Mitigation for Conflicts with Land Use Plans and Policies*

For Scenarios II-V, the above-described conflict with the San José General Plan's *Campus Industrial* land use designation for the Berg/IDS and Legacy Partners properties cannot be mitigated. The conflict can, however, be avoided by the selection of either Scenario I or Scenario VI since those scenarios would retain the *Campus Industrial* land use designation. In the event, however, that Scenario II, III, IV, or V is selected, adoption of a statement of overriding considerations will be required.

#### 4.1.3.3 *Mitigation for Loss of Agricultural Land*

The following discussion includes references to "agricultural easements". An agricultural conservation easement is a voluntary, legally recorded deed restriction that is placed on a specific property used for agricultural production. The goal of an agricultural conservation easement is to maintain agricultural land in active production by removing the development pressures from the land. Such an easement prohibits practices which would damage or interfere with the agricultural use of the land. Because the easement is a restriction on the deed of the property, the easement remains in effect even when the land changes ownership.

**Creation of New Farmlands**

The following measure, if determined to be feasible, would mitigate for the loss of agricultural land that would result from the proposed development of the Berg/IDS and Evergreen Valley College properties.

The applicants have not included this measure as part of the proposed project. However, if the City Council determines the measure to be feasible and requires it as a condition of approval, it would reduce significant impacts to a less-than-significant level. In the event the mitigation is determined to be infeasible, adoption of a statement of overriding considerations will be required.

**MM 4.1-3** Mitigation for the conversion of farmland to urban uses would consist of replacing the lost acreage on a one-to-one (1:1) basis. For every acre of farmland lost, new farmland would be created by converting suitable sites from non-agricultural to agricultural uses. This is analogous to the common practice of requiring the creation of new wetland habitat when existing wetland is impacted by a project.

Given the fact that most of San José is already developed with urban uses, there is only one location within San José's Sphere of Influence where it might be feasible to convert existing vacant, non-agricultural lands to agricultural uses. This area, known as the Coyote Greenbelt, consists of approximately 3,650 acres at the south end of San José's Coyote Valley. The Coyote Greenbelt is intended to be a permanent, non-urban buffer between the Cities of San José and Morgan Hill. Approximately 2,140 acres are designated by the City's General Plan for Agriculture, and approximately 818 acres are designated for Public Park/Open Space; remaining lands are designated Rural Residential, Public/Quasi-Public and Private Recreation.

This area is underlain by soils well-suited for agriculture, and most of the Coyote Greenbelt is designated as either Prime Farmland or Farmland of Statewide Importance on the *Santa Clara County Important Farmlands 2004* map (California Department of Conservation, 2005). A substantial number of acres in the Coyote Greenbelt have been developed, some with quasi-agricultural or agriculture support uses such as greenhouses. There are also a significant number of unrelated commercial and residential developments, including woodworking. Based on a review of aerial photographs of the area, a substantial quantity of the land designated as "Greenbelt" and planned for long-term agriculture is covered with structures, and much of it is no longer available for cultivation.

In addition to being constrained by existing development, much of the remaining vacant land has been subdivided into small parcels. Of the 255 parcels zoned Agriculture, the average parcel size is less than five acres. Some of the parcels are individually owned; other adjacent parcels may be in the same ownership. Properties of such a small size are rarely purchased for agricultural purposes. They are generally developed with residences or businesses, or are held for future development. It would also be unusual for new agriculture to be developed on such small parcels due to the likelihood of incompatible uses being already located nearby. Further, the likelihood for new incompatible uses to enter the area is too high to make the investment in agriculture seem viable. Even for higher-return agriculture that can viably locate on small parcels near urban areas (e.g., truck farming, specialty crops), the risk from existing or encroaching urbanization makes such sites unattractive.

This area has been used for agriculture in the past. In order to create economically viable, suitable agricultural sites on property in the Coyote Greenbelt that is presently unsuitable for agriculture, the following actions could be taken:

1. Developed land could be purchased, the structures demolished, and an agricultural easement recorded over the property. Parcel lines that could allow individual sale of small lots would be eliminated. The agricultural sites can then be sold to others. Verification by an agricultural economist having experience with the urban/agricultural interface would be required to support the proposed site size.

2. Agricultural sites of sufficient size to support viable agriculture, including buffers, could be purchased and existing parcel lines that create small parcels could be eliminated. This could require recordation of mergers, tentative maps, or other legal documents. An agricultural easement should be recorded over the new parcels. Verification by an agricultural economist having experience with the urban/agricultural interface would be required to support the proposed site size.

3. For new agricultural sites that are adjacent to existing residences, or residential sites that are not part of the merged or vacated properties, acknowledgments from the adjacent residential property owners of the "right to farm" on adjacent lands should be recorded.

Because not all agricultural land is equally productive (for example, grazing land versus orchard lands), the replacement of agricultural land lost should be based on an equivalency ratio to ensure that the proposed mitigation replaces the value of the land lost. This ratio should be determined by an agricultural economist with knowledge of local agriculture and with experience with the urban/agricultural interface.

The creation of productive viable farmlands as mitigation that could reduce the impact of the loss of agricultural land to less-than-significant would not necessarily have to be limited to lands within San José's sphere of influence. Other land that has been rendered unsuitable for viable, sustainable agricultural use, and which is located in south Santa Clara County, and which could also be made viable agricultural land, could also serve as mitigation for impacts from this project. The City of San José has no specific knowledge of any other suitable location that could serve as mitigation, but it is acknowledged that such other locations, having characteristics similar to those of the Coyote Greenbelt, may exist.

**Protection of Existing Farmlands**

The protection of other existing farmland, such as through the use of agricultural easements or outright purchase, is not considered by the City of San José as adequate mitigation under CEQA because the net result of such actions would still be a net loss of farmland acreage. However, such actions do benefit agriculture by preventing the conversion of otherwise vulnerable farmland to non-agricultural uses. If

a project that results in the loss of farmland contributes to the protection of other farmland that is in imminent danger of conversion to non-agricultural use, that fact can be taken into account when a Lead Agency adopts a statement of overriding considerations.

To qualify as mitigation, even mitigation that does not reduce the impact to less-than-significant, the project proponent could: (1) acquire land outright, record an agricultural easement that limits uses of the land to agricultural purposes, and then could either sell or lease the property for farming by others; or (2) negotiate with one or more property owners to allow recordation of an agricultural easement. The property that is the subject of this type of easement might or might not actually be in active cultivation at the time of easement recordation, but would need to meet the following requirements:

1. Be suitable for agricultural uses, including soil types that would meet the criteria to qualify as Prime Farmland, Farmland of Statewide Importance, or Unique Farmland in the Farmland Mapping and Monitoring Program maintained by the California Department of Conservation, and be of a size that could viably support agricultural uses. Verification by an agricultural economist having experience with the urban/agricultural interface would be required to support the proposed site size. If the property is in multiple parcels, the parcels should either be of sufficient size to meet the criteria of agricultural viability, or the parcels should be merged.

2. The property must be at a location in Santa Clara County that would qualify it as threatened by the possibility of urban development. This could include farmland located: (1) immediately adjacent to an urban limit line, urban growth boundary, or urban service area; (2) in the path of, and reasonably proximate to, a clear pattern of recent urbanization; and/or (3) immediately adjacent to multiple (two or more) urban services (i.e., water line, sewer line, public streets).

3. The easement must be offered to the City of San José and/or the Santa Clara County Open Space District, and must limit the uses of the land to agriculture in perpetuity.

As an alternative to providing individual mitigation, a project proponent may, at their discretion participate in an agricultural mitigation program established by the City of San José for the purpose of mitigating loss of agricultural land, should the City establish such a program in the future.[39]

### 4.1.4 Conclusions regarding Land Use Impacts

Any and all potential land use conflicts that would occur under the EEHVS scenarios and be caused by adjacent incompatible development will be avoided and/or reduced to a less-than-significant level by

[39] Agricultural land mitigation programs, including in-lieu fee programs, are described in the memo from Stephen M. Haase to the Coyote Valley Specific Plan Task Force, entitled "Agricultural Land Conversion and Mitigation", dated January 4, 2006. This memo is available for review on the internet at: http://www.sanjoseca.gov/coyotevalley/info_TF.htm.

compliance with the City's Residential, Commercial, and Industrial Design Guidelines, as applicable. **[Less-than-Significant Impact]**

The EEHVS will result in the loss of 33 acres of Prime Farmland on the Berg/IDS property and 17 acres of Farmland of Local Importance on the Evergreen Valley College property. This EIR describes mitigation that, if determined to be feasible, could reduce this impact to a less-than-significant level, but the applicant has not included such mitigation in the project. **[Less-than-Significant Impact if Mitigation is Determined to be Feasible and Made a Condition of Approval] [Significant Unavoidable Impact if Mitigation is Determined to be Infeasible]**

None of the EEHVS development scenarios will result in a significant impact on open space resources. **[Less-than-Significant Impact]**

Development on the Arcadia property under Scenarios II-VI will include the construction of four outdoor playing fields within a designated safety zone for nearby Reid-Hillview Airport. This proposed use would be consistent with the criteria for allowed land uses in this safety zone, as specified in the ALUC's *Land Use Plan for Areas Surrounding Santa Clara County Airports*. **[No Impact]**

The San José General Plan land use designation for the Berg/IDS and Legacy Partners properties is *Campus Industrial*. This designation was approved in 1980, for the purpose of reducing the environmental effects associated with long-distance commuting. Scenarios II-V would construct housing on these sites. This is in direct conflict with the General Plan because residential and park use development would preclude the creation of jobs on these sites, thereby potentially exacerbating environmental impacts associated with longer-distance commuting (e.g., traffic congestion, degradation of air quality, increased energy usage, etc.). **[Significant Unavoidable Impact]**

## 4.2 TRANSPORTATION AND TRAFFIC

This section is primarily based upon a January 2006 transportation and traffic report prepared by Hexagon Transportation Consultants, Inc. for the proposed project. The report is included in Appendix E of this EIR.

**Introduction**

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating transportation and traffic impacts resulting from planned development within the City. All future development addressed by this EIR would be subject to the transportation policies listed in Chapter 4, *Goals and Policies*, of the City's General Plan, including the following:

- *Level of Service Policy #5*: Maintain Specified Levels of Service
- *Transportation Policy #3*: Provide Right-of-Way Dedication and Improvements
- *Transportation Policy #8*: Factor Safety for All Modes into the Design of Streets & Roadways
- *Transportation Policy #9*: Discourage Through Traffic on Neighborhood Streets
- *Transportation Policy #16*: Encourage Pedestrian Travel by Providing Pedestrian Facilities
- *Transportation Policy #43*: Priority Improvements to the Transportation Bicycle Network

### 4.2.1 Existing Setting

#### 4.2.1.1 *Existing Roadway Network*

The EDP area is served by a system of roadways that includes freeways and an expressway, as well as city streets consisting of arterials, collectors, and local streets.[40] A brief description of each of the primary roadways is presented below; the roadways are also shown on Figure 20.

**Freeways**

- U.S. 101, which is one of the principal north-south highways in California, is a major north-south freeway in the greater San Francisco Bay Area. U.S. 101 is the primary freeway that provides access to/from the EDP area. In San José, the freeway is generally four lanes in each direction, three of which are mixed-flow and one of which is restricted to high occupancy

[40]The San José General Plan classifies city streets as follows: An **arterial** accommodates major movements of traffic not served by freeways or expressways and is generally planned to contain four or more travel lanes. A **major collector**, which can be two or four lanes, serves internal traffic within an area and connects this area with the arterial system. A **local street** provides access to immediately adjacent land such as residential or industrial uses.

Figure 20 Existing Roadway Network with Study Intersections

vehicle (HOV) use during weekday peak AM and PM commute periods.[41] Existing interchanges on U.S. 101 in the Evergreen area are located at I-280/I-680, Story Road, Tully Road, Capitol Expressway, Yerba Buena Road, and Hellyer Avenue.

- I-280/I-680 is a major freeway in the greater San Francisco Bay Area. It is known as I-280 west of U.S. 101 and I-680 east of U.S. 101. While not located within the boundaries of the EDP, I-280/I-680 provides regional access to Evergreen via interchanges at U.S. 101, King Road, Jackson Avenue, and Capitol Expressway.

**Expressways**

- Capitol Expressway is a limited-access facility that extends from State Route 87 to I-680. It is generally four lanes in each direction (three mixed-flow plus one HOV). Within Evergreen, Capitol Expressway provides connections to major local roadways via signalized intersections at Story Road, Ocala Avenue, Cunningham Avenue, Tully Road, Quimby Road, Nieman Boulevard, Aborn Road, and Silver Creek Road.

**Arterials**

- Story Road is an east-west arterial that extends along the northerly boundary of the EDP area. It includes an interchange with U.S. 101.

- Ocala Avenue/Marten Avenue is an east-west arterial that extends from U.S. 101 on the west to Mount Pleasant Road on the east.

- Tully Road is an east-west arterial that extends through the central part of Evergreen. It includes an interchange with U.S. 101. East of Mount Pleasant Road, Tully Road is designated as a major collector.

- Quimby Road is an east-west arterial that extends from Tully Road on the west to Murillo Avenue on the east.

- Aborn Road is an east-west arterial that extends from King Road on the west to Murillo Avenue on the east.

- Yerba Buena Road is an east-west arterial between Senter Road on the west and San Felipe Road on the east. It includes an interchange with U.S. 101. East of San Felipe Road, Yerba Buena Road is designated as a major collector.

[41] In Santa Clara County, vehicles containing two or more persons qualify as a high occupancy vehicle. Motorcycles are also allowed to use HOV lanes during the hours that the HOV restriction is in effect.

- King Road/Silver Creek Road is a north-south arterial that extends through all of the eastern portion of San José, including the EDP area. North of Aborn Road, this arterial is named King Road. South of Aborn Road, it is named Silver Creek Road.

- White Road/San Felipe Road is a north-south arterial that extends through all of the eastern portion of San José, including the Evergreen area. North of Aborn Road, this arterial is named White Road. South of Aborn Road, it is named San Felipe Road.

- Silver Creek Valley Road is a north-south arterial that extends from Yerba Buena Road on the north to U.S. 101 on the south. North of Yerba Buena Road, this arterial becomes Nieman Boulevard. Just north of its intersection with Terrena Valley Drive, the designation for Nieman Boulevard changes from arterial to major collector.

### Major Collectors

Local streets in the EDP area that are designated as "major collectors" are listed in Table 18.

**T A B L E 1 8**

**DESIGNATED MAJOR COLLECTORS IN EVERGREEN • EAST HILLS**

| Name | Segment | # of Planned Travel Lanes |
|---|---|---|
| Adrian Way | Story Road to Ocala Avenue | 2 |
| Clayton Road | Story Road to Mt. Pleasant Road | 2 |
| Delta Road | entire length | 4[a] |
| Mount Pleasant Road | Clayton Road to Kohler Avenue | 4 |
| Murillo Avenue | Tully Road to Aborn Road | 4[a] |
| Nieman Boulevard | entire length | 4[a] |
| Quimby Road | east of White Road | 4[a] |
| Ruby Avenue | Kohler Avenue to Delta Road | 4[c] |
| San Felipe Road | south of The Villages Parkway | 2 |
| Yerba Buena Road | San Felipe Road to Aborn Road | 4[b] |

[a] Project proposes to change this to two lanes.
[b] Project proposed to change this to two lanes between Old Yerba Buena Road & Aborn Road, except under Scenario VI.
[c] Project proposes to change this to two lanes between Kohler Avenue & Aborn Road and between Fowler Road & Delta Road.

**Source:** San José 2020 General Plan

#### 4.2.1.2 *Existing Public Transit*

The Santa Clara Valley Transportation Authority (VTA) operates a bus and light rail transit (LRT) system in Santa Clara County. Service provided by VTA includes connections with bus and rail service operated by other public entities, including Caltrain commuter rail, Altamont Commuter Express (ACE) trains, Amtrak Capitol Corridor trains, and the Bay Area Rapid Transit (BART) system.

There is presently no rail service within the EDP area of San José. VTA is, however, planning to extend LRT service to the area as part of its Capitol Expressway Corridor Project. The LRT would be constructed along, or in the median of, Capitol Expressway. The extension would begin at the existing Alum Rock Station and continue to Nieman Boulevard. Anticipated stations along the planned extension will be Story, Ocala/Cunningham, Eastridge, and Nieman. A primary funding source for the project will be sales tax revenues from Measure A that was approved by voters on November 7, 2000.[42]

Existing VTA bus service in the EDP area consists of eight local and two limited-stop routes, as listed in Table 19. All of these routes include the Eastridge Transit Center, which is a focal point for transfers.

**T A B L E 1 9**

**EXISTING VTA BUS ROUTES IN EVERGREEN • EAST HILLS**

| Route | Description of Route |
|---|---|
| 12 | Local: Eastridge Transit Center to San José Civic Center |
| 22 | Local: Eastridge Transit Center to Palo Alto/Menlo Park |
| 26 | Local: Eastridge Transit Center to Sunnyvale/Lockheed-Martin |
| 31 | Local: McKee LRT Station to Evergreen Valley College/The Villages |
| 39 | Local: Eastridge Transit Center via Flint, Norwood, and Quimby |
| 70 | Local: Capitol LRT Station to Great Mall/Main Transit Center |
| 71 | Local: Eastridge Transit Center to Great Mall/Main Transit Center |
| 77 | Local: Eastridge Transit Center to Great Mall/Main Transit Center |
| 103 | Limited Stop: Eastridge Transit Center to Palo Alto |
| 300 | Limited Stop: Eastridge Transit Center to Palo Alto Caltrain Station |

**Source:** VTA, 2005

[42]Source: VTA, Draft EIS/EIR for Capitol Expressway Corridor Project, April 2004.

#### 4.2.1.3 *Existing Traffic Operations*

**Methodology and Standards**

The City of San José and the Congestion Management Agency (part of VTA) have developed procedures for quantifying and evaluating traffic conditions on highways. As explained below, the procedure utilized for evaluating freeways is different from that utilized for evaluating local streets.

**T A B L E 2 0**

**LEVEL OF SERVICE DEFINITIONS FOR SIGNALIZED INTERSECTIONS**

| Level of Service | Description of Operations | Average Control Delay[a] (seconds/vehicle) |
|---|---|---|
| A | Insignificant Delays: No approach phase is fully utilized and no vehicle waits longer than one red indication. | ≤ 10 |
| B | Minimal Delays: An occasional approach phase is fully utilized. Drivers begin to feel restricted. | > 10 to 20 |
| C | Acceptable Delays: Major approach phase may become fully utilized. Most drivers feel somewhat restricted. | > 20 to 35 |
| D | Tolerable Delays: Drivers may wait through no more than one red indication. Queues may develop but dissipate rapidly, without excessive delays. | > 35 to 55 |
| E | Significant Delays: Volumes approaching capacity. Vehicles may wait through several signal cycles and long vehicle queues from upstream. | > 55 to 80 |
| F | Excessive Delays: Represents conditions at capacity, with extremely long delays. Queues may block upstream intersections. | > 80 |

[a] Average Control Delay includes the time for initial deceleration delay, queue move-up time, stopped delay, and final acceleration.

**Source:** Transportation Research Board, 2000 Highway Capacity Manual.

Local street performance is measured using the "level of service" (LOS) concept, whereby traffic demand is evaluated in the context of capacity. Since intersections are a key factor in determining the capacity of local streets, the adopted procedures focus on AM and PM peak-hour operations at

intersections. The methodology, which is based on the Transportation Research Board's *2000 Highway Capacity Manual*, computes a level of service taking into account factors such as the demand for each traffic movement (i.e., left turns, straight, right turns), the number of lanes, and (where applicable) signal timing. Based on these factors, the methodology computes the average delay per vehicle at the intersection using software known as TRAFFIX, to which a corresponding level of service is assigned. As summarized in Table 20, level of service can range from "LOS A", representing free-flow conditions, to "LOS F", representing jammed/over-saturated conditions. For more details on the technical aspects of this methodology, please see Appendix E.

The City of San José General Plan LOS Policy #5 states that the minimum overall performance of City streets during peak travel periods should be LOS D, but recognizes that a special policy has been developed for the Evergreen area. The *Evergreen Development Policy (EDP)*, which is described in Section 1.3, *Background*, is based on the same goal of overall LOS D.[43]

A number of local roadways and intersections are designated as "Congestion Management Program (CMP) facilities" because they function as key elements in the Santa Clara County highway network. Examples of such roadways include all of the County expressways, Tully Road, Monterey Road, and Blossom Hill Road. The minimum acceptable LOS for CMP-designated intersections is LOS E.[44]

Freeways are evaluated using the CMP methodology, which is based on the density of traffic flow during peak hours. Density is expressed in terms of the number of passenger vehicles per mile per lane. Analogous to the evaluation of intersections, levels of service are assigned to a freeway segment based on the density, as summarized in Table 21. The minimum acceptable LOS for freeways is LOS E.

**Existing Peak-Hour Operations at Intersections**

Based upon City of San José and CMP selection criteria, the traffic analysis prepared for this EIR evaluated the AM and PM peak-hour operations at 99 intersections in the greater Evergreen area. The study intersections include signalized intersections in and around Evergreen that may be significantly impacted by the proposed project due to either substandard operations under background conditions, or the magnitude of project-generated trips expected at the intersection. These intersections, all of which are located in San José, are listed in Table 22, as well as shown on Figure 20. An asterisk (*) indicates that the intersection is designated as part of the CMP network.

[43]The LOS D criterion applies to signalized intersections. San José does not have an established standard for unsignalized intersections, but does require the evaluation of key unsignalized intersections to determine if the installation of a traffic signal is warranted.

[44]VTA is the Congestion Management Agency for Santa Clara County and is responsible for the County's Congestion Management Plan (CMP). Under Proposition 111, which was approved by voters in 1990, urbanized counties in California are required to prepare CMPs in order to maintain eligibility for gas tax subventions.

**T A B L E 2 1**

**LEVEL OF SERVICE DEFINITIONS FOR FREEWAYS**

| Level of Service | Density (vehicles/mile/lane) |
|---|---|
| A | ≤ 11 |
| B | 11.1 to 18.0 |
| C | 18.1 to 26.0 |
| D | 26.1 to 46.0 |
| E | 46.1 to 58.0 |
| F | > 58.0 |

**Source:** VTA, CMP Transportation Impact Analysis Guidelines, 2003.

Table 22 shows the existing AM and PM peak-hour levels of service at each of the study intersections, respectively. The levels of service were calculated using the above-described methodology and are based on traffic counts taken in 2004 and 2005. Count dates for each intersection are listed in Appendix E. As shown in Table 22, there are four intersections that are operating below the City's goal of LOS D under existing conditions:

- #13: Capitol Expressway and Silver Creek Road [AM peak-hour]
- #16: Capitol Expressway and Quimby Road [PM peak-hour]
- #21: Capitol Expressway and Story Road [AM peak-hour]
- #22: Capitol Expressway and Capitol Avenue [PM peak-hour]

### Existing Peak-Hour Freeway Operations

Based upon City of San José and CMP selection criteria, the traffic analysis prepared for this EIR evaluated the AM and PM peak-hour operations on 18 freeway segments in the greater Evergreen area. The study segments include freeways in and around Evergreen that may be significantly impacted by the proposed project due to either substandard operations under existing conditions, or the magnitude of project-generated trips expected on the freeway segment. Table 23 shows the existing AM and PM peak-hour levels of service on each of these freeway segments, which were calculated using the above-described methodology. The data in Table 23 indicate that there is substantial congestion on certain freeway segments, particularly in the peak commute direction:

**T A B L E 2 2**

**EXISTING & SCENARIO I (NO PROJECT/BACKGROUND) INTERSECTION LOS**

| | | AM Peak-Hour | | | | PM Peak-Hour | | | |
|---|---|---|---|---|---|---|---|---|---|
| Intersection | | Existing | | Scenario I | | Existing | | Scenario I | |
| # | Name | Avg. Delay | LOS | Avg. Delay | LOS | Avg. Delay | LOS | Avg. Delay | LOS |
| 1 | U.S. 101 Ramps & Blossom Hill Road (E)* | 27.8 | C | 44.0 | D | 32.1 | C | **64.0** | **E** |
| 2 | U.S. 101 Ramps & Blossom Hill Road (W)* | 17.7 | B | 17.2 | B | 21.9 | C | 33.9 | C |
| 3 | U.S. 101 Ramps & Yerba Buena Road (E)* | 12.7 | B | 13.8 | B | 16.0 | B | 34.1 | C |
| 4 | U.S. 101 Ramps & Yerba Buena Road (W)* | 25.8 | C | 35.9 | D | 26.4 | C | 29.1 | C |
| 5 | U.S. 101 Ramps & Capitol Expressway (E)^ | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| 6 | U.S. 101 Ramps & Capitol Expressway (W)^ | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| 7 | U.S. 101 Ramps & Tully Road (E)^ | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| 8 | U.S. 101 Ramps & Tully Road (W)^ | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| 9 | I-680 Ramps & King Road (N)* | 26.5 | C | 28.0 | C | 34.5 | C | 36.6 | D |
| 10 | I-680 Ramps & King Road (S)* | 17.7 | B | 21.6 | C | 34.0 | C | 36.8 | D |
| 11 | I-680 NB Off-Ramp & Jackson Avenue | 33.3 | C | 36.0 | D | 32.6 | C | 32.5 | C |
| 12 | Capitol Expressway & McLaughlin Avenue* | 46.1 | D | 46.9 | D | 44.9 | D | 48.6 | D |
| 13 | Capitol Expressway & Silver Creek Road* | **60.3** | **E** | 50.8 | D | 52.4 | D | 51.5 | D |
| 14 | Capitol Expressway & Aborn Road* | 41.9 | D | 39.8 | D | 48.0 | D | 50.2 | D |
| 15 | Capitol Expressway & Nieman Boulevard | 11.5 | B | 40.8 | D | 23.5 | C | 27.0 | C |
| 16 | Capitol Expressway & Quimby Road* | 42.8 | D | 45.8 | D | **57.0** | **E** | **77.8** | **E** |
| 17 | Capitol Expressway & Eastridge Road | 6.5 | A | 8.5 | A | 9.1 | A | 12.4 | B |
| 18 | Capitol Expressway & Tully Road* | 40.3 | D | 37.3 | D | 41.5 | D | 45.4 | D |
| 19 | Capitol Expressway & Cunningham Avenue | 11.7 | B | 11.9 | B | 8.8 | A | 9.3 | A |
| 20 | Capitol Expressway & Ocala Avenue | 49.7 | D | 53.8 | D | 47.9 | D | 51.9 | D |
| 21 | Capitol Expressway & Story Road* | **60.0** | **E** | 47.2 | D | 54.9 | D | 53.6 | D |
| 22 | Capitol Expressway & Capitol Avenue* | 24.9 | C | 25.3 | C | **55.6** | **E** | 53.1 | D |
| 23 | Capitol Expressway & Jackson/San Antonio | 31.2 | C | 31.5 | C | 31.1 | C | 31.3 | C |
| 24 | Tully Road & McLaughlin Avenue* | 42.6 | D | 43.0 | D | 54.3 | D | **61.0** | **E** |
| 25 | Tully Road & Alvin Avenue | 32.7 | C | 33.4 | C | 44.1 | D | 43.4 | D |
| 26 | Tully Road & King Road* | 38.9 | D | 39.8 | D | 48.6 | D | 50.1 | D |
| 27 | Tully Road & Huran Drive | 24.3 | C | 27.5 | C | 22.2 | C | 25.8 | C |

**T A B L E 2 2**

**EXISTING & SCENARIO I (NO PROJECT/BACKGROUND) INTERSECTION LOS**

| | | AM Peak-Hour | | | | PM Peak-Hour | | | |
|---|---|---|---|---|---|---|---|---|---|
| Intersection | | Existing | | Scenario I | | Existing | | Scenario I | |
| # | Name | Avg. Delay | LOS | Avg. Delay | LOS | Avg. Delay | LOS | Avg. Delay | LOS |
| 28 | Tully Road & Quimby Road* | 34.4 | C | 34.0 | C | 45.1 | D | 46.7 | D |
| 29 | Tully Road & Eastridge Way | 9.6 | A | 11.4 | B | 17.2 | B | 18.4 | B |
| 30 | Tully Road & Eastridge Lane | 4.2 | A | 4.5 | A | 8.8 | A | 9.3 | A |
| 31 | Tully Road & Evergreen Commons | 8.6 | A | 9.6 | A | 11.1 | B | 11.7 | B |
| 32 | Tully Road & Glen Angus Way | 15.3 | B | 15.1 | B | 10.5 | B | 10.8 | B |
| 33 | Tully Road & White Road | 39.7 | D | 43.0 | D | 38.2 | D | 38.5 | D |
| 34 | Tully Road & Flint Avenue | 23.8 | C | 25.1 | C | 25.5 | C | 25.9 | C |
| 35 | Ocala Avenue & Bermuda Way | 15.6 | B | 15.5 | B | 13.8 | B | 13.4 | B |
| 36 | Ocala Avenue & Hopkins Drive | 18.4 | B | 18.3 | B | 20.7 | C | 20.5 | C |
| 37 | Story Road & McLaughlin Avenue | 39.6 | D | 40.8 | D | 46.2 | D | 46.9 | D |
| 38 | Story Road & Knox Avenue | 29.6 | C | 30.5 | C | 21.7 | C | 21.6 | C |
| 39 | Story Road & King Road | 43.8 | D | 41.4 | D | 47.3 | D | 46.2 | D |
| 40 | Story Road & Bal Harbor Way | 28.1 | C | 28.0 | C | 24.4 | C | 23.4 | C |
| 41 | Story Road & Hopkins Drive | 24.5 | C | 24.2 | C | 25.6 | C | 24.9 | C |
| 42 | Story Road & Adrian Way | 18.5 | B | 18.5 | B | 24.8 | C | 24.9 | C |
| 43 | Story Road & Jackson Avenue | 26.2 | C | 26.1 | C | 34.7 | C | 35.1 | D |
| 44 | Story Road & McGinness Avenue | 23.5 | C | 23.6 | C | 25.0 | C | 26.3 | C |
| 45 | Story Road & White Road | 43.7 | D | 45.4 | D | 46.0 | D | 45.7 | D |
| 46 | Alum Rock Avenue & Jackson Avenue* | 31.4 | C | 33.9 | C | 35.7 | D | 37.3 | D |
| 47 | White Road & Alum Rock Avenue* | 50.3 | D | 53.7 | D | 43.8 | D | 43.8 | D |
| 48 | White Road & Easthills Drive | 26.8 | C | 26.2 | C | 22.8 | C | 22.7 | C |
| 49 | White Road & Mt. Vista Drive | 11.7 | B | 11.0 | B | 13.8 | B | 12.7 | B |
| 50 | White Road & Rocky Mountain Drive | 4.1 | A | 3.6 | A | 3.1 | A | 3.0 | A |
| 51 | White Road & Ocala Avenue | 33.0 | C | 29.2 | C | 30.2 | C | 29.5 | C |
| 52 | White Road & Cunningham Avenue | 13.2 | B | 12.4 | B | 14.0 | B | 12.2 | B |
| 53 | White Road & Lake Cunningham Park | 6.4 | A | 6.0 | A | 4.0 | A | 6.7 | A |
| 54 | White Road & Glen Donegal Drive | 16.6 | B | 14.5 | B | 14.6 | B | 12.7 | B |

**T A B L E 2 2**

**EXISTING & SCENARIO I (NO PROJECT/BACKGROUND) INTERSECTION LOS**

| | | AM Peak-Hour | | | | PM Peak-Hour | | | |
|---|---|---|---|---|---|---|---|---|---|
| Intersection | | Existing | | Scenario I | | Existing | | Scenario I | |
| # | Name | Avg. Delay | LOS | Avg. Delay | LOS | Avg. Delay | LOS | Avg. Delay | LOS |
| 55 | White Road & Norwood Avenue | 13.0 | B | 11.5 | B | 13.9 | B | 13.1 | B |
| 56 | White Road & Quimby Road | 37.3 | D | 41.9 | D | 40.2 | D | 45.7 | D |
| 57 | White Road & Stevens Lane | 12.3 | B | 10.5 | B | 11.5 | B | 9.9 | A |
| 58 | White Road & Aborn Road | 37.5 | D | 42.8 | D | 42.1 | D | 44.4 | D |
| 59 | San Felipe Road & Yerba Buena Avenue | 18.4 | B | 18.4 | B | 8.4 | A | 8.3 | A |
| 60 | San Felipe Road & Fowler Road | 19.7 | B | 19.7 | B | 9.7 | A | 10.6 | B |
| 61 | San Felipe Road & Delta Road | 19.8 | B | 20.0 | B | 14.2 | B | 14.2 | B |
| 62 | San Felipe Road & Paseo de Arboles | 11.6 | B | 10.8 | B | 13.9 | B | 13.2 | B |
| 63 | San Felipe Road & Yerba Buena Road (S) | 32.9 | C | **78.3** | **E** | 34.2 | C | **105.5** | **F** |
| 64 | San Felipe Road & The Villages Parkway | 16.4 | B | 16.3 | B | 16.3 | B | 15.9 | B |
| 65 | San Felipe Road & Farnsworth Drive | 16.0 | B | 15.4 | B | 13.1 | B | 13.6 | B |
| 66 | King Road & Marsh Street | 9.8 | A | 9.5 | A | 8.2 | A | 8.0 | A |
| 67 | King Road & Biscayne Way | 11.4 | B | 11.8 | B | 10.1 | B | 11.1 | B |
| 68 | King Road & Ocala Avenue | 37.4 | D | 37.7 | D | 35.2 | D | 35.7 | D |
| 69 | King Road & Cunningham Avenue | 19.4 | B | 19.8 | B | 13.0 | B | 14.5 | B |
| 70 | King Road & Waverly Avenue | 21.2 | C | 21.1 | C | 17.0 | B | 17.1 | B |
| 71 | King Road & Burdette Drive | 12.0 | B | 12.4 | B | 16.0 | B | 15.9 | B |
| 72 | King Road & Rigoletto Drive | 14.9 | B | 14.8 | B | 15.3 | B | 15.3 | B |
| 73 | King Road & Enesco Avenue | 12.6 | B | 12.3 | B | 12.5 | B | 12.3 | B |
| 74 | King Road & Barberry Lane | 13.8 | B | 13.9 | B | 6.3 | A | 6.3 | A |
| 75 | King Road & Aborn Road | 22.7 | C | 24.5 | C | 26.7 | C | 28.8 | C |
| 76 | Silver Creek Road & Lexann Avenue | 14.5 | B | 19.0 | B | 26.8 | C | 29.5 | C |
| 77 | Silver Creek Road & Daniel Maloney Drive | 25.7 | C | 25.3 | C | 20.2 | C | 20.7 | C |
| 78 | Silver Creek Road & Yerba Buena Road | 20.6 | C | 20.0 | C | 21.4 | C | 23.8 | C |
| 79 | Quimby Road & Rigoletto Drive | 31.3 | C | 33.7 | C | 34.6 | C | 35.8 | D |
| 80 | Quimby Road & Eastridge Boulevard | 15.8 | B | 16.6 | B | 23.1 | C | 23.7 | C |
| 81 | Quimby Road & Remington Way | 18.5 | B | 19.4 | B | 14.5 | B | 16.4 | B |

**T A B L E 2 2**

**EXISTING & SCENARIO I (NO PROJECT/BACKGROUND) INTERSECTION LOS**

| | | AM Peak-Hour | | | | PM Peak-Hour | | | |
|---|---|---|---|---|---|---|---|---|---|
| Intersection | | Existing | | Scenario I | | Existing | | Scenario I | |
| # | Name | Avg. Delay | LOS | Avg. Delay | LOS | Avg. Delay | LOS | Avg. Delay | LOS |
| 82 | Quimby Road & Ruby Avenue | 31.7 | C | 32.4 | C | 28.5 | C | 31.1 | C |
| 83 | Aborn Road & Brigadoon Way | 7.8 | A | 6.1 | A | 10.1 | B | 10.0 | B |
| 84 | Aborn Road & Nieman Boulevard | 27.7 | C | 45.2 | D | 31.2 | C | 31.7 | C |
| 85 | Aborn Road & Kettman Road | 20.1 | C | 16.9 | B | 19.0 | B | 29.1 | C |
| 86 | Aborn Road & Alessandro Drive | 20.2 | C | 14.5 | B | 14.4 | B | 8.7 | A |
| 87 | Aborn Road & Ruby Avenue | 23.6 | C | 19.9 | B | 22.8 | C | 20.8 | C |
| 88 | Aborn Road & Altamara Avenue | 28.9 | C | 22.4 | C | 24.8 | C | 13.7 | B |
| 89 | Aborn Road & Mosher Drive | 13.7 | B | 4.0 | A | 14.6 | B | 3.3 | A |
| 90 | Yerba Buena Road & McLaughlin Avenue | 22.9 | C | 22.9 | C | 26.0 | C | 26.0 | C |
| 91 | Yerba Buena Road & Nieman Boulevard | 33.2 | C | 51.4 | D | 30.0 | C | 26.3 | C |
| 92 | Yerba Buena Road & Byington Drive | 13.1 | B | 12.0 | B | 10.1 | B | 20.5 | C |
| 93 | Silver Creek Valley Rd. & Beaumont Canyon | 15.8 | B | 14.5 | B | 19.7 | B | 18.1 | B |
| 94 | Silver Creek Valley Rd. & Farnsworth Drive | 20.0 | C | 21.4 | C | 25.6 | C | 23.7 | C |
| 95 | Silver Creek Valley Rd. & Country Club Pkwy | 17.1 | B | 16.6 | B | 11.3 | B | 12.5 | B |
| 96 | Silver Creek Valley Rd. & Hellyer Avenue | 27.5 | C | 45.5 | D | 30.4 | C | 35.7 | D |
| 97 | Silver Creek Valley Rd. & Fontanoso Way | 16.8 | B | 23.6 | C | 14.7 | B | 28.1 | C |
| 98 | Silver Creek Valley Rd. & Piercy Road | 9.3 | A | 7.7 | A | 17.3 | B | 21.0 | C |
| 99 | Farnsworth Drive & Courtside Drive | 20.0 | C | 20.0 | C | 14.5 | B | 14.5 | B |

**Notes:**

* Denotes CMP Intersection

^ Denotes future signalized intersection

Bold Type/Bold Outline indicates LOS "E" or "F".

**Source:** Hexagon Transportation Consultants, 2006.

**T A B L E 2 3**

**EXISTING PEAK-HOUR LEVELS OF SERVICE ON FREEWAYS**

| Freeway Segment | AM Peak-Hour | | | | PM Peak-Hour | | | |
|---|---|---|---|---|---|---|---|---|
| | Northbound | | Southbound | | Northbound | | Southbound | |
| | Mixed Flow | HOV | Mixed Flow | HOV | Mixed Flow | HOV | Mixed Flow | HOV |
| 101: Hwy 85 - Bernal | D | C | C | A | B | A | C | C |
| 101: Bernal - Blossom Hill | **F** | B | A | B | B | A | C | D |
| 101: Blossom Hill - Hellyer | **F** | D | C | A | D | A | D | B |
| 101: Hellyer - Yerba Buena | E | D | D | A | C | A | D | B |
| 101: Yerba Buena - Capitol | **F** | D | C | A | C | B | C | B |
| 101: Capitol - Tully | **F** | E | D | A | D | B | E | C |
| 101: Tully - Story | D | D | C | A | D | A | **F** | D |
| 101: Story - 280/680 | C | C | B | A | C | B | E | D |
| 101: 280/680 - Santa Clara | **F** | E | C | A | C | A | **F** | **F** |
| 101: Santa Clara - McKee | **F** | E | C | A | C | B | **F** | D |
| 101: McKee - Oakland | **F** | E | B | A | D | B | **F** | D |
| 101: Oakland - 880 | **F** | **F** | B | A | C | A | **F** | E |
| 680: 101 - King | C | | **F** | | C | | C | |
| 680: King - Capitol | C | | **F** | | D | | C | |
| 680: Capitol - Alum Rock | D | | **F** | | C | | D | |
| 280: Hwy 87 - 10th | **F** | | C | | D | | **F** | |
| 280: 10th - McLaughlin | **F** | | D | | D | | E | |
| 280: McLaughlin - 101 | **F** | | C | | C | | D | |

Bold Type/Bold Outline indicates LOS "F".

**Source:** Hexagon Transportation Consultants, 2006.

- On U.S. 101, there is substantial congestion (i.e., LOS F conditions) during the AM peak-hour in the northbound direction from Bernal Road to Tully Road and from I-280/680 to I-880.
- On U.S. 101, there is substantial congestion during the PM peak-hour in the southbound direction from I-880 to Capitol Expressway.
- On I-680, there is substantial congestion during the AM peak-hour in the southbound direction from Alum Rock Avenue to U.S. 101.
- On I-280, there is substantial congestion during the AM peak-hour in the northbound direction from U.S. 101 to State Route 87.

### 4.2.2 Transportation and Traffic Conditions under Scenario I (No Project/Background)

#### 4.2.2.1 *Assumptions and Methodology*

Scenario I is defined as the No Project Alternative, which is often referred to as "background conditions". Scenario I represents conditions that are expected to occur in the area during the timeframe just prior to completion of the would-be development, under the assumption that the existing EDP remains unchanged, and the existing land use designations and zonings on the sites that are the subject of this EIR remain unchanged. This scenario is important because it establishes a starting point or "baseline", against which the traffic impacts of various EEHVS development scenarios can be measured.

There are two primary ways in which Scenario I differs from existing conditions: 1) it includes committed roadway and transit improvements that are planned to occur irrespective of the EEHVS, and 2) it includes traffic from projects that have been approved but have not yet been constructed. The City tracks trips from approved-but-not-yet-constructed projects by maintaining an Approved Trip Inventory. The committed roadway and transit improvements in the EDP area are listed in Table 24.

Among projects in the EDP area that are approved but have not yet been constructed are two that are noteworthy: 217 residential dwelling units on the Arcadia Property[45] and 4.66 million square feet of *Campus Industrial* uses on the Berg/IDS and Legacy Partners Properties. The most notable of the transportation improvement projects assumed to be in place under Scenario I is the Capitol Corridor LRT Extension from the existing Alum Rock Station to the planned Nieman Station (see Section 4.2.1.2). The LRT project will include the removal of HOV lanes on Capitol Expressway between I-680 and Nieman Boulevard.

[45] As noted in Section 1, the Arcadia Property has traffic allocation for 217 dwelling units under Benefit Assessment District 91-209SJ. As such, the traffic from these units is included in Scenario I, even though additional approvals from the City would be required to construct them.

**T A B L E 2 4**

**PLANNED ROADWAY AND TRANSIT IMPROVEMENTS ASSUMED TO BE IN PLACE UNDER SCENARIO I (NO PROJECT) CONDITIONS**

| Location | Description |
|---|---|
| Capitol Expressway Corridor | Construct LRT extension from Alum Rock Station to Nieman Station; remove HOV lanes on Capitol Expwy. between Nieman Blvd. & I-680. |
| Capitol Expressway/Aborn Road Intersection | Add 2nd eastbound left-turn lane and 3rd westbound left-turn lane. |
| Capitol Expressway/Story Road Intersection | Add 3rd eastbound thru-lane and 2nd westbound left-turn lane. |
| U.S. 101/Blossom Hill Road Interchange | Reconfigure and expand capacity of interchange. |
| White Road/Story Road Intersection | Add 2nd southbound left-turn lane. |
| King Road/Story Road Intersection | Add 2nd northbound left-turn lane, 2nd southbound left-turn lane, and separate northbound right-turn lane. |
| White Road/Ocala Avenue Intersection | Add separate westbound right-turn lane. |
| Aborn Road/Kettman Road Intersection | Add southbound approach (library driveway) with one left-turn lane and one shared thru/right-turn lane. |

The intersection improvements listed in this table are committed projects that will be constructed as part of the City's Capital Improvement Program.

The Capitol Corridor LRT Project listed in this table is an approved VTA project, with the Year 2000 Measure A Sales Tax Program identified as the primary funding source. In the event construction of the LRT project is delayed, the traffic impacts of the EEHVS would be less than that shown in this EIR. This statement is based on the fact that the LRT project will remove two traffic lanes from Capitol Expressway and that the traffic analysis assumes no reduction in auto trips due to the availability of LRT as an alternate mode of travel.

#### 4.2.2.2 *Scenario I/No Project/Background Traffic Operations*

**Scenario I/No Project/Background Peak-Hour Operations at Intersections**

The AM and PM peak-hour levels of service under Scenario I/No Project conditions were calculated for the 99 study intersections. As shown in Table 22, there are four intersections that are projected to operate below the City's goal of LOS D under Scenario I/No Project conditions:

- #1: U.S. 101 Ramps and Blossom Hill Road (East) [PM peak-hour]
- #16: Capitol Expressway and Quimby Road [PM peak-hour]
- #24: Tully Road and McLaughlin Avenue [PM peak-hour]
- #63: San Felipe Road and Yerba Buena Road (S) [AM and PM peak-hours]

The reader will note that, despite the fact that Scenario I assumes that the approved 4.66 million square feet of *Campus Industrial* uses are constructed in Evergreen, delay at some intersections is less than that occurring under existing conditions. The reason for this is that a number of EDP-area residents that presently work outside the area are assumed instead to be working inside the area if the *Campus Industrial* uses are constructed. This "internalization of traffic" was one of the reasons behind the 1980s decision to designate certain areas in Evergreen for future job sites.

### 4.2.3 Project-Specific Transportation and Traffic Impacts

This section describes the traffic impacts of the EEHVS at a project-specific level, which, in this EIR, is sometimes referred to as a "near-term" analysis. Section 4.2.4 contains a broader, longer-term analysis of the EEHVS using methodologies developed for assessing the effects of General Plan amendments.

#### 4.2.3.1 *Thresholds of Significance*

For the purposes of this EIR, a near-term transportation and traffic impact is considered significant if the project would:

- cause the level of service at a local intersection to degrade from an acceptable LOS D or better under background conditions to an unacceptable LOS E or worse under project conditions; or
- cause the critical-movement delay at a local intersection with an unacceptable LOS E or LOS F under background conditions to degrade through an increase of four or more seconds and a demand-to-capacity ratio (V/C) increase of .01 (1%) or more; or
- cause the LOS of CMP regional intersections in Santa Clara County to drop below LOS E or cause critical movement delay at such an intersection that is already operating at LOS F to increase by four or more seconds; or
- cause a freeway segment to operate at LOS F, or contribute traffic in excess of one percent (1%) of segment capacity to a freeway segment already operating at LOS F; or
- impede the development or function of planned pedestrian or bicycle facilities; or
- conflict with adopted plans or policies supporting alternative transportation; or
- create an operational safety hazard; or
- result in inadequate emergency access; or
- result in inadequate parking capacity.

The following discussion evaluates the direct impacts of the proposed EEHVS on traffic and transportation systems, consistent with the policies and practices of the City of San José and the Santa Clara County Congestion Management Agency.

#### 4.2.3.2 *Introduction and Methodology*

As discussed in Section 2, *Project Description*, there are six development scenarios under consideration for the EDP area. Scenario I, the No Project Alternative, was evaluated above in Section 4.2.2. The purpose of this section is to quantify - and provide comparisons between - the traffic impacts of Scenarios II-VI.

> For informational purposes, the tables in Appendix E include a column that shows future traffic conditions *without* the roadway improvements that are part of Scenarios II-VI. By comparing this column to the "with improvements" column, one can quantify the benefit provided by the package of improvements.

Unlike many projects where various roadway improvements are addressed as mitigation measures, Scenarios II-VI have been defined to include such improvements. Specifically, the freeway, roadway, and intersection improvements listed in Table 14 are part of the proposed project, and therefore, by definition, are assumed to be constructed under Scenarios II-VI. Thus, it is important for the reader to note that the evaluation of impacts, as well as all conclusions regarding the significance under CEQA of such impacts, is based on the assumption that such improvements are in place.

The methodology used to quantify traffic impacts is described in detail in Appendix E and is summarized as follows:

- ***Trip Generation:*** This steps involves quantifying the number of daily and peak-hour vehicle trips that will be generated at each site under each scenario. Using trip generation rates that have been developed for various land uses by the Institute of Transportation Engineers and the City of San José, the total traffic that will result under each scenario is calculated. The results of this step are summarized in Table 25.

  During one of the EEHVS public meetings, it was suggested that multiple families, or extended families, are occupying some of the homes in the area. This could lead to higher trip generation rates per unit. To study this issue, the EIR traffic consultant (Hexagon Transportation Consultants, Inc.) surveyed three existing neighborhoods in Evergreen: one in the new Evergreen Specific Plan area, one in the Silver Creek Valley Country Club area (also fairly new), and one established neighborhood near the intersection of White Road and Quimby Road. Given the results of these surveys (see Appendix E for details), it is the professional opinion of Hexagon and City of San José staff that the City's recommended rates should be used for new development in Evergreen.

**T A B L E 2 5**

**SUMMARY COMPARISON OF DAILY AND PEAK-HOUR VEHICLE TRIPS**

| | AM Peak-Hour | PM Peak-Hour | Daily |
|---|---|---|---|
| Scenario I | 6,200 | 5,450 | 39,450 |
| Scenario II | 4,950 | 6,950 | 77,500 |
| Scenario III | 5,450 | 7,450 | 82,350 |
| Scenario IV | 5,800 | 7,800 | 85,700 |
| Scenario V | 6,800 | 8,800 | 95,700 |
| Scenario VI | 11,050 | 12,250 | 115,900 |

**Notes:**

- In this summary table, all numbers are rounded to the nearest 50.
- For a detailed breakdown of vehicle trips by land use and by location, please refer to Appendix E.
- Included in the trip generation estimates are the community center/sports complex on the Arcadia property (Scenarios II-VI), the relocated Fire Station #21 on the Pleasant Hills Golf Course property (Scenarios II-VI), the Evergreen Little League Sports Complex on the Legacy Partners property (Scenarios II-V), and the Southeast Branch Library on the Evergreen Valley College property (Scenarios II-VI).
- Included in the trip generation estimates is an allowance for 335-700 future residential dwelling units at to-be-determined locations in Evergreen (see Table 6), an allowance for 100,000 square feet of future commercial/retail uses at to-be-determined locations in Evergreen (see Table 7), and a pool of 500 peak-hour trips to account for future non-residential development in Evergreen (see Table 5).
- The new trails and open space connections that are part of the proposed EEHVS on the Berg/IDS and Legacy Partners properties are not anticipated to generate vehicle trips beyond those generated by the project, and therefore, this project component was not included separately in the trip generation estimates.

**Source:** Hexagon Transportation Consultants, 2006.

▶ ***Trip Distribution and Assignment:*** Once the amount of traffic is known, it is distributed by the traffic engineer onto the surrounding highway network based on existing and expected travel patterns. Where appropriate, existing traffic is reassigned to account for new/widened roadways and/or proposed change in land use. As an example of the latter, if industrial uses are assumed to be built on the Berg/IDS and Legacy Partners properties, a certain amount of commute traffic that would otherwise exit Evergreen would instead travel on streets to those locations.

- ***Level of Service Assessment:*** Once traffic has been assigned to the highway network, projected levels of service are calculated for the study intersections and freeway segments using the methodology described above in Section 4.2.1.3. The resulting levels of service are then compared to Scenario I/No Project conditions to determine the significance of the impact, such determination based on the above-listed thresholds of significance. Where impacts are determined to be significant, mitigation measures (if available) are disclosed.

#### 4.2.3.3 *Impacts of Scenarios II-VI on Intersection Operations*

The AM and PM peak-hour levels of service under Scenarios II-VI were calculated for the 99 study intersections. The results of this analysis can be summarized as follows:

> Due to the large number of intersections and development scenarios, the tables and text in this main body of the EIR focus only on the nine congested (i.e., operating at LOS E or F) intersections, eight of which will be significantly impacted by one or more of the development scenarios. For a complete listing of LOS at all 99 study intersections under each scenario, please refer to Appendix E.

- Of the 99 study intersections, 90 will operate at acceptable LOS D or better under all scenarios. Further, none of the development scenarios will result in a significant impact at any of these 90 intersections and, therefore, no mitigation would be needed to improve traffic flow.
- Nine of the 99 study intersections will operate at LOS E or F under one or more scenarios. Of these nine congested intersections, eight will be significantly impacted under one or more of the EEHVS scenarios. Table 26 lists the nine intersections and quantifies the effect of Scenarios II-VI on them. **[Significant Impact]**
- The greatest effect of the project would be along the Capitol Expressway corridor where a minimum of five intersections would be significantly impacted under every scenario.
- The overall differences between the scenarios at these nine congested intersections is not great: Scenarios II-V would each significantly impact six intersections and Scenario VI would significantly impact seven intersections.

#### 4.2.3.4 *Impacts of Scenarios II-VI on Freeway Operations*

The impact of Scenarios II-VI on peak-hour freeway operations is summarized in Table 27 for each of the 18 study segments. Detailed results are contained in Appendix E. For each location where a significant impact would occur, the freeway segment will already be operating at LOS F and project-generated traffic will be more than 1% of the capacity of that segment. Table 28 quantifies the amount of traffic that will be added to each freeway segment that will be significant impacted by one or more of the EEHVS scenarios. The results of this analysis can be summarized as follows:

- During the AM peak-hour, all of the scenarios will significantly impact U.S. 101 in the northbound direction between Yerba Buena Road and Tully Road, as well as between I-280/I-680 and I-880.

# TABLE 26

## LOS COMPARISONS AT CONGESTED INTERSECTIONS

| Intersection | | Scenario I* | | Scenario II | | Scenario III | | Scenario IV | | Scenario V | | Scenario VI | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Delay | LOS | Delay | LOS | Delay | LOS | Delay | LOS | Delay | LOS | Delay | LOS |
| #1: U.S. 101 and Blossom Hill Road (East) ** | AM | 44.0 | D | 43.5 | D | 43.6 | D | 43.7 | D | 43.8 | D | 44.6 | D |
| | PM | 64.0 | E | 52.5 | D | 52.6 | D | 52.8 | D | 53.0 | D | 65.8 | E |
| #13: Capitol Expressway and Silver Creek Road ** | AM | 50.8 | D | **62.9** | **E** | **63.8** | **E** | **64.4** | **E** | **67.4** | **E** | 48.3 | D |
| | PM | 51.5 | D | 51.4 | D | 51.6 | D | 51.8 | D | 52.6 | D | 50.9 | D |
| #16: Capitol Expressway and Quimby Road ** | AM | 45.8 | D | **62.4** | **E** | **65.2** | **E** | **67.0** | **E** | **70.8** | **E** | 53.4 | D |
| | PM | 77.8 | E | **111.5** | **F** | **115.3** | **F** | **117.7** | **F** | **122.9** | **F** | **128.7** | **F** |
| #20: Capitol Expressway and Ocala Avenue | AM | 53.8 | D | **73.1** | **E** | **76.3** | **E** | **78.7** | **E** | **84.1** | **E** | **64.2** | **E** |
| | PM | 51.9 | D | 53.8 | D | 54.2 | D | 54.5 | D | 54.9 | D | **55.2** | **E** |
| #21: Capitol Expressway and Story Road ** | AM | 47.2 | D | **112.2** | **F** | **114.9** | **F** | **116.8** | **F** | **121.6** | **F** | **65.1** | **E** |
| | PM | 53.6 | D | **71.9** | **E** | **74.8** | **E** | **76.5** | **E** | **79.3** | **E** | **62.7** | **E** |
| #22: Capitol Expressway and Capitol Avenue ** | AM | 25.3 | C | 35.0 | C | 36.9 | D | 38.2 | D | 41.8 | D | 26.7 | C |
| | PM | 53.1 | D | **68.1** | **E** | **69.5** | **E** | **70.3** | **E** | **71.9** | **E** | **57.6** | **E** |
| #24: Tully Road and McLaughlin Avenue ** | AM | 43.0 | D | 43.3 | D | 43.3 | D | 43.3 | D | 43.5 | D | 43.2 | D |
| | PM | 61.0 | E | **64.6** | **E** | **65.1** | **E** | **65.4** | **E** | **65.5** | **E** | **65.6** | **E** |
| #63: San Felipe Road and Yerba Buena Road (S) | AM | 78.3 | E | 34.7 | C | 35.0 | C | 35.2 | D | 36.9 | D | **79.6** | **E** |
| | PM | 105.5 | F | 36.8 | D | 36.9 | D | 37.0 | D | 37.9 | D | 88.8 | F |
| #91: Yerba Buena Road and Nieman Boulevard | AM | 51.4 | D | 32.0 | C | 32.0 | C | 31.9 | C | 32.2 | C | **67.6** | **E** |
| | PM | 26.3 | C | 30.0 | C | 30.0 | C | 30.1 | C | 30.5 | C | 28.8 | C |

Bold Type/Outline indicates significant impact. * Background/No Project ** Denotes CMP Intersection

**T A B L E 2 7**

**SUMMARY OF FREEWAY IMPACTS**

**[ ● = Significant Impact]**

| Freeway Segment | Peak Hour | Travel Direction | Mixed-Flow Lanes SCENARIO II | III | IV | V | VI | HOV Lane SCENARIO II | III | IV | V | VI |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| U.S. 101: Highway 85 to Bernal Rd. | AM | NB | | | | | | | | | | |
| | | SB | | | | | | | | | | |
| | PM | NB | | | | | | | | | | |
| | | SB | | | | | | | | | | |
| U.S. 101: Bernal Rd. to Blossom Hill Rd. | AM | NB | | | | | | | | | | |
| | | SB | | | | | | | | | | |
| | PM | NB | | | | | | | | | | |
| | | SB | | | | | | | | | | |
| U.S. 101: Blossom Hill Rd. to Hellyer Avenue | AM | NB | | | | ● | | | | | | |
| | | SB | | | | | | | | | | |
| | PM | NB | | | | | | | | | | |
| | | SB | | | | | | | | | | |
| U.S. 101: Hellyer Avenue to Yerba Buena Rd. | AM | NB | | | | | | | | | | |
| | | SB | | | | | | | | | | |
| | PM | NB | | | | | | | | | | |
| | | SB | | | | | | | | | | |
| U.S. 101: Yerba Buena Rd. to Capitol Expwy. | AM | NB | ● | ● | ● | ● | ● | | | | | |
| | | SB | | | | | | | | | | |
| | PM | NB | | | | | | | | | | |
| | | SB | | | | | | | | | | |
| U.S. 101: Capitol Expwy. to Tully Road | AM | NB | ● | ● | ● | ● | ● | | | | | |
| | | SB | | | | | | | | | | |
| | PM | NB | | | | | | | | | | |
| | | SB | | | | | | | | | | |
| U.S. 101: Tully Road to Story Road | AM | NB | | | | | | | | | | |
| | | SB | | | | | | | | | | |
| | PM | NB | | | | | | | | | | |
| | | SB | ● | ● | ● | ● | ● | | | | | |

**T A B L E 2 7**

**SUMMARY OF FREEWAY IMPACTS**

**[ ● = Significant Impact]**

| Freeway Segment | Peak Hour | Travel Direction | Mixed-Flow Lanes SCENARIO II | III | IV | V | VI | HOV Lane SCENARIO II | III | IV | V | VI |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| U.S. 101: Story Road to I-280/I-680 | AM | NB | | | | | | | | | | |
| | | SB | | | | | | | | | | |
| | PM | NB | | | | | | | | | | |
| | | SB | ● | ● | ● | ● | ● | | | | | |
| U.S. 101: I-280/I-680 to Santa Clara St. | AM | NB | ● | ● | ● | ● | ● | | | | | |
| | | SB | | | | | | | | | | |
| | PM | NB | | | | | | | | | | |
| | | SB | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● |
| U.S. 101 Santa Clara St. to McKee Road | AM | NB | ● | ● | ● | ● | ● | | | | | |
| | | SB | | | | | | | | | | |
| | PM | NB | | | | | | | | | | |
| | | SB | ● | ● | ● | ● | ● | | | | | |
| U.S. 101 McKee Road to Oakland Road | AM | NB | ● | ● | ● | ● | ● | | | | | |
| | | SB | | | | | | | | | | |
| | PM | NB | | | | | | | | | | |
| | | SB | ● | ● | ● | ● | ● | | | | | |
| U.S. 101: Oakland Road to I-880 | AM | NB | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● |
| | | SB | | | | | | | | | | |
| | PM | NB | | | | | | | | | | |
| | | SB | | ● | ● | ● | | | | | | |
| I-680: U.S. 101 to King Road | AM | NB | | | | | | | | | | |
| | | SB | ● | ● | ● | ● | ● | | | | | |
| | PM | NB | | | | | | | | | | |
| | | SB | | | | | | | | | | |
| I-680: King Road to Capitol Ave. | AM | NB | | | | | | | | | | |
| | | SB | ● | ● | ● | ● | ● | | | | | |
| | PM | NB | | | | | | | | | | |
| | | SB | | | | | | | | | | |

**T A B L E 2 7**

**SUMMARY OF FREEWAY IMPACTS**

**[ ● = Significant Impact]**

| Freeway Segment | Peak Hour | Travel Direction | Mixed-Flow Lanes SCENARIO II | III | IV | V | VI | HOV Lane SCENARIO II | III | IV | V | VI |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| I-680: Capitol Ave. to Alum Rock Ave. | AM | NB | | | | | | | | | | |
| | | SB | ● | ● | ● | ● | ● | | | | | |
| | PM | NB | | | | | | | | | | |
| | | SB | | | | | | | | | | |
| I-280: Highway 87 to 10th Street | AM | NB | ● | ● | ● | ● | ● | | | | | |
| | | SB | | | | | | | | | | |
| | PM | NB | | | | | | | | | | |
| | | SB | ● | ● | ● | ● | ● | | | | | |
| I-280: 10th Street to McLaughlin Ave. | AM | NB | ● | ● | ● | ● | ● | | | | | |
| | | SB | | | | | | | | | | |
| | PM | NB | | | | | | | | | | |
| | | SB | | | | | | | | | | |
| I-280: McLaughlin Ave. to U.S. 101 | AM | NB | ● | ● | ● | ● | ● | | | | | |
| | | SB | | | | | | | | | | |
| | PM | NB | | | | | | | | | | |
| | | SB | | | | | | | | | | |

This table assumes that the improvements to U.S. 101 between I-280/680 and Yerba Buena Road that are described in EIR Section 2.2 are in place.

All freeway segments where significant impacts occur are projected to be operating at LOS "F".

Please refer to Appendix E for the detailed calculations and tables regarding impacts to freeways. Such tables include LOS, number of new trips added by the project, and number of project trips as a percentage of capacity.

**Source:** Hexagon Transportation Consultants, 2006.

**T A B L E 2 8**

**COMPARISON OF SIGNIFICANT FREEWAY IMPACTS**

| Freeway Segment | Peak Hour | Direc-tion | EEHVS SCENARIO II | III | IV | V | VI |
|---|---|---|---|---|---|---|---|
| U.S. 101: Blossom Hill to Hellyer | AM | NB | | | | 72 (1.0%) [5,240] | |
| U.S. 101: Yerba Buena to Capitol | AM | NB | 263 (3.8%) [5,660] | 293 (4.2%) [5,660] | 320 (4.6%) [5,660] | 475 (6.9%) [5,660] | 227 (3.3%) [5,660] |
| U.S. 101: Capitol to Tully | AM | NB | 264 (3.8%) [5,100] | 293 (4.2%) [5,100] | 321 (4.7%) [5,100] | 506 (7.3%) [5,100] | 174 (2.5%) [5,100] |
| U.S. 101: Tully to Story | PM | SB | 221 (2.4%) [5,310] | 247 (2.7%) [5,310] | 267 (2.9%) [5,310] | 362 (3.9%) [5,310] | 195 (2.1%) [5,310] |
| U.S. 101: Story to 280/680 | PM | SB | 273 (4.0%) [6,160] | 307 (4.4%) [6,160] | 332 (4.8%) [6,160] | 432 (6.3%) [6,160] | 258 (3.7%) [6,160] |
| U.S. 101: 280/680 to Santa Clara | AM | NB | 245 (3.6%) [5,740] | 283 (4.1%) [5,740] | 309 (4.5%) [5,740] | 390 (5.7%) [5,740] | 255 (3/7%) [5,740] |
| | PM | SB | 126 (1.8%) [5,210] | 144 (2.1%) [5,210] | 156 (2.3%) [5,210] | 191 (2.8%) [5,210] | 131 (1.9%) [5,210] |
| U.S. 101: Santa Clara to McKee | AM | NB | 188 (2.7%) [4,850] | 217 (3.1%) [4,850] | 238 (3.4%) [4,850] | 300 (4.3%) [4,850] | 196 (2.8%) [4,850] |
| | PM | SB | 99 (1.4%) [5,630] | 113 (1.6%) [5,630] | 122 (1.8%) [5,630] | 151 (2.2%) [5,630] | 103 (1.5%) [5,630] |
| U.S. 101: McKee to Oakland | AM | NB | 159 (2.3%) [4,420] | 183 (2.7%) [4,420] | 200 (2.9%) [4,420] | 253 (3.7%) [4,420] | 165 (2.4%) [4,420] |
| | PM | SB | 89 (1.3%) [5,950] | 101 (1.5%) [5,950] | 109 (1.6%) [5,950] | 134 (1.9%) [5,950] | 92 (1.3%) [5,950] |
| U.S. 101: Oakland to I-880 | AM | NB | 135 (2.0%) [5,040] | 156 (2.3%) [5,040] | 171 (2.5%) [5,040] | 215 (3.1%) [5,040] | 141 (2.0%) [5,040] |
| | PM | SB | | 73 (1.1%) [4,280] | 79 (1.1%) [4,280] | 97 (1.4%) [4,280] | |

**T A B L E 2 8**

**COMPARISON OF SIGNIFICANT FREEWAY IMPACTS**

| Freeway Segment | Peak Hour | Direc-tion | EEHVS SCENARIO II | EEHVS SCENARIO III | EEHVS SCENARIO IV | EEHVS SCENARIO V | EEHVS SCENARIO VI |
|---|---|---|---|---|---|---|---|
| I-680: 101 to King | AM | SB | 330 (3.6%) [5,180] | 382 (4.1%) [5,180] | 416 (4.5%) [5,180] | 504 (5.5%) [5,180] | 362 (3.9%) [5,180] |
| I-680: King to Capitol | AM | SB | 272 (2.4%) [7,430] | 313 (2.7%) [7,430] | 341 (3.0%) [7,430] | 425 (3.7%) [7,430] | 280 (2.4%) [7,430] |
| I-680: Capitol to Alum Rock | AM | SB | 135 (1.5%) [6,860] | 155 (1.7%) [6,860] | 168 (1.8%) [6,860] | 212 (2.3%) [6,860] | 138 (1.5%) [6,860] |
| I-280: 87 to 10th | AM | NB | 256 (2.8%) [6,540] | 287 (3.1%) [6,540] | 309 (3.4%) [6,540] | 374 (4.1%) [6,540] | 266 (2.9%) [6,540] |
| | PM | SB | 432 (4.7%) [7,540] | 499 (5.4%) [7,540] | 546 (5.9%) [7,540] | 683 (7.4%) [7,540] | 455 (4.9%) [7,540] |
| I-280: 10th to McLaughlin | AM | NB | 540 (5.9%) [7,100] | 624 (6.8%) [7,100] | 682 (7.4%) [7,100] | 854 (9.3%) [7,100] | 569 (6.2%) [7,100] |
| I-280: McLaughlin to 101 | AM | NB | 512 (5.6%) [4,880] | 590 (6.4%) [4,880] | 645 (7.0%) [4,880] | 817 (8.9%) [4,880] | 530 (5.8%) [4,880] |

**Legend**: Number of Trips Added by Project (Project Trips as Percentage of Capacity)
[Existing Volume]

NB = northbound SB = southbound

Only those freeway segments that would be significantly impacted by the EEHVS are shown in this table. All of the listed freeway segments would be operating at LOS "F".

**Source:** Hexagon Transportation Consultants, 2006.

- During the PM peak-hour, all of the scenarios will significantly impact U.S. 101 in the southbound direction between Oakland Road and Tully Road.
- During the PM peak-hour, Scenarios III-V will significantly impact U.S. 101 in the southbound direction between I-880 and Oakland Road.
- During the AM peak-hour, all of the scenarios will significantly impact I-680 in the southbound direction between Alum Rock Avenue and U.S. 101.
- During the AM peak-hour, all of the scenarios will significantly impact I-280 in the northbound direction between U.S. 101 and Highway 87.
- During the PM peak-hour, all of the scenarios will significantly impact I-280 in the southbound direction between Highway 87 and 10th Street.

**[Significant Impact]**

#### 4.2.3.5 *Effect of Scenarios II-VI on Wait Times at Freeway On-Ramps*

[***Note***: This section is presented for information purposes only, to assist the reader in better understanding project freeway operations under the proposed EEHVS, as compared to existing and future "without project" conditions. Accordingly, no determination of the significance of potential impacts is made.]

Table 29 provides a comparison of freeway on-ramp queue lengths and wait times at four interchanges along U.S. 101in the EDP area. The data in Table 29 are for the AM peak-hour at the northbound on-ramps, all of which are metered. All of the data shown are maximum queue lengths and wait times.

Table 29 includes a comparison between "without improvements" and "with improvements" conditions for each of the EEHVS scenarios except for Scenario I/No Project. The referenced improvements consist of the operational upgrades to U.S. 101 that are proposed as part of Scenarios II-VI. The improvements, which are described in Section 2.2.1, include modifications to the interchanges at Tully Road, Capitol Expressway, and Yerba Buena Road, as well as lane additions on the freeway. The data in Table 29 can be summarized as follows:

- The differences between the various EEHVS scenarios on wait times at the Story Road interchange will be minimal.
- When compared to existing conditions, queue lengths/wait times will decrease under Scenario I/No Project conditions because 1) Caltrans will be increasing metering flow rates and 2) a number of EDP-area residents that presently work outside the area will instead be working inside the area since Scenario I assumes the approved *Campus Industrial* uses are constructed.
- The proposed operational improvements to U.S. 101 that are part of Scenarios II-VI will result in a substantial reduction in queue lengths and wait times at the Yerba Buena Road interchange.
- Among Scenarios II-VI, Scenario VI would have the shortest wait times due to the fact that a number of EDP-area residents that presently work outside the area are assumed instead to be working inside the area if the *Campus Industrial* uses are constructed.

**T A B L E 2 9**

**COMPARISON OF QUEUES AND WAIT TIMES AT FREEWAY ON-RAMPS**

| Development Scenario | AM Peak-Hour – On-Ramp to Northbound U.S. 101 | | | |
|---|---|---|---|---|
| | Story Road Interchange | Tully Road Interchange | Capitol Expressway Interchange | Yerba Buena Road Interchange |
| Existing | 24 / 03:30 | 105 / 10:00 | 88 / 06:30 | 76 / 13:15 |
| Scenario I/No Project | 25 / 03:45 | 48 / 04:30 | 50 / 03:45 | 79 / 13:45 |
| Scenario II w/o Improvements | 37 / 05:30 | 90 / 08:30 | 89 / 06:45 | 184 / 30:30 [a] |
| Scenario II with Improvements | 37 / 05:30 | 90 / 08:30 | 80 / 06:00 | 50 / 08:45 |
| Scenario III w/o Improvements | 39 / 05:45 | 92 / 08:45 | 89 / 06:45 | 184 / 32:15 [a] |
| Scenario III with Improvements | 39 / 05:45 | 92 / 08:45 | 80 / 06:00 | 53 / 9:15 |
| Scenario IV w/o Improvements | 40 / 06:00 | 94 / 09:00 | 90 / 06:45 | 193 / 34:00 [a] |
| Scenario IV with Improvements | 40 / 06:00 | 94 / 09:00 | 81 / 06:00 | 55 / 09:45 |
| Scenario V w/o Improvements | 41 / 06:00 | 94 / 09:00 | 93 / 07:00 | 253 / 44:15 [a] |
| Scenario V with Improvements | 41 / 06:00 | 94 / 09:00 | 84 / 06:15 | 72 / 12:45 |
| Scenario VI w/o Improvements | 40 / 06:00 | 65 / 06:15 | 49 / 03:45 | 149 / 26:00 [a] |
| Scenario VI with Improvements | 40 / 06:00 | 65/ 06:15 | 44 / 03:15 | 43 / 07:30 |

**Legend**: Number of Vehicles in Queue / Wait Time (minutes:seconds)

These data are the maximums that presently occur - or are projected to occur - during the AM peak-hour at the referenced on-ramps to northbound U.S. 101.

Wait times are rounded to the nearest quarter of one minute.

The data for Capitol Expressway include both mixed-flow and HOV traffic.

Existing data are based on surveys undertaken in 2004.

[a] Theoretical results based on projected demand. In actuality, drivers faced with such lengthy delays would likely divert to alternate on-ramps or parallel non-freeway routes.

**Source:** Hexagon Transportation Consultants, 2006.

#### 4.2.3.6 *Impacts on Bicycle, Pedestrian, and Transit Facilities*

Pedestrian traffic in the Evergreen • East Hills area is generated primarily by residents and employees who walk to and from nearby bus stops, parks, schools, and retail establishments. In order to accommodate walking trips to and from nearby transit services, sidewalks should be constructed both within the EEHVS opportunity sites and along currently undeveloped segments of adjacent roadways. In particular, sidewalks are needed along the following roadway segments: the east side of White Road (adjacent to the Pleasant Hills Golf Course property) and the east side of Yerba Buena Road (adjacent to the Berg/IDS/Legacy Partners properties). In addition, currently there is no sidewalk on the west side of Capitol Expressway adjacent to the Arcadia property and between the Arcadia site and the Eastridge Transit Center. This gap in existing pedestrian facilities will be resolved by the planned Capitol Corridor LRT, which includes the construction of sidewalks along both sides of Capitol Expressway for the entire length of the project. However, if the proposed Arcadia development were to precede the Capitol LRT project, the aforementioned sidewalk should be completed by the developer(s).

All of the EEHVS opportunity sites are within walking distance of existing bus lines. The Arcadia property is, however, the only project site located within 2,000 feet of an LRT station or a major bus stop (with 6 or more buses per hour). The Arcadia site is located within walking distance of both the Eastridge LRT Station/Transit Center and the planned Nieman LRT Station. Based on the CMP guidelines, it is estimated that the proposed residential development on the Arcadia property (under the densest scenario) may have up to a nine-percent transit mode share. This assumption yields an estimate of up to 117 transit trips generated by the proposed Arcadia residential uses during the AM and PM peak-hours. Assuming the existing bus service to the Eastridge Transit Center would remain unchanged, and the planned Capitol LRT would provide service with 15-minute headways, the number of transit riders during the peak AM and PM commute periods would equate to only about three riders per bus/LRT train. These new riders easily could be accommodated by the available ridership capacity of the planned transit facilities (bus and LRT) in the project study area.

Based on the CMP guidelines, it is expected that the proposed residential uses on the other EEHVS opportunity sites would have less than a 2% transit mode share. Thus, under the most dense EEHVS scenario, all of the other opportunity sites combined could be expected to generate less than 70 transit trips during the AM and PM peak-hours. Considering all of the existing and planned transit services in the EDP area, the average peak-hour ridership would increase by about two people per bus/LRT train during the peak-hours. While such an increase would not necessitate an overall increase in transit service within the area, the EEHVS may warrant realignment of some existing bus routes and/or changes in current bus schedules to alleviate potential overcrowding on certain routes and to encourage greater transit usage by residents of project sites that are currently served indirectly or by only one bus route.

In particular, the Berg/IDS, Legacy Partners, and Evergreen Valley College properties are within walking distance of only one bus line, local Route 31. With the existing level of transit service, these sites together could generate as many as 44 transit trips during the AM and PM peak-hours. With only three or four buses during the peak commute hours, Route 31 could experience an increase of 15 riders

on each bus during the peak hours. [Note: The transit trips generated by the proposed residential uses would be in place of transit usage generated by the approved *Campus Industrial* uses, which would generate 60 peak-hour transit trips assuming a transit share of only one percent.] Because most other transit lines in the Evergreen area are expected to have a minimal increase in project-generated ridership, it is concluded that changes in existing bus routes and/or bus schedules could effectively alleviate any potential problems with overcrowding on certain bus routes. Therefore, the EEHVS would not necessitate an overall increase in transit service within the Evergreen area.

While the number of bicycle trips to or from the proposed non-residential uses is expected to be negligible, the proposed residential development would cause a measurable increase in bicycle trips in the Evergreen • East Hills area. A reasonable assumption for bicycle trip generation for a residential use is a one percent mode share. This calculates to approximately 47 new bicycle commute trips during the AM and PM peak-hours under the densest residential scenario. While the residential scenarios would cause an increase in bicycle trips compared to existing levels, the number of project-generated bicycle trips would be less than the number of bicycle trips generated by the approved *Campus Industrial* uses on the Berg/IDS/Legacy Partners sites assuming the same one-percent mode share. Under all scenarios, the project should facilitate bicycle travel by including bicycle parking on the opportunity sites according to VTA guidelines.

In the vicinity of the EEHVS opportunity sites, on-street bike lanes are currently found on the following roadways: Ocala Avenue, Marten Avenue, Cunningham Avenue, Tully Road, Aborn Road, Yerba Buena Road, White Road, San Felipe Road, Yerba Buena Avenue, and Nieman Boulevard. The project-sponsored transportation improvements would not remove any existing bicycle facilities. To the contrary, the EEHVS financing plan will fund a variety of transportation and community amenity projects, which may include new bicycle lanes and/or new multi-use trails that allow bicycles.

To summarize, none of the EEHVS Scenarios would result in a significant adverse effect on the existing pedestrian, transit or bicycle facilities in the project study area. **[Less-than-Significant Impact]**

#### 4.2.3.7 *Emergency Access Impacts*

None of the EEHVS scenarios will alter or sever existing emergency response routes. Further, all EEHVS-related development will be designed in accordance with City standards, which include provisions that address emergency access (e.g., minimum street widths, minimum turning radii, maximum lengths of cul-de-sacs, etc.) **[No Impact]**

#### 4.2.3.8 *Parking Impacts*

All development that would occur as part of the EEHVS will include onsite parking in accordance with the City's Zoning Ordinance and the City's Residential, Commercial, and Industrial Design Guidelines, as applicable. Compliance with these requirements will ensure adequate supplies of onsite parking. **[No Impact]**

### 4.2.4 Program-Level Transportation and Traffic Impacts

This section describes the traffic impacts of the EEHVS at a program-level, which is also known as a "General Plan" analysis. This contrasts to the "near-term" or "project-level" analysis contained in Section 4.2.3. The program-level and project-level analyses are complementary; the former focuses on broader impacts to the City's roadway network and the latter focuses on specific operational impacts to roadways located in the vicinity of a project site.

#### 4.2.4.1 *Introduction and Methodology*

The reason for assessing traffic impacts at a program-level is to determine how a proposed change to the City's adopted General Plan will affect the overall transportation network. Proposed changes to the General Plan typically take the form of a land use modification (e.g., changing a site's land use designation from industrial to residential) and/or a transportation network modification (e.g., upgrading or downsizing a planned roadway).

For the EEHVS, both types of changes are proposed. First, changes in the land use designations on the Arcadia, Pleasant Hills Golf Course, Berg/IDS, Legacy Partners, and Evergreen Valley College properties are proposed, as described in Section 2.1. Second, a number of collector streets in Evergreen that were originally planned as 4-lane facilities are now proposed to be downgraded to 2-lane facilities, as listed in Table 13.

These proposed changes were evaluated at a program-level using the San José subregional computer traffic model known as TRANPLAN. This computer traffic model provides projections of future traffic volumes on the planned roadway system, taking into account the traffic from future development planned for in the City's approved General Plan and in other adjacent jurisdictions.[46] For a detailed description of TRANPLAN, please refer to Appendix E.

A primary output of the TRANPLAN model is projected PM peak-hour traffic volumes on all freeways, expressways, arterials, and collector streets. In addition to providing projected PM peak-hour volumes and ratios comparing projected traffic volume to available roadway capacity (V/C ratios) on each roadway segment, the model also provides information on vehicle-miles-traveled (VMT) and vehicle-hours-traveled (VHT) by facility type (freeway, expressways, arterial streets, etc.). These informational reports are used to compare and evaluate the traffic impacts attributable to any proposed amendment(s) to the currently-adopted San José General Plan. TRANPLAN is intended for use as a "macro analysis tool," which projects probable future conditions, and is best used when comparing alternative future scenarios. The TRANPLAN model is not designed to answer "micro analysis level" operational questions.

[46]The combined effect of all proposed changes to the City's General Plan is addressed in Section 7.3.2, *Cumulative Traffic Impacts*. This section focuses solely on the EEHVS.

As part of its traffic analysis procedures, the City has identified three "Special Subareas" in San José: North San José, Evergreen, and South San José. For projects such as the EEHVS that are located within a Special Subarea, the assessment of long-term traffic impacts is based on what is known as screenline impacts.[47] The following section lists the screenline impact criteria.

#### 4.2.4.2 *Thresholds of Significance*

For the purposes of evaluating the proposed changes in land use, all of which are located wholly within the Evergreen Special Subarea, a program-level transportation and traffic impact is considered significant if the proposed changes would:

- Increase the peak direction volumes into or out of any of the following Special Subareas by the following percentages or more:
  - North San José Subarea: 0.20%
  - Evergreen Subarea: 0.10%
  - South San José Subarea: 0.20%

For the purposes of evaluating the proposed changes to the roadway network, a significant impact would occur if the proposed changes would result in the following:

- VMT and VHT both increase by 0.20 percent or more for all roadways in the San José Sphere of Influence; or
- The volume of nearby LOS E/F links increases by 1.50 percent or more in either direction over the average volume of the same congested link set in the base case; or
- The peak direction volume of nearby LOS E/F links increases at least by the percentage defined above for the congested link set that coincides with any subarea screenlines.

#### 4.2.4.3 *Program-Level Traffic Impacts*

Screenline analyses were conducted for the purpose of assessing the program-level impacts of the EEHVS. The analyses were undertaken to assess the effect of the following:

- Proposed changes in land use on the EEHVS opportunity sites assuming no changes to the planned roadway network;
- Proposed changes to the planned roadway network assuming no changes in land use on the EEHVS opportunity sites;

[47] A **screenline** is an imaginary line drawn across multiple roadways. The traffic volume on all roadways crossing the screenline is summed. A screenline analysis is a useful tool for evaluating impacts on a macro level because it evaluates overall changes in traffic volumes on parallel facilities. In the case of Evergreen, the screenline analysis evaluates the total traffic volume into and out of the area.

- The combined effect of the proposed changes in land use on the EEHVS opportunity sites and changes to the planned roadway network.

The reason that these proposed changes are evaluated both individually and together is that the City Council may chose to approve only the land changes but not the roadway network changes, or vice versa.

**Changes in Land Use Only**

The results of the screenline analysis for the proposed changes in land use on the opportunity sites are summarized in Table 30. [Note: For the technical details associated with this analysis, please see Appendix E.] The data in Table 30 indicate that the increases in the Evergreen Subarea screenline volumes due to the proposed changes in land use will substantially exceed the thresholds of significance under Scenarios II-VI. In addition, the increases in the North San José Subarea screenline volumes will be significant under Scenarios II-V. Therefore, the program-level traffic impacts of the proposed changes in land use under EEHVS Scenarios II-VI will be significant. **[Significant Impact]**

**T A B L E 3 0**

**PEAK DIRECTION SCREENLINE ANALYSIS FOR LAND USE CHANGES**

**[Expressed as Percentage Change in Peak Direction Volumes]**

| Subarea | Scenario II | Scenario III | Scenario IV | Scenario V | Scenario VI |
|---|---|---|---|---|---|
| North San José | **0.30%** | **0.34%** | **0.31%** | **0.36%** | 0.10% |
| Evergreen | **9.04%** | **10.09%** | **10.87%** | **13.27%** | **4.88%** |
| South San José | -0.70% | -0.59% | -0.79% | -0.82% | -0.03% |

Scenario I/No Project represents the approved General Plan. Percentages shown for Scenarios II-VI represent the changes from Scenario I.

Bold Type/Underlining indicates significant impact.

**Sources:** City of San José and Hexagon Transportation Consultants, 2006.

Among Scenarios II-VI, Scenario VI would have the least impact at the Evergreen screenline, as shown in Table 30. This is due to the fact that, under Scenario VI, a number of EDP-area residents that would otherwise work outside the area are assumed instead to be working inside the area if the *Campus Industrial* uses are constructed.

**Changes in Roadway Network Only**

The traffic impact of downgrading the collector streets listed in Table 13 from 4-lane facilities to 2-lane facilities was assessed using the above-described thresholds of significance. Table 31 presents the results of the VMT and VHT analysis. The data indicate that the downgrading of the collector streets would not increase either VMT or VHT above the 0.20% threshold. Table 32 presents the results of the LOS E/F link analysis. The data indicate that the downgrading of the collector streets would not increase volumes on any congested link set above the 1.5% threshold. Therefore, the program-level traffic impacts of the proposed changes to the roadway network would not be significant. **[Less-than-Significant Impact]**

**T A B L E 3 1**

**CHANGES IN VHT AND VMT**
**RESULTING FROM PROPOSED CHANGES TO ROADWAY NETWORK ONLY**

| | Change in VHT | Change in VMT |
|---|---|---|
| Downgrade Roadways, except for Yerba Buena Road | -0.09% | 0.04% |
| Downgrade Roadways, including Yerba Buena Road | -0.08% | 0.05% |
| Thresholds of Significance | 0.20% | 0.20% |

Please see Table 11 for a list of the roadways that are proposed to be downgraded.
**Sources:** City of San José and Hexagon Transportation Consultants, 2006.

**T A B L E 3 2**

**CHANGES IN LOS E/F ROADWAY LINK VOLUMES**
**RESULTING FROM PROPOSED CHANGES TO ROADWAY NETWORK ONLY**

| | Downgrade Roadways except for Yerba Buena Rd. | Downgrade Roadways including Yerba Buena Rd. |
|---|---|---|
| Link Set #1: South of Tully Rd. | -6.48% | -7.48% |
| Link Set #2: North of Aborn Rd. | -89.09% | -88.91% |
| Link Set #3: West of White Rd. | -14.36% | -14.32% |
| Link Set #4: North of Delta Rd. | 0.08% | 0.00% |

Please see Table 11 for a list of the roadways that are proposed to be downgraded.
**Sources:** City of San José and Hexagon Transportation Consultants, 2006.

**Combined Effect of Changes in Land Use and Changes in Roadway Network**

The combined effect of changing the land uses on the opportunity sites and downgrading the collector streets was analyzed by based changes in screenline volumes, changes in VHT and VMT, and changes in volumes on LOS E/F roadway links.

Based on the screenline analyses, the combined effect of the proposed changes in land use and downgrading the collector streets would be the same as the "changes in land use only" scenario that is depicted in Table 30. This statement is based on the fact that the downgrading of the collector streets only (i.e., without any change in land use) has only minimal effects, as described above. Such effects would not be manifested at more distant locations, such as the Evergreen, North San José, and South San José screenlines.

Table 33 depicts the combined effect of the proposed land use and roadway network changes with regard to both VMT and VHT. Since increases in both VMT and VHT would exceed 0.20%, the impact is considered significant.

**T A B L E 3 3**

**COMBINED EFFECT OF CHANGES IN LAND USE AND CHANGES TO THE ROADWAY NETWORK ON VMT AND VHT**

| | Change in VHT | Change in VMT |
|---|---|---|
| EEHVS Scenario V + Downgrade Roadways | **1.39%** | **0.85%** |
| EEHVS Scenario VI + Downgrade Roadways | **0.36%** | **0.40%** |

Bold Type/Underlining indicates significant impact, which is defined as increases ≥0.20%.

**Sources:** City of San José and Hexagon Transportation Consultants, 2006.

Table 34 depicts the combined effect of the proposed land use and roadway network changes with regard to changes in volumes on nearby congested roadway links. The data in Table 34 indicate that the increase in volumes would exceed 1.5% on two of the four link sets and, therefore, the impact is considered significant.

Therefore, based upon the conclusions of the analyses described above, the program-level traffic impacts of the proposed land use changes, in combination with the proposed roadway network changes, would be significant. **[Significant Impact]**

**T A B L E 3 4**

**COMBINED EFFECT OF CHANGES IN LAND USE AND CHANGES TO THE ROADWAY NETWORK ON LOS E/F LINK VOLUMES**

| | EEHVS Scenario V + Downgrade Roadways | EEHVS Scenario VI + Downgrade Roadways |
|---|---|---|
| Link Set #1: King & Quimby Roads (South of Tully Road) | **14.74%** | **3.27%** |
| Link Set #2: Nieman Boulevard (North of Aborn Road) | -79.79% | -88.13% |
| Link Set #3: Quimby & Aborn Roads (West of White Road) | **22.84%** | -13.93% |
| Link Set #4: Murillo Avenue (North of Delta Road) | n/a | 0.79% |

Bold Type/Underlining indicates significant impact, which is defined as increases ≥1.5%.

**Sources:** City of San José and Hexagon Transportation Consultants, 2006.

### 4.2.5 Protected Intersection Analysis

As described in Section 2.4, the City is proposing to add the intersection of Capitol Expressway at Capitol Avenue to its list of "protected" intersections. A "protected" intersection is defined by the City's *Transportation Impact Policy* as one that is built to its maximum capacity, and the City has determined that further expansion would cause significant adverse effects upon existing or approved transit facilities, nearby land uses, or local neighborhoods. In the case of Capitol Expressway at Capitol Avenue, under background conditions the intersection will be widened to its maximum capacity. Any further widening will directly affect the planned/approved Capitol Corridor light rail transit system.

As shown in Table 26, when compared to Scenario I/Background conditions, EEHVS Scenarios II-VI would cause the PM peak-hour LOS at the Capitol Avenue/Capitol Expressway intersection to decline from D to E. The average delay per vehicle would increase from 53 seconds under Scenario I/Background conditions, to between 58 and 72 seconds, depending on the EEHVS scenario.

If the Capitol Avenue/Capitol Expressway intersection is protected, any nearby development that impacts the intersection will not be required to expand its vehicular capacity. In practical terms, the City projects that the PM peak-hour average delay per vehicle at this intersection could further increase up to 79 seconds if the intersection is protected.

Thus, the primary effect of protecting this intersection would be an increase in congestion during the PM peak-hour because the LOS would decline from D to E. The resultant level of congestion would be similar to that which is projected along the Capitol Expressway corridor, based on the data contained in Table 26. **[Significant Impact]**

If the intersection is protected, the AM peak-hour LOS would remain at D, with an average delay of 48 seconds per vehicle.

The noise and air quality effects that would result from the protection of this intersection are discussed in Sections 4.3 and 4.4, respectively.

## 4.2.6 Mitigation and Avoidance Measures for Transportation and Traffic Impacts

### 4.2.6.1 *Mitigation for Significant Impacts at Intersections*

As described above in Section 4.2.3, one or more of the EEHVS scenarios will result in significant impacts at eight intersections. The following text describes mitigation for these impacts.

The following measure is proposed under Scenarios II-VI to mitigate the significant impacts at the intersection of Tully Road and McLaughlin Avenue:

**MM 4.2-1** The project shall add, or cause to be added, an exclusive northbound right-turn lane to the Tully Road/McLaughlin Avenue intersection, which would improve the LOS from E to D. This improvement will be accomplished by acquiring additional right-of-way in the southeast quadrant. Alternatively, if additional right-of-way is not acquired, the necessary roadway widening could be achieved within the existing right-of-way by narrowing the sidewalk in front of the corner parcel (from 10 to 5 feet) and eliminating the plant strip in front of the adjacent parcel(s).

The following measure is proposed under Scenarios II-VI to mitigate the significant impacts at the intersection of Capitol Expressway and Quimby Road:

**MM 4.2-2** The project shall add, or cause to be added, a northbound right-turn lane and an eastbound right-turn lane to the Capitol Expressway/Quimby Road intersection. This improvement could require roadway widening and the acquisition of approximately two feet of additional right-of-way along Quimby Road in the southwest quadrant and along Capitol Expressway in the southeast quadrant.

The following measure is proposed under Scenario VI to partially mitigate the significant impacts at the intersection of Yerba Buena Road and Nieman Boulevard:

**MM 4.2-3** The project shall add, or cause to be added, a second westbound left-turn lane at the Yerba Buena Road/Nieman Boulevard intersection, within the existing right-of-way.

With the above mitigation, the Yerba Buena Road/Nieman Boulevard intersection would still operate at LOS E. There are no other feasible improvements that would fully mitigate the project impact at this intersection to a less-than-significant level.

The following text describes mitigation measures for the remaining five significantly-impacted intersections. For the reasons described in the text, none of these measures are considered feasible.

***Capitol Expressway and Silver Creek Road:*** This intersection would be significantly impacted during the AM peak-hour under Scenarios II-V. Improvements to this intersection beyond those already included in the project (see description in Section 2.2.5) are not feasible because of the extensive right-of-way (with accompanying relocations of adjacent land uses) needed to mitigate this impact. Such mitigation would add a third eastbound left-turn lane on Capitol Expressway and a third northbound lane on Silver Creek Road (to receive traffic using the third left-turn lane). Alternate mitigation would consist of restriping the northbound approach to include two left-turn lanes, one shared left-turn/through lane, one through lane, and one right-turn lane and implementing split-phase signal control for the north and south approaches, which would theoretically result in LOS D. However, the proximity of U.S. 101 and the freeway interchange design would cause unbalanced usage of the triple left-turn lanes making such a modification ineffective.

***Capitol Expressway and Ocala Avenue:*** This intersection would be significantly impacted during the AM peak-hour under Scenarios II-VI and during the PM peak-hour under Scenario VI. Mitigation for this impact would consist of adding a fourth through lane in each direction on Capitol Expressway. Such an improvement would require widening the roadway by approximately 11 feet both north and south of Ocala Avenue for a total distance of approximately 1,000 feet. Acquiring the additional right-of-way necessary for this improvement would involve the purchase of a total of 13 single-family residential properties, including nine south of Ocala Avenue and four north of Ocala Avenue. This improvement would also interfere with future LRT operations.

***Capitol Expressway and Story Road:*** This intersection would be significantly impacted during the AM and PM peak-hours under Scenarios II-VI. Mitigation would consist of adding a fourth through lane on northbound Capitol Expressway and providing free-running right-turns on both the eastbound and westbound approaches of Story Road. Such improvements would require extensive widening of Capitol Expressway, right-of-way acquisition, and modifications to other roadways that front Capitol Expressway. Additional right-of-way, approximately 11 feet in width, would be needed on the east side of Capitol Expressway from Sussex Drive (approximately 600 feet south of Story Road) to Story Road. The widening of Capitol Expressway along this segment would necessitate converting Kollmar Drive

into a cul-de-sac. The acquisition of the necessary right-of-way would reduce the landscaping and parking areas on the commercial property on the southeast quadrant of the Capitol/Story intersection.

North of Story Road, additional right-of-way, approximately 22 feet in width, would be needed along the east side of Capitol Expressway for a distance of approximately 220 feet, reducing the landscaping and parking area on the commercial property on the northeast corner. North of this point, the widening of Capitol Expressway would require shifting the Capitol Expressway frontage road farther east. This would entail acquiring additional right-of-way beginning at 22 feet in width and narrowing to 11 feet in width. At least one of the three buildings adjacent to this frontage road would have to be demolished. The fourth northbound through lane could be extended to Capitol Avenue without impacting any properties north of Mervyn's Way. Roadway widening and additional right-of-way approximately 11 feet in width also would be necessary on the west side of Capitol Expressway south of Story Road for a distance of approximately 500 feet. The right-of-way acquisition on this quadrant would reduce the landscaping and parking on the commercial property at the corner and impact at least one single-family residential property that backs up to Capitol Expressway.[48]

***Capitol Expressway and Capitol Avenue:*** This intersection would be significantly impacted during the PM peak-hour under Scenarios II-VI. Mitigation for this impact would consist of adding a fourth through lane in each direction on Capitol Expressway. This improvement would interfere with future LRT operations. Constructing this improvement would require widening Capitol Expressway by approximately 11 feet, beginning approximately 500 feet west of Capitol Avenue, and extending approximately 500 feet east of Capitol Avenue. A segment of Capitol Avenue, beginning approximately 400 feet east of Excalibur Drive, would have to be shifted westward to accommodate the widening of Capitol Expressway. Acquiring the additional right-of-way necessary for this improvement would involve the purchase of three single-family residential properties, including two properties that back up to Capitol Expressway west of Excalibur Drive, and one property at the southeast corner of Excalibur Drive and Capitol Avenue.

***San Felipe Road and Yerba Buena Road:*** This intersection would be significantly impacted during the AM peak-hour under Scenario VI. Improvements to this intersection beyond those already included in the project (see description in Section 2.2.5) are not feasible because of the extensive right-of-way (with accompanying relocations of adjacent land uses) needed to mitigate this impact. Such mitigation would consist of adding a fourth through lane on Yerba Buena Road. A fourth through lane would also require the widening of the bridge over Thompson Creek.

[48] An alternate measure would consist of grade-separating this intersection, whereby Capitol Expressway would be depressed under Story Road. This mitigation was studied as part of the Capitol Corridor LRT Project and was determined to be infeasible due to substantial right-of-way and relocation impacts. [Source: Capitol Corridor Final EIR, VTA, 2005.]

#### 4.2.6.2 *Mitigation for Significant Impacts on Freeways*

The traffic impact analysis found that EEHVS would result in a significant traffic impact on up to 15 segments of the U.S. 101, I-280, and I-680 freeways. Freeways are regional facilities whose capacity and operation are substantially greater than the demands of a single jurisdiction. Mitigation of freeway segment impacts would require widening of the freeways for the purpose of adding new through lanes, which would constitute a major capital improvement to state facilities.

The construction of additional through lanes on these impacted segments of U.S. 101, I-280, and I- 680 would require additional right-of-way. The additional right-of-way would, in turn, result in the relocation of hundreds of residences and businesses that are immediately adjacent to these freeways. These significant impacts, along with the associated costs, make this mitigation infeasible. Additionally, such improvements are beyond the control of the City of San José as the freeways are under the jurisdiction of Caltrans.

The above paragraphs notwithstanding, it should be noted that EEHVS Scenarios II-VI include the funding of substantial improvements on U.S. 101 between the I-280/I-680 interchange and the Yerba Buena Road interchange (see description in Section 2.2.1). These improvements, while not mitigation for the above-described impacts because they do not include additional through lanes, will nonetheless serve to decrease peak-hour congestion and improve peak-hour travel times on U.S. 101.

#### 4.2.6.3 *Timing of Transportation Improvements*

As noted above in Section 4.2.3.2, the traffic analysis assumes that the package of roadway and intersection improvements shown in Table 14 (such improvements being part of the proposed project) is in place. The proposed revised version of the EDP (see Appendix B) sets forth the proposed phasing of these improvements. The goal of the phasing of these improvements is to link the timing for construction of new development with the availability of additional roadway capacity. This is similar to past versions and the current version of the EDP, whereby development is entitled/allocated based on the timing of planned roadway and transit improvements.

Although this procedure requires that EEHVS developers fund each phase of roadway improvements prior to the issuance of corresponding building permits, there may be short periods of time where congestion could be greater than shown in this section, due to the fact that certain development could be constructed faster than the specified traffic improvements.

### 4.2.7 Conclusion regarding Transportation and Traffic Impacts

EEHVS Scenarios II-VI will result in significant near-term traffic impacts at the following three intersections on Capitol Expressway: Ocala Avenue, Story Road, and Capitol Avenue. There is no feasible mitigation for these impacts. **[Significant Unavoidable Impact]**

EEHVS Scenarios II-VI will result in significant near-term traffic impacts at the intersection of Capitol Expressway and Quimby Road. As mitigation, the project will add a northbound right-turn lane and an eastbound right-turn lane to this intersection. **[Less-than-Significant Impact with Mitigation]**

EEHVS Scenarios II-V will result in significant near-term traffic impacts at the intersection of Capitol Expressway and Silver Creek Road. There is no feasible mitigation for this impact. **[Significant Unavoidable Impact]**

EEHVS Scenario VI will result in significant near-term traffic impacts at the intersections of San Felipe Road/Yerba Buena Road and Nieman Boulevard/Yerba Buena Road. There is no feasible mitigation to reduce these impacts to a less-than-significant level. **[Significant Unavoidable Impact]**

EEHVS Scenarios II-VI will result in significant near-term traffic impacts at the intersection of Tully Road and McLaughlin Avenue. As mitigation, the project will add an exclusive northbound right-turn lane to this intersection. **[Less-than-Significant Impact with Mitigation]**

EEHVS Scenarios II-VI will result in significant traffic impacts on up to 15 segments of the U.S. 101, I-280, and I-680 freeways. There is no feasible mitigation for these impacts. **[Significant Unavoidable Impact]**

None of the EEHVS Scenarios will significantly affect pedestrian, bicycle, or transit facilities. **[Less-than-Significant Impact]**

At a program-level (i.e., long-term), the proposed changes in land use under EEHVS Scenarios II-VI will result in significant traffic impacts. There is no feasible mitigation to reduce these impacts to a less-than-significant level. **[Significant Unavoidable Impact]**

At a program-level (i.e., long-term), the proposed downgrading of a number of collector streets from 4-lane facilities to 2-lane facilities, without any changes in land use designations on the opportunity sites, will not result in significant traffic impacts. **[Less-than-Significant Impact]**

At a program-level (i.e., long-term), the combined effect of proposed changes in land use and downgrading of various collector streets will result in significant traffic impacts. There is no feasible mitigation to reduce these impacts to a less-than-significant level. **[Significant Unavoidable Impact]**

Adding the Capitol Avenue/Capitol Expressway intersection to the City's List of Protected Intersections would allow the intersection to operate at LOS E during the PM peak-hour. **[Significant Unavoidable Impact]**

## 4.3 NOISE

This section is primarily based upon a September 2005 noise report prepared by Illingworth & Rodkin, Inc. for the proposed project. The report is included in Appendix F of this EIR.

### 4.3.1 Introduction and Regulatory Framework

Noise is measured in "decibels" (dB) which is a numerical expression of sound levels on a logarithmic scale. A noise level that is ten dB higher than another noise level has ten times as much sound energy and is perceived as being twice as loud. Sounds less than 5 dB are just barely audible, and then only in the absence of other sounds. Intense sounds of 140 dB are so loud that they are painful and can cause damage with only a brief exposure. These extremes are not commonplace in our normal working and living environments. An "A-weighted decibel" (dBA) filters out some of the low and high pitches which are not as audible to the human ear. Thus, noise impact analyses commonly use the dBA.

Since excessive noise levels can adversely affect human activities (such as conversation and sleeping) and human health, Federal, State, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. The noise guidelines are almost always expressed using one of several noise averaging methods such as Leq, Ldn, or CNEL.[49] Using one of these descriptors is a way for a location's overall noise exposure to be measured, realizing of course that there are specific moments when noise levels are higher (e.g., when an aircraft is taking off from Reid-Hillview Airport or a leafblower is operating) and specific moments when noise levels are lower (e.g., during lulls in traffic flows on streets or in the middle of the night). For this report the Ldn will be used as it is consistent with the guidelines of the City of San José and the State of California.

The City's General Plan contains policies and goals which pertain to desired noise levels for various land uses located within the City. These policies and goals are expressed in terms of the Ldn. The General Plan cites long-term and short-term exterior Ldn goals for residential uses of 55 dBA and 60 dBA, respectively. For new commercial and new residential land uses, where the Ldn at a given location is above 60 dBA, an acoustical analysis is required to determine the amount of attenuation necessary to achieve an interior Ldn of 45 dBA or less. Outdoor uses on sites where the Ldn is above 60 dBA should be limited to acoustically protected areas.

The General Plan also distinguishes between noise from transportation sources and noise from non-transportation (i.e., stationary) sources. The short-term exterior noise goal is 60 dBA Ldn for

[49] **Leq** stands for the Noise Equivalent Level and is a measurement of the average energy level intensity of noise over a given period of time such as the noisiest hour. **Ldn** stands for Day-Night Level and is a 24-hour average of noise levels, with 10-dB penalties applied to noise occurring between 10 PM and 7 AM. **CNEL** stands for Community Noise Equivalent Level; it is similar to the Ldn except that there is an additional 5-dB penalty applied to noise which occurs between 7 PM and 10 PM. As a general rule of thumb where traffic noise predominates, the CNEL and Ldn are typically within 2 dBA of the peak-hour Leq.

transportation sources. For stationary sources, the exterior noise goal is 55 dBA Ldn at the property line between sensitive land uses (e.g., residences, schools, libraries, hospitals, etc.) and non-sensitive land uses (e.g., industrial, commercial, etc.).

The above noise goals notwithstanding, the San José General Plan specifically recognizes that these goals may not be achieved within the timeframe of the General Plan at certain areas of the City which are affected by noise from aircraft, railroads, and roadway traffic. These areas are 1) the Downtown Core Area, 2) the area around Mineta San José International Airport, and 3) areas adjacent to major roadways. Although the greater Evergreen area is not located in the Downtown Core Area or the San José Airport noise impact zone (defined by the 65 dBA CNEL contour), it is subjected to noise from a number of major roadways (e.g., U.S. 101, Capitol Expressway, Story Road, Tully Road, White Road, Aborn Road, Yerba Buena Road, etc.).

As noted above, various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating noise impacts resulting from planned development within the City. All future development addressed by this EIR will be subject to the noise policies listed in Chapter 4, *Goals and Policies*, of the City's General Plan, including the following:

- *Noise Policy #1*: City's Short- and Long-Term Noise Objectives
- *Noise Policy #8:* Use of Outdoor Appliances, Air Conditioners, & other Consumer Products
- *Noise Policy #9*: Reduction of Noise during Construction
- *Noise Policy #10:* Policy on Noise from Commercial Drive-through Uses
- *Noise Policy #11*: Non-residential Noise Limits at Residential Property Lines
- *Noise Policy #12*: Noise Studies Required for certain Peak Event Noise Sources
- *Urban Design Policy #18*: Implement Sound Attenuation into New Development

In addition to the policies of the San José General Plan, development addressed by this EIR will be subject to the following:

- *San José Municipal Code §20.100.450*: Limits construction hours within 500 feet of residences to 7 AM - 7 PM weekdays, with no construction on weekends or holidays
- *Title 24 of the State Building Code*: Multi-family buildings must be designed to achieve an interior Ldn of 45 dBA or less in all habitable residential areas.
- *San José Residential Design Guidelines*: Specifies setbacks from non-residential uses in order to minimize land use conflicts, including excessive noise.

### 4.3.2 Existing Noise Sources and Levels

This section summarizes existing noise levels and sources of noise at each of the EEHVS opportunity sites. Existing levels are based on both long-term noise measurements (i.e., 24-hours or more in

duration) and short-term noise measurements, the exact locations and details of which are discussed in Appendix F.

#### 4.3.2.1 *Existing Noise Sources & Levels on the Arcadia Property*

The predominant sources of noise affecting the Arcadia property include vehicular traffic along Capitol Expressway and Quimby Road as well as aircraft overflights associated with operations at nearby Reid-Hillview Airport. Along the northerly border of the site, 105 feet from the centerline of Quimby Road, the existing Ldn is 64-65 dBA due to traffic on Quimby Road and aircraft overflights. Along the easterly border of the site, 90 feet from the centerline of Capitol Expressway, the existing Ldn is 75 dBA due to traffic on Capitol Expressway. Along the westerly border of the site, at the easternmost terminus of Brahms Avenue, the existing Ldn is approximately 57 dBA. This last measurement reflects ambient noise levels in the existing single-family neighborhood that is located adjacent to the westerly boundary of the Arcadia property.

Aircraft overflights are clearly audible on the Arcadia property. Maximum noise levels measured under the flight path at the northerly part of the site ranged from 64 to 72 decibels. These levels are considered worst-case because the measurements were taken when the aircraft were departing Reid-Hillview to the southeast. Based on historic wind patterns, approximately 85% of overflights of the Arcadia property are landings to the northwest, wherein noise levels are lower than during takeoffs. Although aircraft noise is present, the entire site is located outside of both the existing and future (2007) 60-dB noise contours for Reid-Hillview Airport.[50]

#### 4.3.2.2 *Existing Noise Sources & Levels on the Pleasant Hills Golf Course Property*

The primary source of noise on the Pleasant Hills Golf Course property is vehicular traffic on nearby roadways, especially White and Tully Roads. The site is also subject to intermittent noise associated with aircraft overflights. Along the westerly border of the site, 60 feet from the centerline of White Road, the existing Ldn is 73-74 dBA. Along the southerly border of the site, 120 feet from the centerline of Tully Road, the existing Ldn is 66 dBA Along the northeasterly border of the site, 21 feet from the centerline of Flint Avenue, the existing Ldn is 67-68 dBA. Along the southeasterly border of the site, on Vista Verde Drive near Cuesta Drive, the existing Ldn is approximately 57 dBA. This last measurement reflects ambient noise levels in the existing single-family neighborhood that is located adjacent to the southeasterly boundary of the Pleasant Hills Golf Course property.

#### 4.3.2.3 *Existing Noise Sources & Levels on the Berg/IDS Property*

The noise environment at the Berg/IDS property results primarily from local vehicular traffic. Away from local roadways, the noise environment on the site is relatively low and has a semi-rural character.

[50]Source: Reid-Hillview Airport Part 150 Noise Compatibility Program Report, which was adopted by the Santa Clara County Board of Supervisors on October 29, 2002.

Along the westerly border of the site, 75 feet from the centerline of Yerba Buena Road, the existing Ldn is 62 dBA. Along the northwesterly border of the site, 60 feet from the centerline of Fowler Road, the existing Ldn is 58 dBA.

#### 4.3.2.4 *Existing Noise Sources & Levels on the Legacy Partners Property*

The noise environment at the Legacy Partners property results primarily from vehicular traffic on Yerba Buena Road. Away from Yerba Buena Road, the noise environment on the site is relatively low and has a semi-rural character. Noise measurements taken at 75 and 175 feet from the centerline of Yerba Buena Road, determined the existing Ldn to be 62 dBA and 58 dBA, respectively.

#### 4.3.2.5 *Existing Noise Sources & Levels on the Evergreen Valley College Property*

The noise environment at the Evergreen Valley College property results primarily from vehicular traffic on Yerba Buena and San Felipe Roads. Intermittent noise from activities at the adjacent shopping center also contributes to the noise environment at the site. Along the common property line between the shopping center and the college property, the existing Ldn is 57 dBA. At the proposed setback of new residential uses on the property from San Felipe Road, the existing Ldn is 54 dBA. At the proposed setback of new residential uses on the site from Yerba Buena Road, the existing Ldn is also 54 dBA.

#### 4.3.2.6 *Existing Noise Levels along White Road and Ocala Avenue*

Noise measurements were taken along White Road at various locations between Ocala Avenue and Aborn Road. The existing Ldn at adjacent receptors ranges from approximately 68 to 70 dBA. Noise levels along Ocala Avenue are expected to be similar to those along White Road.

### 4.3.3 Noise Impacts

#### 4.3.3.1 *Thresholds of Significance*

For the purposes of this project, a noise impact is considered significant if the project would result in:

- 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; or
- exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels; or
- a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; or
- a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project; or

- exposure of persons residing or working in the project area to excessive aircraft-generated noise levels due to the proximity of Reid-Hillview Airport.

While CEQA does not specifically define what amount of noise level increase is considered significant, generally in high noise environments a project is considered by the City to have a significant impact if the project would: 1) substantially and permanently increase existing noise levels by more than three (3) dBA Ldn (three decibels is the minimum increase generally perceptible by the human ear); or 2) would cause ambient noise levels to exceed the guidelines established in the General Plan.

### 4.3.3.2 *Short-Term Construction Noise Impacts*

#### Overview

This section describes the noise impacts that would occur during the construction phase of the EEHVS scenarios. The significance of construction-related noise is determined by taking into account 1) the nature and magnitude of the noise, 2) the duration of the noise, and 3) the distance between construction sites and sensitive receptors (e.g., residences, nursing homes, etc.). In general, where noise from construction activities will exceed an hourly Leq of 60 dBA and the ambient noise environment by at least 5 dBA at sensitive receptors for a period more than one construction season, the impact would be considered significant.

Construction activities generate considerable amounts of noise, especially during the demolition phase and the construction of project infrastructure when heavy equipment is used. The highest maximum noise levels generated by project construction would typically range from about 90 to 105 dBA (impact pile driving) at a distance of 50 feet from the noise source. Typical hourly average construction-generated noise levels (Leq) are about 81 dBA to 89 dBA measured at a distance of 50 feet from the center of the site during busy construction periods (e.g., earth moving equipment, impact tools, etc.) Construction-generated noise levels drop off at a rate of about 6 dBA per doubling of distance between the source and receptor. Shielding by buildings or terrain often result in much lower construction noise levels at distant receptors.

#### Short-Term Construction Noise Impacts at the Arcadia Property

There is an existing single-family residential neighborhood located along the westerly boundary of the Arcadia property. Due to the proximity of these residences to the project site, construction-generated noise under Scenarios I-VI is projected to exceed 60 dBA (hourly Leq) and the ambient by 5 dBA or more at these sensitive receptors. Further, such elevated noise levels will likely extend beyond a single construction season. **[Significant Impact]**

**Short-Term Construction Noise Impacts at the Pleasant Hills Golf Course Property**

There are numerous single-family residences located along the northerly and easterly boundaries of the Pleasant Hills Golf Course property. Due to the proximity of these residences to the project site, construction-generated noise under Scenarios II-VI is projected to exceed 60 dBA (hourly Leq) and the ambient by 5 dBA or more at these sensitive receptors. Further, such elevated noise levels will likely extend beyond a single construction season. **[Significant Impact]**

Scenario I would not involve any changes to the Pleasant Hills Golf Course property and, therefore, there would be no construction-related noise impacts. **[No Impact]**

**Short-Term Construction Noise Impacts at the Berg/IDS Property**

There are numerous single-family residences located close to the northerly portion of the Berg/IDS property. Due to the proximity of these residences to the project site, construction-generated noise under Scenarios I-VI is projected to exceed 60 dBA (hourly Leq) and the ambient by 5 dBA or more at these sensitive receptors. Further, such elevated noise levels will likely extend beyond a single construction season. **[Significant Impact]**

**Short-Term Construction Noise Impacts at the Legacy Partners Property**

There are no sensitive receptors in the immediate vicinity of the Legacy Partners property. The closest residence is approximately 400 feet from the site. At this distance, construction noise under Scenarios I-VI would be audible but would not be significant. **[Less-than-Significant Impact]**

**Short-Term Construction Noise Impacts at the Evergreen Valley College Property**

There is an existing single-family residential neighborhood located just north of the Evergreen Valley College property. Although these homes are separated from the site by Evergreen Creek, they are close enough to where construction-related noise under Scenarios II-VI is likely to exceed 60 dBA (hourly Leq) and the ambient by 5 dBA. Depending on project phasing, elevated noise levels at these residences will likely extend beyond a single construction season. **[Significant Impact]**

Scenario I would not involve any changes to the Evergreen Valley College property and, therefore, there would be no construction-related noise impacts. **[No Impact]**

**Short-Term Construction Noise Impacts along White Road and Ocala Avenue**

Under Scenarios II-VI, White Road would be widened to six lanes in most locations between Ocala Avenue on the north and Aborn Road on the south. The majority of the widening would require only restriping of existing pavement, but there would be locations where new pavement, curb, gutter, and sidewalk are required. Noise from construction equipment would be clearly audible, and occasionally

disruptive, at residences located along White Road. However, the impacts would not be significant since 1) work would be limited to non-nighttime hours (see mitigation, below), and 2) work at any one location would not extend beyond one construction season. In addition, many of the homes along White Road are sited behind soundwalls that were constructed when the various subdivisions were built. **[Less-than-Significant Impact]**

Under Scenarios II-VI, Ocala Avenue would be restriped to four lanes, with the restriping limited to a short segment just west of White Road. Since the pavement needed to accommodate the widening is in place, the work necessary to undertake the restriping would not involve the use of heavy equipment operating over extended periods of time. Therefore, construction-related noise would not result in a substantial effect at nearby residences. **[Less-than-Significant Impact]**

Scenario I would not involve any changes to White Road or Ocala Avenue and, therefore, there would be no construction-related noise impacts. **[No Impact]**

#### 4.3.3.3 *Long-Term Noise Impacts*

**Overview**

This section of the EIR describes noise impacts that would occur over the long-term under each of the EEHVS scenarios. Such impacts can include 1) the effect of existing noise levels on proposed land uses, 2) the effects of noise generated by new land uses on other existing/future land uses, and 3) the effect of noise from increased traffic on existing/future land uses along various roadways.

**Long-Term Noise Impacts at the Arcadia Property**

Exposure to Elevated Noise Levels: As described above in Section 4.3.2.1, much of the Arcadia property is exposed to existing noise levels that exceed the City's residential short-term exterior noise goal of 60 dBA Ldn. Including LRT, the future Ldn at 100 feet of the centerlines of Quimby Road and Capitol Expressway will be 66-67 dBA and 76-77 dBA, respectively. Therefore, under Scenarios I-VI future residents will be exposed to noise levels that exceed the City's noise/land use compatibility guidelines. The number of residents that will be exposed to elevated noise levels will depend upon the final site plan. Residents in buildings that are shielded from traffic on Quimby Road and/or Capitol Expressway by intervening buildings will experience lower noise levels. **[Significant Impact]**

Commercial/Residential Interface: Under Scenarios II-VI, new commercial uses would be constructed on the Arcadia property. Depending upon the configuration of a final site plan, noise associated with commercial uses (e.g., heating & air conditioning equipment, parking lot activities, loading docks, etc.) could exceed 55 dBA Ldn at the property lines of existing/future residences. **[Significant Impact]**

Noise from Proposed Outdoor Sports Complex: Under Scenarios II-VI, a new outdoor sports complex would be constructed in the northerly portion of the Arcadia property. The sports complex, which would consist of playing fields, would generate noise from players, spectators, and a public address system. The complex would include lighting and, therefore, noise would also occur during post-daylight hours. Existing residences to the west are not expected to be affected by such noise due to the large buffer distance. Future residences would, however, be located in proximity to the sports complex and could be adversely impacted by its noise-generating activities. **[Significant Impact]**

Exposure to Aircraft Noise: Under Scenarios I-VI, future residents, workers, and visitors on the Arcadia property would be exposed to noise from aircraft overflights to/from nearby Reid-Hillview Airport. However, as noted above in Section 4.3.2.1, the entire site is located outside of of both the existing and future (2007) 60-dB noise contours for Reid-Hillview Airport. Therefore, while aircraft noise would contribute to the noise environment of future users and occupants of the site, such noise levels would be compatible with all of the proposed land uses. **[Less-than-Significant Impact]**

**Long-Term Noise Impacts at the Pleasant Hills Golf Course Property**

Exposure to Elevated Noise Levels: As described above in Section 4.3.2.2, much of the Pleasant Hills Golf Course property is exposed to existing noise levels that exceed the City's residential short-term exterior noise goal of 60 dBA Ldn. The future Ldn at 100 feet of the centerlines of Tully Road and White Road will be 68-69 dBA and 73-74 dBA, respectively. Similarly, the future Ldn at 50 feet from the centerline of Flint Avenue will be 64-65 dBA. Therefore, under Scenarios II-VI future residents will be exposed to noise levels that exceed the City's noise/land use compatibility guidelines. The number of residents that will be exposed to elevated noise levels will depend upon the final site plan. Residents in buildings that are shielded from traffic on adjacent thoroughfares by intervening buildings will experience lower noise levels. **[Significant Impact]**

Noise from New Fire Station: Under Scenarios II-VI, a new fire station would be constructed on a 1-acre site on the Pleasant Hills Golf Course property along White Road. Noise-generating activities associated with the operation of a fire station include sirens sounding as vehicles leave the station, the testing of engines during the morning check, weekly testing of the emergency generator, and minimal training exercises. Sirens are only sounded when necessary as trucks leave the station.

Noise measurements conducted at fire stations during the morning equipment checkout indicate that maximum noise levels at a distance of 50 feet from an activity can reach 80 to 85 dBA. Typically, such activities are within the range of vehicular traffic noise when stations are located adjacent to major streets (as is the case here). Normally, an emergency generator is tested weekly. If the equipment is similar to other fire stations in San José, it is anticipated that the standby generators would cause a noise level of about 60 dBA at a distance of 50 feet. Proper siting of the equipment would result in noise levels consistent with the San José Emergency Generator Ordinance. **[Less-than-Significant Impact]**

**Long-Term Noise Impacts at the Berg/IDS Property**

Exposure to Elevated Noise Levels: As described above in Section 4.3.2.3, a portion of the Berg/IDS property is exposed to existing noise levels that exceed the City's residential short-term exterior noise goal of 60 dBA Ldn. The future Ldn at 75 feet of the centerlines of Aborn Road and Yerba Buena Road will be 67-70 dBA and 64-68 dBA, respectively. Therefore, under Scenarios II-V, future residents would be exposed to noise levels that exceed the City's noise/land use compatibility guidelines. The number of residents that would be exposed to elevated noise levels will depend upon the final site plan. Residents in buildings that are shielded from traffic on Aborn Road and Yerba Buena Road by intervening buildings will experience lower noise levels. **[Significant Impact]**

Noise from Adjacent Hitachi Site: Under Scenarios II-V, residences to be constructed on the southerly portion of the Berg/IDS property would be exposed to noise generated on the adjacent Hitachi industrial site. Noise sources on the Hitachi site would typically include heating & air conditioning equipment, parking lot activities, loading docks, and emergency back-up generators. Such noise may exceed 55 dBA Ldn at the Berg/IDS/Hitachi property line. **[Significant Impact]**

Industrial/Residential Interface: Under Scenarios I and VI, the Berg/IDS property would be developed with *Campus Industrial* uses. Depending upon the configuration of a final site plan, noise associated with the industrial uses (e.g., heating & air conditioning equipment, emergency back-up generators, parking lot activities, loading docks, etc.) could exceed 55 dBA Ldn at the property lines of nearby existing residences. **[Significant Impact]**

**Long-Term Noise Impacts at the Legacy Partners Property**

Exposure to Elevated Noise Levels: As described above in Section 4.3.2.4, the westerly portion of the Legacy Partners property is exposed to existing noise levels that exceed the City's residential short-term exterior noise goal of 60 dBA Ldn. The future Ldn at 75 feet of the centerline of Yerba Buena Road will be 64-68 dBA. Therefore, under Scenarios II-V, future residents will be exposed to noise levels that exceed the City's noise/land use compatibility guidelines. The number of residents that will be exposed to elevated noise levels will depend upon the final site plan. Residents in buildings that are shielded from traffic on Yerba Buena Road by intervening buildings will experience lower noise levels. **[Significant Impact]**

Noise from Adjacent Hitachi Site: Under Scenarios II-V, residences to be constructed on the northerly portion of the Legacy Partners property would be exposed to noise generated on the adjacent Hitachi industrial site. Noise sources on the Hitachi site would typically include heating & air conditioning equipment, parking lot activities, loading docks, and emergency back-up generators. Such noise may exceed 55 dBA Ldn at the Legacy Partners/Hitachi property line. **[Significant Impact]**

Noise from Proposed Evergreen Little League Sports Complex: Under Scenarios II-V, a little league sports complex would be constructed in the southwestern corner of the Legacy Partners property. The little league facility, which would consist of three playing fields, would generate noise from players and spectators. Although future residences on the site would be exposed to noise from the little league facility, such noise (e.g., bats striking balls, talking, cheering, etc.) would be limited to daylight hours and would not be significant. Such noises during daytime hours are viewed by most people as compatible with a residential environment. Conversely, the type of noise from outdoor playing fields that frequently results in noise impacts at adjacent receptors (e.g., public address announcements, cheering and yelling during non-daylight hours, etc.) will not occur because the facility would not include a public address system or nighttime lighting **[Less-than-Significant Impact]**

**Long-Term Noise Impacts at the Evergreen Valley College Property**

Exposure to Elevated Noise Levels: As described above in Section 4.3.2.5, the portion of the Evergreen Valley College property that is proposed for residential uses is not exposed to existing noise levels that exceed the City's residential short-term exterior noise goal of 60 dBA Ldn. Future noise levels at such locations will also not exceed 60 dBA Ldn. Noise generated at the existing shopping center in the northeast quadrant of San Felipe Road/Yerba Buena Road will not exceed 60 dBA Ldn at future residences. Therefore, under Scenarios II-VI, future residents will not be exposed to noise levels that exceed the City's noise/land use compatibility guidelines. **[Less-than-Significant Impact]**

Commercial/Office/Residential Interface: Under Scenarios II-VI, new commercial and office uses would be constructed on the Evergreen Valley College property. Depending upon the configuration of a final site plan, noise associated with commercial and office uses (e.g., heating & air conditioning equipment, parking lot activities, loading docks, etc.) could exceed 55 dBA Ldn at the property lines of future residences. **[Significant Impact]**

**Long-Term Noise Impacts along White Road and Ocala Avenue**

Under Scenarios II-VI, a short segment of existing pavement on Ocala Avenue just west of White Road will be restriped to four lanes. All other areas are already four lanes. Due to the minor nature of this work, and the fact that most of this segment is already a 4-lane facility, noise impacts would be negligible. **[Less-than-Significant Impact]**

Under Scenarios II-VI, White Road will be widened to six lanes between Aborn Road on the south and Ocala Avenue on the north, with one short segment remaining four lanes. To quantify the noise impacts of this widening, a traffic noise model was utilized. The model was run using existing lane geometries and then rerun using proposed lane geometries. Existing and future traffic volumes were also input to the model. The results of this modeling indicated that noise increases would range from 1-2 dBA. Such increases would not exceed the significance threshold of 3 dBA. **[Less-than-Significant Impact]**

### Long-Term Off-Site Noise Impacts along Roadways in the Project Area

A direct effect of new development in the greater EDP area would be an increase in traffic on various roadways, which in turn could increase traffic-generated noise at land uses located along those facilities. As part of the noise analysis prepared for this EIR, the degree to which each of the EEHVS development scenarios would increase traffic noise above existing levels was quantified. The results of this analysis are presented in Table 35, with increases of three decibels or greater over existing levels considered significant. Roadway segments in the EDP area that are not shown in Table 35 would not experience a significant noise increase under any EEHVS scenario and/or have no adjacent sensitive receptors such as residences.

The data in Table 35 indicate that, when compared to existing conditions, noise levels along various roadways in the EDP area are expected to substantially increase, irrespective of which EEHVS scenario is selected. Since there are residences and other sensitive receptors located along the roadway segments listed in Table 35, and since the Ldn along these roadways would be in excess of 60 dBA, this noise impact would be significant. **[Significant Impact]**

EDP-area roadways where significant increases in noise would occur would consist of portions of the following: Aborn Road, Nieman Boulevard, Quimby Road, San Felipe Road, Silver Creek Valley Road, and Yerba Buena Road. The greatest noise increases would be concentrated on those portions of Aborn Road and Yerba Buena Road that are closest to the Berg/IDS and Legacy Partners properties. The reason for this is twofold: 1) existing traffic volumes are relatively low, and 2) the percentage increase in traffic on the roadways due to development of these sites would be relatively large.

The reader will note that the increases in traffic-generated noise under Scenario I (the No Project Alternative) are as great as - and sometimes greater than - some of the other development scenarios. The reason for this is that Scenario I assumes that the approved 4.66 million square feet of *Campus Industrial* uses are constructed on the Berg/IDS and Legacy Partners properties.

### Protection of Capitol Expressway/Capitol Avenue Intersection

The project proposes to add the Capitol Expressway/Capitol Avenue intersection to the City's List of Protected Intersections, which would allow traffic levels at that intersection to deteriorate below level of service (LOS) D. The deterioration in LOS would cause more congested conditions and, therefore, produce less noise than would be created if the same amount of traffic were allowed to flow unrestricted. The change in allowable LOS at this intersection from D to E, therefore, would not result in significant adverse impacts on the noise environment. **[Less-than-Significant Impact]**

**T A B L E 3 5**

**COMPARISON OF NOISE LEVELS ALONG PROJECT AREA ROADWAYS**

**[Expressed as Increases in the Ldn over Existing Levels]**

| Roadway | Segment | EEHVS Development Scenario | | | | | |
|---|---|---|---|---|---|---|---|
| | | I | II | III | IV | V | VI |
| Aborn Road | Murillo Ave. - Mosher Dr. | **9** | **6** | **7** | **7** | **8** | **9** |
| Aborn Road | Mosher Dr. - Altamara Ave. | **8** | **6** | **6** | **6** | **8** | **9** |
| Aborn Road | Altamara Ave. - Ruby Ave. | **6** | **4** | **4** | **4** | **5** | **6** |
| Aborn Road | Ruby Ave. - Alessandro Dr. | **4** | 2 | 2 | 2 | **3** | **4** |
| Aborn Road | Alessandro Dr. - White Rd. | **3** | 2 | 2 | 2 | **3** | **4** |
| Aborn Road | King Rd. - U.S. 101 | **4** | **3** | **3** | **3** | **3** | **4** |
| Nieman Boulevard | Capitol Expressway - Aborn Rd. | **3** | 2 | 2 | 2 | 2 | 4 |
| Nieman Boulevard | Woodbury Ln. - Yerba Buena Rd. | 2 | 2 | 2 | 2 | 2 | **3** |
| Quimby Road | Tully Rd. - Eastridge Ln. | 0 | 2 | 2 | **3** | **3** | 2 |
| San Felipe Road | Aborn Rd. - Fowler Rd. | 1 | 2 | 2 | 2 | **3** | **3** |
| San Felipe Road | Fowler Rd. - Delta Rd. | 1 | 2 | 2 | 2 | **3** | **3** |
| Silver Creek Valley Rd. | Country Club Pkwy - Hellyer Ave. | **3** | **3** | **3** | **3** | **3** | **4** |
| Yerba Buena Road | Fowler Rd. - Old Yerba Buena Rd. | **5** | **6** | **6** | **7** | **7** | **5** |
| Yerba Buena Road | Old Yerba Buena Rd. - San Felipe Rd. | **5** | **4** | **4** | **4** | **5** | **6** |
| Yerba Buena Road | San Felipe Rd. - Byington Dr. | **3** | 2 | 2 | 2 | **3** | **4** |
| Yerba Buena Road | Byington Dr. - Nieman Blvd. | **3** | 2 | 2 | 2 | **3** | **4** |
| Yerba Buena Road | Nieman Blvd. - Silver Creek Rd. | 2 | 2 | 2 | 2 | 2 | **3** |

Bold Type/Bold Outline indicates a significant impact, which is defined as an increase of three or more decibels over existing conditions.

Roadway segments not listed are those for which a significant increase in noise would not occur under any scenario and/or where there are no sensitive receptors (e.g., residences).

**Source:** Illingworth & Rodkin, Inc., 2005.

### 4.3.4 Mitigation and Avoidance Measures for Noise Impacts

The previous section identified significant impacts relative to short- and long-term noise. This section discusses potential mitigation and, where feasible, appropriate measures are proposed to reduce the identified impacts.

#### 4.3.4.1 *Mitigation Measures for Short-Term Construction Noise*

The following mitigation measures are proposed as part of the project and all future development that would occur as part of the development of the EEHVS:

**MM 4.3-1** As required by San José Municipal Code §20.100.450 construction hours within 500 feet of residences shall be limited to the hours of 7 AM - 7 PM weekdays, with no construction on weekends or holidays.

**MM 4.3-2** All construction equipment powered by internal combustion engines shall be equipped with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

**MM 4.3-3** For construction sites with nearby residences, stationary noise-generating equipment shall be located as far as possible from the homes.

**MM 4.3-4** Where pile drivers are needed, the use of multiple-pile drivers shall be considered in order to expedite construction. Although noise levels generated by multiple pile drivers would be higher than the noise generated by a single pile driver, the total duration of pile driving activities would be reduced.

**MM 4.3-5** Temporary noise control blanket barriers shall shroud pile drivers or be erected in a manner to shield the adjacent land uses. Such noise control blanket barriers can be rented and quickly erected.

**MM 4.3-6** Where feasible, foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile. Pre-drilling foundation pile holes is a standard construction noise control technique. Pre-drilling reduces the number of blows required to seat the pile.

**MM 4.3-7** The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with the adjacent noise sensitive facilities so that construction activities can be scheduled to minimize noise disturbance.

#### 4.3.4.2 *Mitigation for Long-Term Noise at the Arcadia Property*

Mitigation for Elevated Noise Levels: The following measures are proposed as part of the project, are to be implemented during the PD Permit phase, and apply to Scenarios I-VI:

**MM 4.3-8** Consideration shall be given to locating the commercial uses closest to Quimby Road and Capitol Expressway. This would allow the commercial uses to shield the more sensitive uses (i.e., residences and parks) from elevated traffic noise levels.

**MM 4.3-9** All outdoor use areas associated with the proposed residences shall be designed and sited so that noise levels do not exceed a Ldn of 60 dBA. This will be accomplished through site design (e.g., creating sufficient buffers/setbacks between noise sources and these areas, shielding such areas from noise sources by locating them behind buildings, etc.) and/or constructing soundwalls.

**MM 4.3-10** In the event that residential patios are constructed in locations where the Ldn is not reduced to 60 dBA by the steps described in the previous measure, such patios shall be designed to include acoustically-effective (i.e., without cracks, gaps, openings, etc.) fencing.

**MM 4.3-11** All residences, both single- and multi-family, shall be designed to achieve an interior noise level of 45 dBA Ldn. In some cases, this will require residents to keep windows closed, which will mandate the inclusion of forced-air mechanical ventilation systems. Compliance with this measure shall be demonstrated through the preparation of a detailed acoustical analysis, such analysis to be reviewed and approved by the City.

Mitigation for Elevated Noise Levels at Commercial/Residential Interface: The following measure is proposed as part of the project, is to be implemented during the PD Permit phase, and applies to Scenarios II-VI:

**MM 4.3-12** The project shall be designed so that noise from the commercial uses will not exceed a Ldn of 55 dBA at the property lines of existing/future residences. This will be accomplished by proper site design (e.g., setbacks, locating loading docks away from residences, etc.), the shielding of outdoor equipment, and/or the installation of noise barriers.

Mitigation for Noise from the Proposed Sports Complex: The following measures are proposed as part of the project, are to be implemented during the PD Permit phase, and apply to Scenarios II-VI:

**MM 4.3-13** The final design and orientation of the outdoor playing fields shall locate noise sources (e.g., bleachers) as far as practical from future residents.

**MM 4.3-14** The public address system shall be designed to focus announcements toward spectator areas only, so as to minimize the effect on nearby future residents.

#### 4.3.4.3 *Mitigation for Long-Term Noise at the Pleasant Hills Golf Course Property*

Mitigation for Elevated Noise Levels: Mitigation measures MM 4.3-9, MM 4.3-10, and MM 4.3-11, which are listed above in Section 4.3.4.2, are also applicable to the Pleasant Hills Golf Course property. The three measures are proposed as part of the project, are to be implemented during the PD Permit phase, and apply to Scenarios II-VI.

#### 4.3.4.4 *Mitigation Measures for Long-Term Noise at the Berg/IDS Property*

Mitigation for Elevated Noise Levels: Mitigation measures MM 4.3-9, MM 4.3-10, and MM 4.3-11, which are listed above in Section 4.3.4.2, are applicable to the Berg/IDS property. The three measures are proposed as part of the project, are to be implemented during the PD Permit phase, and apply to Scenarios II-V.

Mitigation for Noise from the Adjacent Hitachi Site: The following measure is proposed as part of the project, is to be implemented during the PD Permit stage, and applies to Scenarios II-V:

**MM 4.3-15** The project shall be designed so that noise from the adjacent Hitachi industrial site will not exceed a Ldn of 55 dBA at the property lines of future residences. This will be accomplished by establishing an adequate buffer.

Mitigation for Elevated Noise Levels at Industrial/Residential Interface: The following measure is proposed as part of the project, is to be implemented during the PD Permit stage, and applies to Scenarios I and VI:

**MM 4.3-16** The project shall be designed so that noise from the industrial uses will not exceed a Ldn of 55 dBA at the property lines of nearby existing residences. This will be accomplished by proper site design (e.g., setbacks, locating loading docks away from residences, etc.), the shielding of outdoor equipment, and/or the installation of noise barriers.

#### 4.3.4.5 *Mitigation Measures for Long-Term Noise at the Legacy Partners Property*

Mitigation for Elevated Noise Levels: Mitigation measures MM 4.3-9, MM 4.3-10, and MM 4.3-11, which are listed above in Section 4.3.4.2, are applicable to the Legacy Partners property. The three measures are proposed as part of the project, are to be implemented during the PD Permit phase, and apply to Scenarios II-V.

Mitigation for Noise from the Adjacent Hitachi Site: Mitigation measure MM 4.3-15, which is listed above in Section 4.3.4.4, is applicable to the Legacy Partners property. The measure is proposed as part of the project, is to be implemented during the PD Permit phase, and applies to Scenarios II-V.

### 4.3.4.6 *Mitigation for Long-Term Noise at the Evergreen Valley College Property*

Mitigation for Elevated Noise Levels at Commercial/Office/Residential Interface: The following measure is proposed as part of the project, is to be implemented during the PD Permit stage, and applies to Scenarios II-VI:

**MM 4.3-17** The project shall be designed so that noise from the commercial and office uses will not exceed a Ldn of 55 dBA at the property lines of future residences. This will be accomplished by proper site design (e.g., setbacks, locating loading docks away from residences, etc.), the shielding of outdoor equipment, and/or the installation of noise barriers.

### 4.3.4.7 *Mitigation Measures for Increases in Off-Site Roadway Noise*

As shown in Table 35, traffic generated by EEHVS development will result in a significant increase in noise (defined as an increase of three or more decibels over existing conditions) along portions of Aborn Road, Nieman Boulevard, Quimby Road, San Felipe Road, Silver Creek Valley Road, and Yerba Buena Road. Mitigation measures that are typically utilized to reduce traffic-related noise at existing land uses along roadways consist of the following:

- ***Noise Barriers/Soundwalls:*** Noise barriers/soundwalls could be constructed along the edge of street rights-of-way to protect existing residential land uses. This measure is not feasible where residences front onto roadways because of the necessity to leave gaps in the soundwalls for driveways. It should also be noted that there are locations where tall soundwalls may not be desirable from a visual and aesthetic perspective.
- ***Acoustical Retrofit of Buildings:*** At locations where residences front onto roadways, older doors and single-pane windows that are exposed to traffic noise could be replaced with those that are acoustically-rated on a case-by-case basis.

Each of the roadway segments where noise increases will be significant (see Table 35) were reviewed for the purpose of determining the feasibility of mitigation. For the following reasons, almost all of the locations were determined infeasible to mitigate:

- The vast majority of the residences and other noise-sensitive uses (e.g., churches, schools, etc.) along the affected roadway were constructed subsequent to the 1980 approval of the *Campus Industrial* uses on the Berg/IDS and Legacy Partners properties. Per standard City procedure,

the design of post-1980 development (e.g., the Evergreen Specific Plan and Silver Creek Planned Residential Community) was required to take into account the future increased noise due to traffic from the industrial uses. In practical terms, this means that noise-sensitive land uses approved after 1981 include mitigation (e.g., soundwalls, double-pane windows, setbacks, insulation, etc.) that is based on noise levels equivalent to those of Scenario I. In such cases, further mitigation would not be feasible.

- It was found that a 6' soundwall, roughly 3,000 feet in length, along the south side of Yerba Buena Road between San Felipe Road and Villa Vista Road would mitigate for increase in traffic noise in the neighborhood located on the south side of Yerba Buena Creek. However, the soundwall would result in visual/aesthetic impacts in the adjacent Evergreen Park. The wall would also block views of the park from Yerba Buena Road, creating potential public safety issues. For these reasons, the City does not view soundwalls at such locations as feasible.

However, there are several locations where mitigation would be feasible. Therefore, the following mitigation measures are proposed as part of the project.

**MM 4.3-18** The project shall offer to construct a 6' masonry or solid wood wall at the Child Development Center (located on the Evergreen Valley College campus at the corner of Valle Del Lago & Yerba Buena Road). The new wall shall extend around the three sides of the Development Center that are exposed to noise from Yerba Buena Road. [Applies to Scenarios I-VI]

**MM 4.3-19** At the existing single-family residence located at 2995 Yerba Buena Road, the project shall offer to replace the existing wood fence along Yerba Buena Road with a 6' masonry or solid wood wall. [Applies to Scenarios I-VI]

**MM 4.3-20** The project shall offer to construct a 6' masonry or solid wood wall along the side yards of two single-family residences that are located on the south/west side of Quimby Road between Edgegate Drive and Rigoletto Drive. These residences were constructed in 1963. [Applies to Scenarios IV and V only]

**MM 4.3-21** The project shall offer to replace the front windows of three single-family residences located at 2104, 2112, and 2120 Quimby Road. The residences were constructed in 1963. The new windows shall be double-pane. [Applies to Scenarios IV and V only]

**MM 4.3-22** The project shall offer to replace the front/side windows on the 22 single-family residences located along both sides of Nieman Boulevard between Plumstead Way and Aborn Road. The window replacement shall be limited to the one side of the home that is directly exposed to Nieman Boulevard. These residences were constructed in the 1970s. The new windows shall be double-pane. [Applies to Scenarios I and VI only]

### 4.3.5 Conclusions Regarding Noise Impacts

Construction-related noise impacts will adversely affect persons residing in homes that are located adjacent to the Arcadia, Pleasant Hills Golf Course, Berg/IDS, and Evergreen Valley College properties. Mitigation and avoidance measures are included in the project that will reduce the magnitude of this impact. However, due to the fact that the duration of construction activities will likely extend to multiple construction seasons, this impact cannot be mitigated to a less-than-significant level. **[Significant Unavoidable Impact]**

There are no residences or other sensitive receptors located in the immediate vicinity of the Legacy Partners property. Therefore, construction-related noise impacts under Scenarios I-VI relative to this opportunity site would not be significant. **[Less-than Significant Impact]**

Construction-related noise due to the widening of White Road and Ocala Avenue (Scenarios II-VI) would not be significant because the hours of construction near residences will be restricted and the duration of the increased noise will be of a limited nature. **[Less-than Significant Impact]**

Portions of the Arcadia, Pleasant Hills Golf Course, Berg/IDS, and Legacy Partners properties presently are exposed to noise levels that are in excess of the City's residential short-term exterior noise goal of 60 dBA Ldn. Those EEHVS scenarios that would construct housing on any of these properties would expose future residents to excessive noise. Measures are included in the project that would mitigate this impact. **[Less-than Significant Impact with Mitigation]**

The new residences that are proposed for the Evergreen Valley College property (Scenarios II-VI) would be constructed at locations where existing and future noise levels would not exceed the City's residential short-term exterior noise goal of 60 dBA Ldn. **[Less-than Significant Impact]**

Under Scenarios II-VI, noise from proposed commercial uses on the Arcadia property could exceed the City's standard of 55 dBA Ldn at the property lines of existing/future residences. Measures are included in the project that would mitigate this impact. **[Less-than Significant Impact with Mitigation]**

Under Scenarios II-VI, noise from activities and a public address system at a proposed outdoor sports complex on the Arcadia property could adversely impact future residents of dwelling units that are also proposed for the Arcadia property. Measures are included in the project that would mitigate this impact. **[Less-than Significant Impact with Mitigation]**

Noise generated by aircraft overflying the Arcadia property to/from nearby Reid-Hillview Airport would be compatible with all of the proposed land uses on that site under Scenarios I-VI. **[Less-than Significant Impact]**

Under Scenarios II-VI, noise associated with the proposed fire station on the Pleasant Hills Golf Course property would be compatible with nearby existing/proposed uses. **[Less-than Significant Impact]**

Under Scenarios I and VI, noise from proposed industrial uses on the Berg/IDS property could exceed the City's standard of 55 dBA Ldn at the property lines of existing residences. Measures are included in the project that would mitigate this impact. **[Less-than Significant Impact with Mitigation]**

Under Scenarios II-V, noise from the existing industrial uses at the adjacent Hitachi facility could exceed the City's standard of 55 dBA Ldn at the property lines of proposed residences on the Berg/IDS and Legacy Partners properties. Measures are included in the project that would mitigate this impact. **[Less-than Significant Impact with Mitigation]**

Under Scenarios II-VI, noise from proposed commercial and office uses on the Evergreen Valley College property could exceed the City's standard of 55 dBA Ldn at the property lines of future residences. Measures are included in the project that would mitigate this impact. **[Less-than Significant Impact with Mitigation]**

The widening of Ocala Avenue and White Road under Scenarios II-VI will not significantly increase long-term noise levels at adjacent receptors. **[Less-than Significant Impact]**

Development that would occur under Scenarios I-VI would increase traffic on roadways in the area. The increased traffic would, in turn, increase noise along various roadways that are bordered by residences and other sensitive noise receptors. Segments of the following roadways would experience a noise increase of three or more decibels: Aborn Road, Nieman Boulevard, Quimby Road, San Felipe Road, Silver Creek Valley Road, and Yerba Buena Road. This EIR proposes mitigation measures that will reduce this impact, but not to a less-than-significant level. **[Significant Unavoidable Impact]**

## 4.4 AIR QUALITY

This section is primarily based upon a September 2005 air quality report prepared by Illingworth & Rodkin, Inc. for the proposed project. The report is included in Appendix G of this EIR.

### 4.4.1 Introduction and Regulatory Framework

Air pollution typically refers to air that contains chemicals in concentrations that are high enough to cause adverse effects to humans, other animals, vegetation, or materials. Air pollutants include those from natural sources (e.g., forest fires, volcanic eruptions, windstorms, etc.) and human sources (e.g., factories, transportation, power plants, etc.). In the Santa Clara Valley, vehicular emissions are the predominant source of air pollutants.

In recognition of the adverse effects of degraded air quality, Congress and the California Legislature enacted the Federal and California Clean Air Acts, respectively. As a result of these laws, the U.S. Environmental Protection Agency (EPA) and the California Air Resources Board (CARB) have established ambient air quality standards for what are commonly referred to as "criteria pollutants", because they set the criteria for attainment of good air quality. Criteria pollutants include carbon monoxide, ozone, nitrogen dioxide, sulfur dioxide, and particulate matter.[51] In general, the California standards are more stringent than the federal standards. Table 36 lists these pollutants, their sources and effects, and the related standards.

The Bay Area Air Quality Management District (BAAQMD) oversees air quality in the San Francisco Bay Area. BAAQMD periodically prepares and updates plans to achieve the goal of healthy air. Typically, a plan will analyze emissions inventories (estimates of current and future emissions from industry, motor vehicles, and other sources) and combine that information with air monitoring data (used to assess progress in improving air quality) and computer modeling simulations to test future strategies to reduce emissions in order to achieve air quality standards. Air quality plans usually include measures to reduce air pollutant emissions from industrial facilities, commercial processes, motor vehicles, and other sources. Bay Area plans are prepared with the cooperation of the Metropolitan Transportation Commission (MTC), and the Association of Bay Area Governments (ABAG). Ozone Attainment Demonstrations are prepared for the national ozone standard and Clean Air Plans are prepared for the California ozone standard.

[51] In addition, state standards have been promulgated for lead, sulfates, hydrogen sulfide and visibility reducing particles. The state also recognizes vinyl chloride as a toxic air contaminant. Discussion of these criteria pollutants, however, will be limited as the project is not expected to emit these pollutants. Vinyl chloride and hydrogen sulfide emissions are generally generated from mining, milling, refining, smelting, landfills, sewer plants, cement manufacturing, or the manufacturing or decomposition of organic matter. As the proposed project does not contain any of these uses, they need not be addressed further in this EIR. As to lead, sulfate and visibility reducing particles, the state standards are not exceeded anywhere in the Bay Area; therefore, these pollutants are not relevant to air quality planning and regulation and need not be further addressed in this EIR.

**T A B L E 3 6**

**MAJOR CRITERIA AIR POLLUTANTS AND STANDARDS**

| | POLLUTANT | | | | | |
|---|---|---|---|---|---|---|
| | **Ozone** | **Carbon Monoxide** | **Nitrogen Dioxide** | **Sulfur Dioxide** | **$PM_{10}$** | **$PM_{2.5}$** |
| **Health Effects** | Eye irritation, respiratory function impairment | Aggravation of cardio-vascular disease, fatigue, headache, confusion, dizziness, can be fatal | Increased risk of acute and chronic respiratory disease | Aggravation of lung disease, increased risk of acute and chronic respiratory disease | Aggravation of chronic disease and heart/lung disease symptoms | Aggravation of chronic disease and heart/lung disease symptoms |
| **Major Sources** | Combustion sources, evaporation of solvents and fuels | Combustion of fuel, combustion of wood in stoves and fireplaces | Motor vehicle exhaust, industrial processes, fossil-fueled power plants | Diesel exhaust, oil-powered power plants, industrial processes | Combustion, cars, field burning, factories, unpaved roads, construction | Combustion, cars, field burning, factories, unpaved roads, construction |
| **Federal Standard** | 1-hr: n/a<br>8-hr: .08 ppm | 1-hr: 35 ppm<br>8-hr: 9 ppm | 1-hr: n/a<br>AA: .05 ppm | 1-hr: n/a<br>24-hr: .14 ppm<br>AA: .03 ppm | 24-hr: 150 $\mu g/m^3$<br>AA: 50 $\mu g/m^3$ | 24-hr: 65 $\mu g/m^3$<br>AA: 15 $\mu g/m^3$ |
| **State Standard** | 1-hr: .09 ppm<br>8-hr: .07 ppm | 1-hr: 20 ppm<br>8-hr: 9 ppm | 1-hr: .25 ppm<br>AA: n/a | 1-hr: .25 ppm<br>24-hr: .04 ppm<br>AA: n/a | 24-hr: 50 $\mu g/m^3$<br>AA: 20 $\mu g/m^3$ | 24-hr: n/a<br>AA: 12 $\mu g/m^3$ |
| **Bay Area Attainment Status** | N | A | A | A | federal - A<br>state - N | federal - A<br>state - N |

Attainment Status: A = attainment N = nonattainment

n/a = no standard established

$PM_{10}$ = particulate matter, 10 microns in size $PM_{2.5}$ = particulate matter, 2.5 microns in size
ppm = parts per million $\mu G/m^3$ = micrograms per cubic meter
AA = annual average 1-hr = 1-hour average 8-hr = 8-hour average
24-hr = 24-hour average n/a = not applicable

**Source:** U.S. EPA, Bay Area Air Quality Management District, 2005.

The Bay Area 2000 Clean Air Plan (CAP) was adopted by the BAAQMD Board of Directors at a public hearing on December 20, 2000 and was then submitted to CARB. The 2000 CAP is the third triennial update of the District's original 1991 CAP. The 2000 CAP includes strategies and policies for the region to achieve and maintain compliance with the standards listed in Table 36. The CAP also includes a control strategy review to ensure that the plan continues to include "all feasible measures" to reduce ozone, an update of the BAAQMD's emission inventory, estimates of emission reductions achieved by the plan, and an assessment of air quality trends.

The BAAQMD, in cooperation with MTC and ABAG, also recently completed preparation of the Bay Area 2005 Ozone Strategy. The Ozone Strategy is a roadmap showing how the San Francisco Bay Area will achieve compliance with the State one-hour air quality standard for ozone as expeditiously as practicable and how the region will reduce transport of ozone and ozone precursors to neighboring air basins.

Ozone conditions in the Bay Area have improved significantly over the years. Ozone levels – as measured by peak concentrations and the number of days over the State one-hour ozone standard – have declined substantially as a result of aggressive programs by the BAAQMD, MTC and other regional, State and federal partners. This represents great progress in improving public health conditions for Bay Area residents. The 2005 Ozone Strategy provides useful background information on topics including the Bay Area's emission inventory, historical ozone trends and the implementation status of past control measures.

The 2005 Ozone Strategy explains how the Bay Area plans to achieve these goals with regard to ozone, and also discusses related air quality issues of interest including the public involvement process, climate change, fine particulate matter, the BAAQMD's Community Air Risk Evaluation (CARE) program, local benefits of ozone control measures, the environmental review process, national ozone standards and photochemical modeling. The 2005 Ozone Strategy is a comprehensive document that describes the Bay Area's strategy for compliance with State one-hour ozone standard planning requirements, and is a significant component of the region's commitment to achieving clean air to protect the public's health and the environment.

BAAQMD also operates its Toxic Air Contaminant Control Program, which implements and enforces all Maximum Achievable Control Technology (MACT) standards and Airborne Toxic Control Measures (ATCMs) pertaining to the emission of such substances from stationary sources. This program also monitors the concentrations of toxic air contaminants at various locations in the Bay Area.

In connection with the implementation of the CAP, various policies in the City's General Plan have been adopted to assist the City in avoiding or mitigating air quality impacts resulting from development projects that require approval of discretionary permits, such as area plans, use permits, site development permits, tentative tract maps, and tentative parcel maps. All future development addressed by this EIR will be subject to the air quality policies listed in Chapter 4, *Goals and Policies*, of the City's General Plan include the following:

- *Air Quality Policy #1*: Establish Appropriate Land Uses & Regulations to Reduce Air Pollution
- *Air Quality Policy #2*: Promote Expansion & Improvement of Public Transportation Services
- *Air Quality Policy #5*: Design Development near Transit Stations to Promote Transit Usage
- *Transportation Policy #17*: Encourage Pedestrian Travel
- *Transportation Policy #19*: Encourage Walking, Bicycling, and Public Transportation
- *Transportation Policy #23*: Street & Sidewalk Designs should Promote Transit Access
- *Transportation Policy #28*: Promote Implementation of Transportation Demand Management
- *Transportation Policy #51*: Develop a Safe & Direct Bicycle Network

In addition to the policies of the City's General Plan, the City has approved a grading ordinance, which mandates that all earth moving activities shall include requirements to control fugitive dust, including regular watering of the ground surface, cleaning nearby streets, damp sweeping, and planting any areas left vacant for extensive periods of time. All EEHVS development will be subject to this ordinance.

### 4.4.2 Existing Air Quality

Under amendments to the federal Clean Air Act, the EPA has classified air basins, or portions thereof, as either "attainment" or "nonattainment" for each criteria air pollutant, based on whether or not the national standards have been achieved. In 1988, the State Legislature passed the California Clean Air Act, which is patterned after the federal Clean Air Act to the extent that it also requires areas to be designated as "attainment" or "nonattainment," but, with respect to State standards, rather than national standards.

The City of San José lies within the urbanized portion of Santa Clara County, a subregion within the nine-county San Francisco Bay Area Air Basin. As shown in Table 36, the Bay Area is designated as an "attainment area", meaning the area meets the relevant standards, for carbon monoxide, nitrogen dioxide, and sulfur dioxide. The region is classified as a "nonattainment area" for both the federal and state ozone standards, although a request for reclassification to "attainment" of the federal standard is currently being considered by the U.S. EPA. The area does not meet the state standards for particulate matter; however, it does meet with the federal standards.

As noted above, BAAQMD monitors air quality at various locations throughout the Bay Area, including three monitoring stations in San José. Table 37 summarizes recent data for these stations in terms of the number of days the applicable air quality standard was exceeded.

The air pollution potential of a given location depends upon the emission density in the surrounding area, as well as the atmospheric potential. Primary pollutant emission densities are highest in areas with high population density, heavy vehicle use, or industrialization. Yet, because the City of San Francisco has a low atmospheric pollution potential, it does not produce the highest ambient carbon monoxide (CO) levels. The Bay Area's highest CO concentrations are found in San José, where both the atmospheric pollution potential and the emissions are high.

**T A B L E 3 7**

**SUMMARY OF RECENT AIR QUALITY MONITORING DATA IN SAN JOSÉ**
**[Expressed as Number of Days Exceeding the Standard]**

| Pollutant | Standard | San José Central | | | San José East | | | San José Tully | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | 2002 | 2003 | 2004 | 2002 | 2003 | 2004 | 2002 | 2003 | 2004 |
| Ozone | State 1-Hour | 0 | 4 | 0 | 0 | 2 | 0 | - | - | - |
| Ozone | Federal 8-Hour | 0 | 0 | 0 | 0 | 0 | 0 | - | - | - |
| CO | State/Federal 8-Hour | 0 | 0 | 0 | - | - | - | - | - | - |
| $NO_2$ | State 1-Hour | 0 | 0 | 0 | - | - | - | - | - | - |
| $PM_{10}$ | Federal 24-Hour | 0 | 0 | 0 | - | - | - | 0 | 0 | 0 |
| $PM_{10}$ | State 24-Hour | 0 | 3 | 1 | - | - | - | 2 | 2 | 2 |
| $PM_{2.5}$ | Federal 24-Hour | 0 | 0 | 0 | - | - | - | 0 | 0 | 0 |

CO = carbon monoxide $NO_2$ = nitrogen dioxide PM = particulate matter
San José East monitors only ozone and San José Tully monitors only particulate matter.

**Source:** Bay Area Air Quality Management District, 2005.

For secondary pollutants, like ozone, which develop over periods of several hours and which are derived from two or more primary pollutants, the evaluation of the pollution potential of a location is more complex. The emission-related ozone potential at a given location depends upon precursor emissions that are upwind of (rather than adjacent to) that location on an episode day. The most direct way of evaluating the potential for exceeding the ozone standard is to review ambient monitoring data for recent years. Violations of the ozone standards are most likely to occur in an arc around the west, south and eastern sides of the Santa Clara Valley.

Despite the substantial growth of the Bay Area in recent decades, overall air quality has been improving. The improvement is primarily due to the implementation of measures that have reduced emissions from both stationary sources (e.g., factories, power plants, refineries, etc.) and mobile sources (e.g., automobiles, buses, trucks, aircraft, etc.). Complementing source-control measures are a variety of strategies, policies, and programs that are designed to improve air quality. These include programs to buy-back older automobiles and gasoline-powered lawnmowers, incentives for replacing older wood-burning stoves and fireplaces, incentives/subsidies for transit riders/carpoolers, incentives for purchasing low-emission products, Spare-the-Air campaigns, and local land uses policies that result in a reduction in the number/length of vehicle trips. The latter category includes locating jobs near housing, constructing mixed-use developments, and zoning land along rail corridors for higher densities.

### 4.4.3 Air Quality Impacts

#### 4.4.3.1 *Thresholds of Significance*

Based on BAAQMD guidelines, a General Plan or amendment to a General Plan is determined to be inconsistent with the most current CAP, and therefore, to have a significant air quality impact, if the plan or plan change would:

- result in population growth that would exceed the values included in the current Clean Air Plan (CAP) for the City of San José; or
- cause the rate of increase in vehicle miles traveled (VMT) to be greater than the rate of increase in population.

In addition to the above thresholds, for the purposes of this EIR, an air quality impact is considered significant if the project would:

- violate an ambient air quality standard or contribute substantially to an existing or project air quality violation; or
- result in substantial emissions or deterioration of ambient air quality; or
- create objectionable odors; or
- expose sensitive receptors or expose the general public to substantial levels of toxic air contaminants; or
- alter air movement, moisture, or temperature, or result in any change in climate either locally or regionally.

#### 4.4.3.2 *Long-Term Air Quality Impacts of the EEHVS Development Scenarios*

**Impacts on Regional Air Quality**

To evaluate the effects of each EEHVS scenario on regional air quality, emissions of ozone precursor pollutants[52] and $PM_{10}$ were predicted. The URBEMIS (Urban Emissions) 2002 Model, obtained from the CARB, was used to predict air pollutant emissions associated with project-related automobile use. This model combines assumptions for automobile activity (e.g., number of trips, vehicle mix, vehicle miles traveled, etc.) with vehicle emission factors. Vehicle trips generated under each EEHVS scenario (see Table 25) were used as input to the model. The results of this analysis are shown in Table 38.

As shown in Table 38, all of the EEHVS scenarios would generate regional pollutants in excess of BAAQMD significance thresholds. **[Significant Impact]**

[52]Ozone is formed in the atmosphere by a chemical reaction between reactive organic gas (ROG) and nitrogen oxides ($NO_x$) under sunlight.

**T A B L E 3 8**

**COMPARISON OF DAILY EMISSIONS OF REGIONAL POLLUTANTS**

**[Expressed in Pounds per Day]**

| Pollutant | EEHVS Scenario | | | | | |
|---|---|---|---|---|---|---|
| | **I** | **II** | **III** | **IV** | **V** | **VI** |
| ROG | 240 | 513 (114%) | 569 (138%) | 608 (154%) | 715 (198%) | 749 (213%) |
| $NO_x$ | 243 | 402 (65%) | 434 (78%) | 456 (88%) | 522 (115%) | 637 (162%) |
| $PM_{10}$ | 499 | 716 (43%) | 769 (54%) | 807 (62%) | 916 (84%) | 1,201 (141%) |

Numbers in parentheses are the percentage increase over Scenario I/No Project.

BAAQMD thresholds for each of these regional pollutants are 80 pounds per day.

ROG = reactive organic gas
$NO_x$ = nitrogen oxides
$PM_{10}$ = particulate matter, 10 microns in size

**Source:** Illingworth & Rodkin, Inc., 2005.

### Impacts on Local Air Quality

CO emissions from traffic generated by the EEHVS would be the pollutant of greatest concern at the local level. Congested intersections with a large volume of traffic have the greatest potential to cause high localized concentrations of CO. Therefore, to assess this impact, seven intersections that were studied for traffic impacts were also evaluated for roadside CO concentrations. These are the intersections that are anticipated to experience the combination of highest traffic volumes and worst congestion. CO concentrations were predicted for these intersections through air dispersion modeling using the Caline4 Model. [Note: For details regarding this model, including assumptions utilized as model input, please see Appendix G.]

The results of this analysis are presented in Table 39. The data indicate that concentrations of CO would not exceed California's 8-hour standard at any location under any of the EEHVS scenarios.[53] Therefore, the EEHVS would not result in a significant impact on local air quality over the long-term. **[Less-than-Significant Impact]**

[53]Predicted 1-hour CO concentrations were not modeled since the 1-hour CO standard is considered to be less stringent than the 8-hour CO standard.

**T A B L E 3 9**

**PREDICTED 8-HOUR CARBON MONOXIDE CONCENTRATIONS**

**[Expressed in Parts-per-Million]**

| Intersection | Existing | EEHVS Scenario [Year 2015] | | | | | |
|---|---|---|---|---|---|---|---|
| | | I | II | III | IV | V | VI |
| King Road at Tully Road | 7.2 | 5.2 | 5.5 | 5.5 | 5.5 | 5.5 | 5.4 |
| McLaughlin Avenue at Tully Road | 7.6 | 5.5 | 5.6 | 5.6 | 5.6 | 5.6 | 5.6 |
| White Road at Ocala Avenue | 6.3 | 5.0 | 5.0 | 5.0 | 5.0 | 5.0 | 5.1 |
| White Road at Quimby Road | 8.3 | 5.4 | 5.7 | 5.7 | 5.7 | 5.8 | 5.8 |
| McLaughlin Avenue at Capitol Expressway | 8.3 | 5.7 | 5.8 | 5.8 | 5.8 | 5.8 | 5.8 |
| Silver Creek Road at Capitol Expressway | 8.6 | 5.7 | 6.1 | 6.1 | 6.1 | 6.1 | 6.3 |
| Story Road at Capitol Expressway | 8.3 | 5.8 | 5.8 | 5.8 | 5.8 | 5.9 | 5.8 |

The California 8-hour CO standard is 9.0 parts-per-million.

**Note:** Future (year 2015) concentrations are projected to be less than existing concentrations since vehicle emissions will continue to decrease. This is due to the fact that 1) the percentage of older more-polluting vehicles will continue to decrease over time and 2) more stringent emissions standards are being applied to newer cars as such standards are phased in.

**Source:** Illingworth & Rodkin, Inc., 2005.

### Consistency with Clean Air Planning Efforts

A key element in air quality planning is to make reasonably accurate projections of future human activities, particularly vehicle activities that are related to air pollutant emissions. The BAAQMD uses population projections made by the ABAG and vehicle use trends made by the MTC to formulate future air pollutant emission inventories. These projections are based on estimates from cities and counties. In order to provide the best plan to reduce air pollution in the Bay Area, accurate projections from local governments are necessary. When General Plans are not consistent with these projections, they cumulatively reduce the effectiveness of air quality planning in the region. The ozone strategy that

addresses both the federal and State ozone standards was prepared using the most recent projections. These population and travel projections, which are based on those contained in the City's approved General Plan, do not include the development associated with EEHVS Scenarios II-VI.

Scenario I would be consistent with the Clean Air Plan because its associated development is included in the existing San José General Plan. **[No Impact]**

Scenarios II-VI would result in an amount and intensity of growth in the EDP area that is not foreseen in the current General Plan, and therefore was not included in the projections used for the 2000 Bay Area Clean Air Plan or those that will be used in the ozone strategy. As shown in Table 38, Scenarios II-VI would have significant increases in ROG emissions (ROG is an ozone precursor pollutant), when compared to Scenario I. Therefore, Scenarios II through VI would conflict with the Clean Air planning efforts. **[Significant Impact]**

As noted previously in Section 4.1.2, *Land Use Impacts*, Scenarios II-V would reverse a 1980 decision by the City to designate the Berg/IDS and Legacy Partners properties for approximately 10, 383 future jobs. The purpose of this decision was to locate jobs near residences so as to reduce environmental impacts, one of which is the increased emissions associated with longer-distance commuting. Therefore, Scenarios II-V would conflict with the City's efforts to improve air quality. **[Significant Impact]**

The above conclusions regarding conflicts with Clear Air planning efforts notwithstanding, elements of Scenarios II-VI are consistent with various goals and policies of these efforts. For example, the higher density development proposed on the Arcadia property, which is located in a designated Transit-oriented Development Corridor, would be directly adjacent to the planned Nieman LRT Station. Scenarios II-VI would also include commercial developments that would serve both the project and existing residential development, which would shorten home-to-shopping vehicle trips. Thus, while implementation of these scenarios may have significant impacts, they also offer possible environmental benefits.

#### 4.4.3.3 *Construction (Short Term)Air Quality Impacts of the EEHVS*

Buildout of the land uses included as part of Scenarios I-VI would involve construction that could last over several years. Construction activities may include demolition and removal of existing buildings or structures. All construction would likely include an initial grading of sites and then many small and medium size construction projects that could result in different air quality impacts based on their size, duration and proximity to sensitive receptors. Construction activities would generate pollutant emissions from the following construction activities: grading, construction worker travel to and from project sites, delivery and hauling of construction supplies and debris to and from the project site, and fuel combustion by on-site construction equipment. These construction activities would temporarily create emissions of dusts, fumes, equipment exhaust, and other air contaminants. **[Significant Impact]**

#### 4.4.3.4 *Impacts of Protecting the Capitol Expressway/Capitol Avenue Intersection*

As described in Section 4.2.5, the effect of protecting the intersection of Capitol Expressway/Capitol Avenue would be an increase in congestion, primarily during the PM peak-hour. Increased congestion would potentially increase CO levels. However, as shown in Table 39, projected 8-hour CO concentrations in the area will be substantially below the California standard, even at similarly congested intersections. **[Less-than-Significant Impact]**

### 4.4.4 Mitigation and Avoidance Measures for Air Quality Impacts

#### 4.4.4.1 *Mitigation for Short-Term Construction Impacts*

The following measures apply to Scenarios I-VI and apply to all of the development addressed by this EIR. These measures, which are included as part of the project, will reduce short-term air quality impacts to a less-than-significant level, and will be included in the Specifications and/or Construction drawings for each component of the project.

**MM 4.4-1** All active construction areas shall be sprinkled with water at least twice daily and more often when conditions warrant, excluding any areas that are inaccessible to watering vehicles due to excessive slope or other safety conditions.

**MM 4.4-2** All trucks hauling soil, sand and other loose materials shall be covered. Alternatively, all trucks shall be required to maintain at least two feet of freeboard, consistent with the requirements of §23114 of the California Vehicle Code.

**MM 4.4-3** All unpaved access roads, parking areas and staging areas at construction sites shall be watered three times daily. Alternatively, non-toxic soil stabilizers shall be applied in sufficient quantity and frequency to maintain a stabilized surface.

**MM 4.4-4** All paved access roads, parking areas, and staging areas at construction sites shall be swept daily.

**MM 4.4-5** Streets shall be swept daily if visible soil material is carried onto adjacent public streets.

**MM 4.4-6** Inactive construction areas shall be watered on a daily basis, or hydroseeded or non-toxic soil stabilizers shall be applied, as appropriate.

**MM 4.4-7** Exposed stockpiles (dirt, sand, etc.) shall be enclosed, covered, water twice daily, or non-toxic soil binders shall be applied.

**MM 4.4-8** Traffic speeds on unpaved roads shall be limited to 15 miles per hour.

**MM 4.4-9** Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways.

**MM 4.4-10** Inactive disturbed surface areas shall be revegetated within twenty-one (21) days after active operations have ceased.

**MM 4.4-11** Trucks and equipment leaving construction sites shall have accumulated dirt removed from wheels, as needed.

**MM 4.4-12** Grading activities shall be suspended when winds exceed 25 miles per hour (mph) and visible dust clouds cannot be prevented from extending beyond active construction areas.

**MM 4.4-13** All construction equipment shall be properly maintained, consistent with manufacturers' recommendations.

**MM 4.4-14** The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g., compressors).

**MM 4.4-15** Diesel equipment standing idle for more than two minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were onsite.

#### 4.4.4.2 *Mitigation for Long-Term Air Quality Impacts*

The following measures apply to Scenarios I-VI and apply to all of the development addressed by this EIR. These measures, which are included as part of the project, would partially reduce long-term air quality impacts, but *not* to a less-than-significant level:

**MM 4.4-16** New bus stops shall be constructed at convenient locations with pedestrian access to the project sites. Pullouts will be designed so that normal traffic flow on arterial roadways would not be impeded when buses are pulled over to serve riders.

**MM 4.4-17** Bicycle amenities shall be provided on each of the EEHVS opportunity sites. Each site will be reviewed and appropriate bicycle amenities shall be included. As appropriate, this shall include secure bicycle parking for office and retail employees, bicycle racks for retail customers and bike lane connections throughout each project site.

**MM 4.4-18** All buildings shall include outdoor electrical outlets so as to encourage the use of electrical landscape maintenance equipment.

**MM 4.4-19** All fireplaces to be installed in residences shall comply with the San José Wood-Burning Appliance Ordinance (#26133).

The following measures apply only to Scenarios I and VI and apply only to the *Campus Industrial* development on the Berg/IDS and Legacy Partners properties. These measures, which are included as part of the project, would partially reduce long-term air quality impacts, but *not* to a less-than-significant level:

**MM 4.4-20** Shuttle bus service shall be provided to regional transit centers.

**MM 4.4-21** All feasible and reasonable TDM measures such as ride-matching programs or guaranteed ride home programs shall be implemented.

### 4.4.5 Conclusions Regarding Air Quality Impacts

All of the EEHVS development scenarios will result in significant short-term (i.e., construction-related) air quality impacts. These impacts will be avoided/mitigated by implementing the above-described mitigation measures, all of which are included in the project. **[Less-than-Significant Impact with Mitigation]**

Scenario I/No Project is consistent with ongoing Clean Air planning efforts. **[No Impact]**

Scenarios II through VI would conflict with current Clean Air planning efforts because they would result in an amount and intensity of growth in the EDP area that is not included in the projections used for the 2000 Bay Area Clean Air Plan or the 2005 Ozone Strategy. **[Significant Unavoidable Impact]**

Scenarios II-V would conflict with the City's efforts to improve air quality by locating jobs near housing. Specifically, these scenarios would reverse a 1980 decision by the City to designate the Berg/IDS and Legacy Partners properties for approximately 10, 383 future jobs. **[Significant Unavoidable Impact]**

None of the EEHVS development scenarios will result in significant localized air quality impacts since there will be no exceedances of the California 8-hour CO standard. **[Less-than-Significant Impact]**

All of the EEHVS development scenarios will result in increases in regional pollutants (e.g., ROG, $NO_x$, and $PM_{10}$) that are in excess of BAAQMD thresholds. Measures to reduce this impact are available but the impact cannot be reduced to a less-than-significant level. **[Significant Unavoidable Impact]**

## 4.5 CULTURAL RESOURCES

The following discussion is based upon a series of cultural resource assessments that were undertaken for the EEHVS in 2004 and 2005 by Holman & Associates and Basin Research Associates. The assessments contain sensitive information regarding the locations of archaeological resources and, therefore, are not included in the printed appendices to this EIR. The assessments are, however, available for review by qualified personnel. Such requests for review can be made to the City's Planning Department located at 200 East Santa Clara Street, San José, during normal business hours.

**Introduction**

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating cultural resource impacts resulting from planned development within the City. All future development addressed by this EIR will be subject to the cultural resources policies listed in Chapter 4, *Goals and Policies*, of the City's General Plan, including the following:

- *Historic, Archaeological, and Cultural Resources Policy #6:* Policy regarding Rehabilitation of Historic Buildings
- *Historic, Archaeological, and Cultural Resources Policy #8:* Mitigation of Impacts to Archaeological Resources by New Development
- *Historic, Archaeological, and Cultural Resources Policy #9:* Policy regarding Discovery of Native American Burials during Construction

In addition to the above-listed policies of the San José General Plan, the CEQA Guidelines provide detailed direction on the requirements for avoiding or mitigating significant impacts to historical and archaeological resources. Guidelines §15064.5(b)(4) states that a lead agency shall identify mitigation measures and ensure that the adopted measures are fully enforceable through permit conditions, agreements, or other measures. In addition, Guidelines §15126.4(b)(3) states that public agencies should, whenever feasible, seek to avoid damaging effects on any historical resources of an archaeological nature. Preservation in place is the preferred manner of avoiding impacts to archaeological sites, although data recovery through excavation is acceptable if preservation is not feasible. If data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historic resource, needs to be prepared and approved by the City prior to any excavation being undertaken.

### 4.5.1 Existing Cultural Resources

Existing conditions on the five opportunity sites, as well as along the Ocala Avenue/White Road corridors, were determined by 1) reviewing previous cultural resources assessments, 2) conducting an

archival records search[54], 3) conducting surface reconnaissances, and 4) undertaking subsurface testing (where warranted).

#### 4.5.1.1 *Regional Setting*

During prehistoric times, the project area was utilized and occupied for hundreds of years by Native Americans commonly known as Ohlones. In 1777, when Mission Santa Clara and the Pueblo of San José were established, all land in the area was held by the Spanish Crown. Beginning in 1822, when Mexico broke away from Spanish control, the area was under the control of Mexican governors. In 1848, at the end of the Mexican American War, the area became part of the United States.

According to the City's Historic Resources Inventory, there are 10 historic sites located within the EDP area.[55] These sites are listed in Table 40 and their locations are shown in Figure 21. None of these historic resources are located on any of the opportunity sites that are the subject of this EIR. In the event that future development is proposed on any of these sites, including projects that may qualify to use the traffic trip pool proposed by the EEHVS, the effects of such proposals on these resources will be evaluated under CEQA. In other words, with the possible exception of traffic, this EIR does not provide CEQA analysis for future development on any of the 10 historic sites.

It is possible there are other properties within the EDP area that may contain as yet undocumented historic resources that could qualify for local, state, or national historic registers and be considered significant cultural resources under CEQA. This EIR does not provide CEQA analysis for future development on any such sites, and further investigation will be required to document the age, integrity, and significance of structures at the time a proposal is made for a given site. An analysis of a development's impact and the potential for mitigation and/or alternatives would then be completed prior to a decision by the City on the development.

#### 4.5.1.2 *Cultural Resources on the Arcadia Property*

The Arcadia property was once part of the 23,000-acre *Rancho Yerba Buena* that was occupied by Antonio Chaboya. By the late 1860s, after Chaboya's death, the western part of the site was part of a 400-acre farm owned by Thomas Farnsworth and the eastern part of the site was part of a 134-acre farm owned by Isaac Bicknell. Based on a review of historic maps, several structures existed on the site by 1899; in 1974, a dairy farm existed on the property. There are, however, no structures remaining on the property under existing conditions.

[54]California Historic Resources Information System, Northwest Information Center at Sonoma State University, Rohnert Park.

[55]The City of San José *Historic Resources Inventory* is available for review on the internet at http://www.sanjoseca.gov/planning/Historic/.

**T A B L E 4 0**

**HISTORIC RESOURCES IN THE EDP AREA**

| Name/Location | Description |
|---|---|
| Fred May Residence and Barn (1898) 3399 South White Road | The Fred May Residence and Barn are each listed on the City's Historic Resources Inventory as an IS. |
| Smith Residence (circa 1873) 3550 San Felipe Road | The Smith residence is identified as a CLS on the City's Historic Resources Inventory. |
| Mirassou Winery (1924/37) 3000 Aborn Road | The Mirassou Winery was started by Pierre Mirassou in 1854. The Mediterranean Revival style house was built in 1924 and the winery buildings were built in 1937. The winery is listed on the City's Historic Resources Inventory as a CCL. |
| Wool Residence 3761 Yerba Buena Road | The Wool residence is listed as an IS on the City's Historic Resources Inventory. |
| Blauer Ranch (circa 1880) 4969 San Felipe Road | The Blauer ranch property consisted of a ranch complex including a farmhouse, workman's cottage and barns. The ranch is listed as an IS on the City's Historic Resources Inventory. |
| Hassler Barn (pre-1880) 4342 Silver Creek Road | The Hassler barn is a remnant of a ranch established by John Hassler in 1856. The barn was rehabilitated as part of the development known as The Ranch on Silver Creek. The barn is listed as a SM on the City's Historic Resources Inventory and is eligible for listing on the National Register. |
| Gerdts Residence (1935) 5140 San Felipe Road | The Gerdts house is a one-story bungalow. The house is listed as an IS on the City's Historic Resources Inventory. |
| Holland/Hart Residence (circa 1880) 5218 Hecker Court | The Holland/Hart residence is a 2-story L-shaped farmhouse that may have been originally built in the late 1860s with substantial remodeling consistent with 1880s construction. Additional remodeling took place in the 1980s. The house is a SM on the City's Historic Resources Inventory. |
| Wehner Mansion (1891) and winery complex (circa 1908) 7871 Prestwick Circle | The Wehner mansion was designed for William Wehner by the Chicago architectural firm of Burnham and Root. The late Victorian ranch house was part of a fruit ranch and winery complex called Lomas Azules. The house and site are listed as a CLS on the City's Historic Resources Inventory and is eligible for listing on the National Register. |
| Metzger Ranch Complex (1850-1913) San Felipe Road | The Metzger ranch complex is designated a CLS on the City's Historic Resources Inventory. |

CLS - City Landmark Site
CCL - Candidate City Landmark
SM - Structure of Merit
IS - Identified Structure

**Source:** Historic Resources Inventory, City of San José.

Figure 21 Historic Resources in the EDP Area

Based on studies conducted in the 1970s and 1980s, two prehistoric sites, CA-SCL-215 and CA-SCL-327, were recorded in the northerly portion of the Arcadia property. A surface reconnaissance of the property in 2004, yielded a number of prehistoric materials in the area of these two sites. Follow-up subsurface testing was conducted in late 2004 for the purpose of determining the extent and integrity of the sites. The testing revealed intact artifacts including midden and fragments of human bone in the area of CA-SCL-327. Testing in the area of CA-SCL-215 yielded only scant fire-cracked rock and flaked stone artifacts. One criterion for listing a site on the *California Register of Historic Resources (CRHR)* is its potential to yield important information on the prehistory of the area. Based on the results of the subsurface testing, only CA-SCL-327 meets this criterion for listing on the *CRHR*.

There are no unique paleontological sites or unique geologic features on, or in proximity to, the Arcadia property.

#### 4.5.1.3 *Cultural Resources on the Pleasant Hills Golf Course Property*

The Pleasant Hills Golf Course property was once part of the 4,454-acre *Rancho Pala* that was owned by Juan Higuera, followed by Charles White. In 1871, the property became part of a 520-acre ranch owned by J. H. Flickinger, followed by Fred Marten. The property remained in the Marten family until it was sold in the 1960s and developed into a golf course.

The structures present on the property are a clubhouse (constructed in the 1960s), as well as sheds that were used by the golf course for maintenance and storage. The structures were evaluated using historical and architectural significance criteria and were determined not to be historically or architecturally significant.

There are no recorded prehistoric or historic archaeological sites on, or immediately adjacent to, the Pleasant Hills Golf Course property. However, based on the known locations of archaeological sites in the area, it was recommended that subsurface testing be conducted on the site along the White Road and Tully Road borders of the property. Such testing occurred in late 2004. No cultural resources were found during the testing.

There are no unique paleontological sites or unique geologic features on, or in proximity to, the Pleasant Hills Golf Course property.

#### 4.5.1.4 *Cultural Resources on the Berg/IDS Property*

The Berg/IDS property was once part of the 23,000-acre *Rancho Yerba Buena* that was occupied by Antonio Chaboya. By the late 1860s, after Chaboya's death, the northern part of the site was part of a 150-acre farm owned by Isaac Bingham & Wilson Edwards and the southern part of the site was part of a farm owned by the Kelleher Brothers. The property was subsequently subdivided and sold to various persons, but the long-term use remained farming and ranching.

Based on studies conducted in the 1970s and 1980s, two prehistoric/historic sites, CA-SCL-275/H and CA-SCL-459/H, were recorded along the easterly margins of the Berg/IDS property. A surface reconnaissance of the property in 2004, yielded a number of prehistoric artifacts in the area of these two sites. Follow-up subsurface testing was conducted in late 2004 for the purpose of determining the extent and integrity of the sites. Based on the results of the testing, it was concluded that the portion of the two sites that fall within the boundaries of the Berg/IDS property lack integrity and are, therefore, not eligible for the *CRHR*. There is, however, a low potential for the discovery of cultural materials within CA-SCL-275/H.

There are two ranch-style residences, which were constructed in the late 1950s or early 1960s, located on the Berg/IDS property. The structures were evaluated using historical and architectural significance criteria and were determined not to be historically or architecturally significant.

There are no unique paleontological sites or unique geologic features on, or in proximity to, the Berg/IDS property.

#### 4.5.1.5 *Cultural Resources on the Legacy Partners Property*

The Legacy Partners property was once part of the 23,000-acre *Rancho Yerba Buena* that was occupied by Antonio Chaboya. By the mid-1860s, the site was part of a 2,534-acre ranch owned by Henry Pierce, followed by Albert Kuhn. The property was planted in orchard for most of the late 19th and 20th centuries.

There are no recorded prehistoric or historic archaeological sites on, or immediately adjacent to, the Legacy Partners property.

Although there are no structures present on the Legacy Partners property, a review of historic maps shows that there were five buildings on the site along the north side of Evergreen Creek in 1961, and several structures on the site (in the same location) in 1897. Although the surface reconnaissance of the site did not find any artifacts associated with the former buildings, it is possible that significant historic resources are present below the surface in this area of the site.

There are no unique paleontological sites or unique geologic features on, or in proximity to, the Legacy Partners property.

#### 4.5.1.6 *Cultural Resources on the Evergreen Valley College Property*

The Evergreen Valley College property was once part of the 23,000-acre *Rancho Yerba Buena* that was occupied by Antonio Chaboya. By the late 1860s, records indicate that the property was part of lands owned by John Tully. Subsequent to Tully's death, the property underwent a number of subdivisions and there have been a number of owners. Prior to its current use, the site was used for farming and was also planted as an orchard.

There are no recorded prehistoric or historic archaeological sites on the Evergreen Valley College property. The area is, nonetheless, considered sensitive for archaeological resources based on previous discoveries in the vicinity of the property along Thompson Creek.

There are two buildings on the property that contain offices and classrooms. Both were constructed in the 1970s and neither meets CRHR historic criteria for structures less than 50 years in age.

There are no unique paleontological sites or unique geologic features on, or in proximity to, the Evergreen Valley College property.

#### 4.5.1.7 *Cultural Resources in the Ocala Avenue/White Road Corridors*

There are no known or suspected archaeological sites within the Ocala Avenue corridor (Capitol Expressway to White Road) or the White Road corridor (Ocala Avenue to Aborn Road). This area has been surveyed previously and no resources were encountered. These roadway corridors are not considered sensitive with regard to buried prehistoric or historic cultural resources.

There are no historic structures within the areas where roadway widening is proposed to occur. Further, the adjacent buildings are not historic as they are part of modern residential subdivisions and retail commercial centers.

### 4.5.2 Cultural Resources Impacts

#### 4.5.2.1 *Thresholds of Significance*

For this project, the thresholds of significance for cultural resources impacts are defined as follows:

- the project will cause a substantial adverse change in the significance of a historic resource as defined in CEQA Guidelines §15064.5; or
- the project will cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines §15064.5; or
- the project will directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- the project will disturb any human remains, including those interred outside of formal cemeteries.

#### 4.5.2.2 *Cultural Resources Impacts on Arcadia Property*

As described in Section 4.5.1.2, there are two prehistoric archaeologic sites located on the northerly portion of the Arcadia property. One of the sites, CA-SCL-327, is eligible for listing on the *CRHR*. The other site, CA-SCL-215, does not appear to be eligible for listing on the *CRHR*, but may contain archaeological resources in areas beyond those locations that were tested in late 2004.

Under Scenarios I-VI, construction would occur in the areas occupied by CA-SCL-215 and CA-SCL-327. Such construction would directly impact these sites by disturbing and/or destroying the cultural artifacts contained within them. **[Significant Impact]**

Development of the portions of the Arcadia property beyond the immediate vicinity of CA-SCL-215 and CA-SCL-327 is not expected to result in impacts to archaeologic resources since no such resources are known - or expected - to be present. Archaeological monitoring of construction activities in areas of the property not encompassed by the two sites is, therefore, not necessary. **[No Impact]**

There are no buildings or structures located on the Arcadia property. Therefore, the project would not result in any impacts to historic architectural resources. **[No Impact]**

There are no unique paleontological sites or unique geologic features on or near this property. Therefore, the project would not result in any impacts to such resources. **[No Impact]**

#### 4.5.2.3 *Cultural Resources Impacts on Pleasant Hills Golf Course Property*

As described in Section 4.5.1.3, there are no known archaeological resources on the Pleasant Hills Golf Course property. Development of the property under Scenarios II-VI will, therefore, not adversely affect any known resources. Nonetheless, due to the moderate archaeological sensitivity of the area, there is a potential for archaeological resources to be encountered during construction. In that event, such resources could be harmed and the information they might yield could be lost. This would be a significant impact. **[Significant Impact]**

The buildings on the property are not historic. Their demolition during construction under Scenarios II-VI, therefore, would not constitute an impact on a historic resource. **[No Impact]**

There are no unique paleontological sites or unique geologic features on or near this property. Therefore, the project would not result in any impacts to such resources. **[No Impact]**

#### 4.5.2.4 *Cultural Resources Impacts on Berg/IDS Property*

As discussed in Section 4.5.1.4, there are no known cultural resources on the Berg/IDS property. There is, however, a potential for unexpected discoveries of cultural materials within the boundaries of CA-SCL-275/H during construction under Scenarios I-VI. In that event, such resources would be harmed and the information they might yield would be lost. **[Significant Impact]**

Neither of the residences on the property are historic resources. Therefore, their demolition during development of the site under Scenarios I-VI would not constitute a cultural resources impact. **[No Impact]**

There are no unique paleontological sites or unique geologic features on or near this property. Therefore, the project would not result in any impacts to such resources. **[No Impact]**

#### 4.5.2.5 *Cultural Resources Impacts on Legacy Partners Property*

As discussed in Section 4.5.1.5, there are no known cultural resources on the Legacy Partners property. There is, however, a potential for unexpected discoveries of buried historic materials along the north side of Evergreen Creek during construction under Scenarios I-VI. In that event, such resources could be harmed and the information they might yield could be lost. **[Significant Impact]**

There are no unique paleontological sites or unique geologic features on or near this property. Therefore, the project would not result in any impacts to such resources. **[No Impact]**

#### 4.5.2.6 *Cultural Resources Impacts on Evergreen Valley College Property*

As described in Section 4.5.1.6, there are no known archaeological resources on the Evergreen Valley College property. Development of the property under Scenarios II-VI will, therefore, not adversely affect any known resources. Nonetheless, due to the moderately-high archaeological sensitivity of the area, there is a potential for archaeological resources to be encountered during construction. In that event, such resources could be harmed and the information they might yield could be lost. This would be a significant impact. **[Significant Impact]**

The two buildings on the property are not historic. Their demolition during construction under Scenarios II-VI, therefore, would not constitute an impact on a historic resource. **[No Impact]**

There are no unique paleontological sites or unique geologic features on or near this property. Therefore, the project would not result in any impacts to such resources. **[No Impact]**

#### 4.5.2.7 *Cultural Resources Impacts from Ocala Avenue/White Road Widening*

As described in Section 4.5.1.7, there are no cultural resources within or along these roadway corridors within the limits of the proposed widening. Further, these corridors are not considered sensitive with regard to archaeological resources. Therefore, the proposed widening of these roadways under Scenarios II-VI is not expected to result in impacts to any cultural resources. **[No Impact]**

## 4.5.3 Mitigation and Avoidance Measures for Impacts to Cultural Resources

### 4.5.3.1 *Mitigation Measures* for Arcadia Property

The following measure is included in the project and applies to Scenarios I-VI. The measure applies only to any construction that will take place within the boundaries of CA-SCL-215 and/or CA-SCL-327.

**MM 4.5-1** Prior to the start of construction, the two areas encompassed by CA-SCL-215 and CA-SCL-327, including a sufficient buffer determined by an archaeologist, shall undergo additional testing. The delineation of the areas to be tested shall be based upon the figures and information contained in the following report: "Subsurface Archaeological Testing: Evergreen Smart Growth Strategy Study Area (Arcadia Homes Site)", Holman & Associates, December 2004. Testing shall consist of controlled mechanical stripping, under the direction of a qualified archaeologist, within the two delineated areas. Controlled stripping shall continue until all archaeological material is removed, or to the maximum depth construction impacts will occur in a given area. Once the controlled stripping has been completed, the archaeologist shall determine whether any monitoring of actual construction is warranted.

If suspected human bone or important archaeological features are encountered, work in the immediate area of the discovery shall be halted. The finds shall be exposed, recorded, and removed by an archaeologist. Any human remains encountered shall be handled in accordance with State law and any applicable Native American agreements. All human remains and burial-associated artifacts shall be repatriated in a location that will not be subject to further disturbance. Using professionally-accepted methods, all archaeological resources shall be catalogued and analyzed and a report summarizing such work shall be prepared and provided to the City's Director of Planning, Building, & Code Enforcement.

### 4.5.3.2 *Mitigation Measures for Pleasant Hills Golf Course Property*

The following measure is included in the project and applies to Scenarios II-VI. The measure applies to ground-disturbing activities anywhere on the property.

**MM 4.5-2** During construction, ground-disturbing activities shall be monitored by a qualified archaeologist. If suspected human bone or important archaeological features are encountered, work in the immediate area of the discovery shall be halted. The finds shall be exposed, recorded, and removed by an archaeologist. Any human remains encountered shall be handled in accordance with State law and any applicable Native American agreements. All human remains and burial-associated artifacts shall be repatriated in a location that will not be subject to further disturbance. Using professionally-accepted methods, all archaeological resources shall be catalogued and

analyzed and a report summarizing such work shall be prepared and provided to the City's Director of Planning, Building, & Code Enforcement.

#### 4.5.3.3 *Mitigation Measures for Berg/IDS Property*

Mitigation measure MM 4.5-2, which is listed above in Section 4.5.3.2, is applicable to the Berg/IDS property. The measure is included in the project and applies to Scenarios I-VI. The measure applies only to any construction activities on the Berg/IDS property that will take place within 50 feet of the boundary of CA-SCL-275/H. The boundary of CA-SCL-275/H shall be based upon the figures and information contained in the following report: "Presence/Absence Testing of Archaeological Sites CA-SCL-275/H and CA-SCL-459/H, north and south of Fowler Road (Evergreen Area), San José", Basin Research Associates, November 2004.

#### 4.5.3.4 *Mitigation Measures for Legacy Partners Property*

Mitigation measure MM 4.5-2, which is listed above in Section 4.5.3.2, is applicable to the Legacy Partners property. The measure is included in the project and applies to Scenarios I-VI. The measure applies only to any construction activities on the Legacy Partners property that will take place within a 200-foot wide area along the north side of Evergreen Creek.

#### 4.5.3.5 *Mitigation Measures for Evergreen Valley College Property*

Mitigation measure MM 4.5-2, which is listed above in Section 4.5.3.2, is applicable to the Evergreen Valley College property. The measure is included in the project and applies to Scenarios II-VI. The measure applies to construction activities anywhere on the Evergreen Valley College property.

### 4.5.4 Conclusions regarding Cultural Resources Impacts

There are no buildings or structures of historical or architectural significance located on any of the opportunity sites that are the subject of this EIR. Development on the sites under any of the scenarios, therefore, would not impact such resources. **[No Impact]**

Buried archaeological resources may be present within various portions of each of the properties that are the subject of this EIR. If present, the proposed developments could adversely impact such cultural resources. Implementation of the measures described above will mitigate this impact to a less-than-significant level. **[Less-than-Significant Impact with Mitigation]**

There are no cultural resources within or along the right-of-way of Ocala Avenue (Capitol Expressway to White Road) or White Road (Ocala Avenue to Aborn Road). The widening of these roadways would, therefore, not impact such resources. **[No Impact]**

## 4.6 BIOLOGICAL RESOURCES [56]

This analysis contained in this section is based on various site-specific biological reports and tree surveys prepared for the proposed project. The biological reports are found in Appendix H of this EIR and the tree surveys are found in Appendix I of this EIR.

### 4.6.1 Introduction and Regulatory Framework

As it relates to land use decisions, "biological resources" generally include plant and animal species and the habitats that support such species. Due to the importance of California's native ecological systems from a biological, heritage, and economic standpoint, impacts on such resources - especially those that are rare or those with high ecological values - are considered an adverse environmental impact under CEQA.

Individual plant and animal species listed as rare, threatened or endangered under state and federal Endangered Species Acts, and the natural communities or habitats that support them, are of particular concern. Other sensitive, natural communities (such as wetlands, riparian woodlands, and oak woodland) that are critical to wildlife or ecosystem function are also key biological resources.

In urban areas, planted and native trees that comprise the "urban forest" also provide a range of values. From a biological perspective, urban trees provide habitat for urban-adapted wildlife.

The avoidance and mitigation of significant impacts to biological resources under CEQA is consistent with - and complementary to - various federal, state, and local laws/regulations that are designed to protect such resources. These regulations often mandate that project sponsors obtain permits prior to the commencement of development activities, with measures to avoid and/or mitigate impacts required as permit conditions. Table 41 summarizes many of these laws and regulations; for more details please see Appendix H.

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating biological resource impacts resulting from planned development within the City. All future development addressed by this EIR will be subject to the biological resources policies listed in Chapter 4, *Goals and Policies*, of the City's General Plan, including the following:

- *Urban Design Policy #24:* Preserve Ordinance-sized & Other Significant Trees and Mitigate where Preservation is Not Feasible

[56] In the following text, all plant and animal species are referred to using their common names. Readers wishing to view an expanded discussion which contains both the common and scientific/Latin names of the various species should refer to the technical appendices.

**T A B L E 4 1**

**REGULATION OF BIOLOGICAL RESOURCES**

| Law/Regulation | Objective(s) | Responsible Agencies |
|---|---|---|
| Federal Endangered Species Act | Avoid harm to such species and their habitat and, ultimately, to restore their numbers to where they are no longer threatened or endangered. | U.S. Fish & Wildlife Service (USFWS), NOAA's National Marine Fisheries Service |
| California Endangered Species Act | | California Department of Fish & Game (CDFG) |
| Federal Migratory Bird Treaty Act | Protect migratory birds, including their nests & eggs. | USFWS |
| California Fish & Game Code Section 3503.5 | Protect birds of prey, including their nests & eggs. | CDFG |
| Federal Clean Water Act | Avoid/mitigate impacts to wetlands and other "waters of the United States" including streams, lakes, or bays. | U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, Regional Water Quality Control Board |
| California Fish & Game Code Sections 1600-1616 | Avoid/mitigate impacts to rivers, streams, or lakes. | CDFG |
| San José Riparian Corridor Policy Study | Avoid direct & indirect impacts to riparian corridors. | City of San José |
| San José Municipal Code Chapter 13.32 | Avoid/mitigate impacts to trees (diameter ≥ 18 inches). | City of San José |

NOAA = National Oceanic & Atmospheric Administration

- *Riparian Corridors and Upland Wetlands Policy #2*: New Development should be Consistent with the City's Riparian Corridor Policy Study
- *Riparian Corridors and Upland Wetlands Policy #3*: Maintain Setback and Buffer from Outside Edge of Riparian Corridor
- *Riparian Corridors and Upland Wetlands Policy #4*: Protect Riparian Corridors from Indirect Effects of Development
- *Species of Concern Policy #4*: Preservation of Burrowing Owl Habitat
- *Urban Forest Policy #2*: Preserve Native Oaks, Ordinance-sized & Other Significant Trees and Mitigate where Preservation is Not Feasible

### 4.6.2 Existing Biological Resources

Each of the opportunity sites was surveyed by a wildlife biologist and botanist, and existing trees were quantified by an arborist. The surveys included an assessment of whether the sites contain habitat that is capable of supporting any "special-status" plant or animal species. "Special-status" species include those that are listed as threatened or endangered under the federal and/or California Endangered Species Acts. It also includes those identified by the California Department of Fish & Game (CDFG) as a California Species of Special Concern, as well as plants identified by the California Native Plant Society[57] as rare, threatened, or endangered.

#### 4.6.2.1 *Existing Biological Resources on Arcadia Property*

The Arcadia property is a vacant site that was historically used for agricultural purposes. Approximately 75 acres of the 81-acre site consists of low-quality, non-native, grassland habitat. Although this habitat type is common and is not considered a significant biological resource, it does provide habitat to a wide variety of reptiles, amphibians, birds, and mammals. At this site such value is diminished because it is disced on a regular basis and is surrounded on all sides by urban development.

Coyote brush scrub habitat occurs on the southern portion of the site in a large rectangularly-shaped area, which is roughly five acres in size, and which is raised approximately three feet above the surrounding grasslands. This habitat is dominated by coyote brush, but it appears that it may at one time have been an orchard, based on the presence of pear, almond, and black walnut trees.

**Wetlands and Waterways**

No streams or creeks are present on the site. There is, however, a man-made pit with a depth of approximately six feet that is located in the northeastern portion of the property. The pit, which measures roughly 100 feet by 50 feet (0.1 acre), is dry in the summer but does contain wetland-indicative vegetation such as dried stands of cattails, perennial pepperweed, and curly dock. This area is heavily degraded due to the presence of discarded rubbish. It does not meet the U.S. Army Corps of Engineers' criteria for regulation under Section 404 of the Clean Water Act.

**Special Status Plants and Animals**

Based on the California Natural Diversity Data Base for the project area, the potential for special status plant and animal species to occur on the site was evaluated. Table 42 summarizes the results of this evaluation. Except for the burrowing owl (see next paragraphs), no special-status animal species were

[57]The California Native Plant Society is a non-profit organization that maintains lists and a database of rare and endangered plant species in California. Plants in the California Native Plant Society "Inventory of Rare and Endangered Plants of California" are considered "Special Plants" by the California Department of Fish and Game Natural Diversity Database Program.

**T A B L E 4 2**

**POTENTIAL FOR SPECIAL STATUS SPECIES TO OCCUR ON THE EEHVS OPPORTUNITY SITES**

**[Species listed Alphabetically within Plant/Animal Categories]**

| Species (Status) | Development SIte | | | | |
|---|---|---|---|---|---|
| | Arcadia | Golf Course | Berg/ IDS | Legacy Partners | Evergreen College |
| ***ANIMALS*** | | | | | |
| Bay Checkerspot Butterfly (FE) | | | | | |
| Black Swift (CSC) | | | | | |
| Burrowing Owl (CSC) | ■ | ❑ | | | ❑ |
| California Horned Lark (CSC) | ❑ | | | ❑ | |
| California Mastiff Bat (CSC) | ❑ | ❑ | | ❑ | ❑ |
| California Red-legged Frog (FT, CSC) | | | | | |
| California Tiger Salamander (FT, CSC) | | | | | |
| Cooper's Hawk (CSC) | | ❑ | | ❑ | ❑ |
| Foothill Yellow-legged Frog (CSC) | | | | | |
| Golden Eagle (CSC, FP) | | | | ❑ | |
| Loggerhead Shrike (CSC) | ❑ | ❑ | ■ | ❑ | ❑ |
| Merlin (CSC) | ❑ | ❑ | | ❑ | ❑ |
| Northern Harrier (CSC) | ❑ | | ❑ | ❑ | ❑ |
| Pallid Bat (CSC) | ❑ | ❑ | | ❑ | ❑ |
| Peregrine Falcon (CE) | ❑ | | | | |
| Prairie Falcon (CSC) | | | | ❑ | ❑ |
| Ringtail (CP) | | | | ❑ | |
| San Francisco Dusky-footed Woodrat (CSC) | | | | ❑ | |
| Sharp-shinned Hawk (CSC) | ❑ | ❑ | | ❑ | ❑ |
| Townsend's Big-eared Bat (CSC) | ❑ | ❑ | | ❑ | ❑ |
| Tri-colored Blackbird (CSC) | | | | ❑ | |

**T A B L E 4 2**

**POTENTIAL FOR SPECIAL STATUS SPECIES TO OCCUR ON THE EEHVS OPPORTUNITY SITES**

**[Species listed Alphabetically within Plant/Animal Categories]**

| Species (Status) | Development SIte | | | | |
|---|---|---|---|---|---|
| | Arcadia | Golf Course | Berg/ IDS | Legacy Partners | Evergreen College |
| Vaux's Swift (CSC) | | | | | |
| Western Pond Turtle (CSC) | | | | | |
| White-tailed Kite (CP) | ❑ | ❑ | ❑ | ❑ | ❑ |
| Willow Flycatcher (CE, FE) | | | | | |
| ***P L A N T S*** | | | | | |
| Alkali Milk-vetch (CNPS 1B) | | | | | |
| Big-scale Balsamroot (CNPS 1B) | | | | ◆ | |
| Caper-fruited Tropidocarpum (CNPS 1A) | | | | | |
| Congdon's Tarplant (CNPS 1B) | | | | | |
| Contra Costa Goldfields (FE) | | | | | |
| Coyote Ceanothus (FE) | | | | | |
| Fragrant Fritillary (CNPS 1B) | | | | | |
| Hairless Popcorn Flower (CNPS 1A) | | | | | |
| Hall's Bush Mallow (CNPS 1B) | | | | | |
| Loma Prieta Hoita (CNPS 1B) | | | | ◆ | |
| Metcalf Canyon Jewelflower (FE) | | | | | |
| Most Beautiful Jewelflower (CNPS 1B) | | | | | |
| Mount Hamilton Coreopsis (CNPS 1B) | | | | | |
| Mount Hamilton Thistle (CNPS 1B) | | | | | |
| Point Reyes Bird's-beak (CNPS 1B) | | | | | |
| Prostrate Navarretia (CNPS 1B) | | | | | |
| Robust Spineflower (FE) | | | | | |

**T A B L E 4 2**

**POTENTIAL FOR SPECIAL STATUS SPECIES TO OCCUR ON THE EEHVS OPPORTUNITY SITES**

**[Species listed Alphabetically within Plant/Animal Categories]**

| Species (Status) | Development SIte | | | | |
|---|---|---|---|---|---|
| | **Arcadia** | **Golf Course** | **Berg/ IDS** | **Legacy Partners** | **Evergreen College** |
| San Joaquin Saltbush (CNPS 1B) | | | | | |
| Santa Clara Valley Dudleya (FE) | | | | | |
| Santa Cruz Mountains Beardtongue (CNPS 1B) | | | | | |
| Smooth Lessingia (CNPS 1B) | | | | | |
| Tiburon Indian Paintbrush (FE, CT) | | | | | |

***Legend***

❑ = Potential for species to utilize site from time to time due to presence of suitable habitat.[58]
■ = Species is present.
◆ = Marginal habitat present, but surveys during blooming period found no plants.[59]
No entry = Species not present and there is no suitable habitat.

FE = Federally Endangered
FT = Federally Threatened
FPE = Federally Proposed Endangered
FC = Federal Candidate

CE = California Endangered
CT = California Threatened
CR = California Rare
CP = California Protected
CSC = California Species of Special Concern

CNPS = California Native Plant Society
CNPS 1A = Plant presumed extinct in California
CNPS 1B = Plant rare, threatened, or endangered in California and elsewhere

[58]Suitable habitat refers to a landscape that appears to provide the requisite resources that are required for a species to be present.

[59]Marginal habitat means that only a portion of the requisite features required for a species are present. If the species were found to be present, such habitat would support only a few individuals.

observed on the site, although there is the potential for ten such species to be present from time to time. The site does not contain suitable habitat for any of the special-status plant species.

***Burrowing Owl:*** The burrowing owl (*Athene cunicularia*) is unique in that it is the only owl that regularly lives and breeds in underground nests. Resulting from the destruction of its habitat, the number of burrowing owls has been in decline in California over the past 30 to 40 years, which is why this owl is a California Species of Special Concern.

Burrowing owls are known to nest and forage in the vicinity of the Arcadia property, as well as on the site itself. Nearby populations occur at Reid-Hillview Airport and Lake Cunningham Park. During the 2004 nesting season, three pairs of adult owls and three individual owls were observed utilizing ground squirrel burrows on the Arcadia property. A follow-up survey during the 2005 nesting season found one pair nesting on the site. Such fluctuation in owl population is not unusual. The site generally appears to provide good nesting and foraging habitat for owls.

**Trees**

Based on a tree survey that was undertaken in 2004, there are a total of 116 trees on the Arcadia property. Of this total, 31 are native species, including California black walnut, blue elderberry, and Fremont cottonwood. Table 43 summarizes the existing trees by size and type. The complete tree survey is included in Appendix I.

**T A B L E 4 3**

**EXISTING TREES ON THE ARCADIA PROPERTY**

| | Tree Type | | | |
|---|---|---|---|---|
| **Diameter** | **Orchard** | **Non-Native** | **Native** | **Total** |
| less than 12" | 0 | 26 | 7 | 33 |
| 12"-17" | 2 | 16 | 5 | 23 |
| 18" or greater | 0 | 30 | 30 | 60 |
| Total | 2 | 72 | 42 | 116 |

**Source:** Hortscience, Inc., 2004.

#### 4.6.2.2 *Existing Biological Resources on Pleasant Hills Golf Course Property*

The Pleasant Hills Golf Course property is a developed/landscaped golf course. The 114-acre site consists primarily of tees, fairways, and greens that are closely mowed and separated by rows of trees. Naturally-occurring biotic habitats are absent from the site. The property provides limited habitat for the plant and animal species of the area. The many trees on the site do, however, provide perching and possibly breeding habitat for various species of birds.

**Wetlands and Waterways**

No streams or creeks are present on the site. There is an irrigation pond in the center of the golf course, which appears to stay inundated year-round. There are also several artificial wetlands and a seasonal wetland swale on the property. Due to their small size, location, and condition, the pond and wetlands do not provide important wildlife habitat. The pond and wetlands were determined not to be subject to regulation by the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act.[60]

**Special Status Plants and Animals**

Based on the California Natural Diversity Data Base for the project area, the potential for special status plant and animal species to occur on the site was evaluated. Table 42 summarizes the results of this evaluation. No special-status animal species were observed on the site, although there is the potential for 10 such species to be present from time to time. The site does not contain suitable habitat for any of the special-status plant species.

**Trees**

Based on a tree survey that was undertaken in 2004, there are a total of 2,492 trees on the Pleasant Hills Golf Course property. Of this total, 78 are native species, including box elder, California black walnut, coast live oak, cottonwood, elderberry, toyon, yellow willow, and valley oak. Table 44 summarizes the existing trees by size and type. Of the total trees on the site, 80% were listed by the arborist as in poor-to-fair condition, with a corresponding rating of "poor" in terms of their suitability for preservation. The complete tree survey is found in Appendix I.

#### 4.6.2.3 *Existing Biological Resources on Berg/IDS Property*

The Berg/IDS property is a mostly-vacant site that was historically used for agricultural purposes. Except for the area occupied by two single-family residences, virtually all of the 200-acre site consists of low-quality, non-native, grassland habitat. Although this habitat type is common and is not considered a significant biological resource, it does provide habitat to a wide variety of reptiles,

[60]U.S. Army Corps of Engineers, 12/9/04, Corps File Number 29015S.

**T A B L E 4 4**

**EXISTING TREES ON THE PLEASANT HILLS GOLF COURSE PROPERTY**

| Diameter | Tree Type | | Total |
|---|---|---|---|
| | Native | Non-Native | |
| less than 12" | 639 | 33 | 672 |
| 12"-17" | 680 | 14 | 694 |
| 18" or greater | 1,095 | 31 | 1,126 |
| Total | 2,414 | 78 | 2,492 |

**Source:** Hortscience, Inc., 2004.

amphibians, birds, and mammals. The grassland contains a few, widely-scattered valley oak and coast live oak trees, primarily on the northern portion of the site. Light cattle grazing occurs on the site.

### Wetlands and Waterways

Fowler Creek crosses the northern portion of the Berg/IDS property. Although this waterway is defined and supports riparian habitat in the hills to the east, on the site it consists solely of a ditch that is completely dry with only minimal evidence of seasonal flows. There is no evidence of wetland or riparian vegetation in the ditch; vegetation consists of ruderal grassland. No hydric soils are present.[61]

### Special Status Plants and Animals

Based on the California Natural Diversity Data Base for the project area, the potential for special status plant and animal species to occur on the site was evaluated. Table 42 summarizes the results of this evaluation. One California Species of Special Concern, the loggerhead shrike, was observed throughout the site. Shrikes are likely nesting in the oak trees that are located on the northern portion of the site. No other special-status animal species were observed on the site, although there is the potential for two such species to be present from time to time. The site does not contain suitable habitat for any of the special-status plant species.

### Trees

Based on a tree survey that was undertaken in 2004, there are a total of 111 trees on the Berg/IDS property. Of this total, 40 are native species, including coast live oak, valley oak, and California black

[61] Similar conditions along Fowler Creek occur downstream (i.e., west of the site).

walnut. The orchard trees are primarily almond, fig, and English walnut. Table 45 summarizes the existing trees by size and type. The complete tree survey is included in Appendix I.

**T A B L E 4 5**

**EXISTING TREES ON THE BERG/IDS PROPERTY**

| Diameter | Tree Type | | | Total |
|---|---|---|---|---|
| | Orchard | Non-Native | Native | |
| less than 12" | 24 | 17 | 7 | 48 |
| 12"-17" | 6 | 8 | 7 | 21 |
| 18" or greater | 3 | 13 | 26 | 42 |
| Total | 33 | 38 | 40 | 111 |

**Source:** Hortscience, Inc., 2004.

#### 4.6.2.4 *Existing Biological Resources on Legacy Partners Property*

The 120-acre Legacy Partners property, which was historically used for agricultural purposes, is vacant and undeveloped. The dominant habitats are non-native and ruderal grasslands, the difference between the two being the fact that the latter are heavily disturbed by human factors. Specifically, the predominant ruderal grasslands are disced on a regular basis and were almost barren of vegetation during the 2004 biological surveys. Although this habitat type is common and is not considered a significant biological resource, it does provide habitat to a wide variety of reptiles, amphibians, birds, and mammals. However, due to the discing on the site, it possesses limited wildlife value.

Chaparral dominated by California sagebrush occurs north of Evergreen Creek in the eastern portion of the site. Chaparral communities provide habitat for a variety of reptiles, birds, and mammals.

A small amount of savanna habitat dominated by widely-scattered valley oaks occurs contiguous with the riparian woodland and non-native grassland habitats of the site to the north of Evergreen Creek.

**Wetlands and Waterways**

Evergreen Creek crosses the Legacy Partners property, flowing from east to west. Riparian woodland habitat with a relatively dense closed canopy is present on the site along the banks of the creek. This habitat, which is dominated by coast live oak and California buckeye trees, provides high ecological

value and habitat for a diverse array of wildlife. Other trees present along Evergreen Creek include valley oak, California bay, toyon, and western sycamore.

Four small seasonal wetlands were observed on the Legacy Partners property within the ruderal grassland habitat. The combined size of the four wetlands is approximately 0.01 acre. Three of the four wetlands were completely dry during June 2004 surveys. All four areas were observed to support some vegetation indicative of wetlands. Wetlands, in general, are valuable habitats, but values here are limited due to very small size, location within degraded grassland, and isolation from other similar habitat. These areas do not meet the U.S. Army Corps of Engineers' criteria for regulation under Section 404 of the Clean Water Act.

**Special Status Plants and Animals**

Based on the California Natural Diversity Data Base for the project area, the potential for special status plant and animal species to occur on the site was evaluated. Table 42 summarizes the results of this evaluation. No special-status animal species were observed on the site, although there is the potential for 15 such species to be present from time to time.

The site contains marginal habitat for two special-status plant species, the big-scale balsamroot and the Loma Prieta hoita. Follow-up surveys for these plants were conducted during the 2005 blooming season. The plants were not observed and, therefore, are considered absent from the Legacy Partner property.

**Trees**

Based on a tree survey that was undertaken in 2004, there are a total of 388 trees on the Legacy Partners property. Of this total, 362 are native species, and most occur along Evergreen Creek's riparian corridor. Table 46 summarizes the existing trees by both size and type. The complete tree survey is found in Appendix I.

### 4.6.2.5 *Existing Biological Resources on Evergreen Valley College Property*

The 27-acre Evergreen Valley College property contains two habitats: developed and non-native grassland. The developed habitat consists of the portion of the site that contains buildings, parking lots, and driveways. Vegetation in this area includes landscaped flowerbeds, lawns, shrubs, and trees.

Approximately 20 acres of the site consists of low-quality, non-native, grassland habitat, some of which is associated with an orchard. Although this habitat type is common and is not considered a significant biological resource, it does provide habitat to a wide variety of reptiles, amphibians, birds, and mammals. At this site such value is diminished because it is disced on a regular basis and is surrounded on all sides by urban development.

**T A B L E 4 6**

**EXISTING TREES ON THE LEGACY PARTNERS PROPERTY**

| Diameter | Tree Type | | | Total |
|---|---|---|---|---|
| | Orchard | Non-Native | Native | |
| less than 12" | 0 | 0 | 137 | 137 |
| 12"-17" | 0 | 1 | 69 | 70 |
| 18" or greater | 0 | 25 | 156 | 181 |
| Total | 0 | 26 | 362 | 388 |

**Source:** Hortscience, Inc., 2004.

**Wetlands and Waterways**

No streams or creeks are present on the site, nor are there any wetlands or other water features.

**Special Status Plants and Animals**

Based on the California Natural Diversity Data Base for the project area, the potential for special status plant and animal species to occur on the site was evaluated. Table 42 summarizes the results of this evaluation. No special-status animal species were observed on the site, although there is the potential for 11 such species to be present from time to time. The site does not contain suitable habitat for any of the special-status plant species.

**Trees**

Based on a tree survey that was undertaken in 2004, there are a total of 256 trees on the Evergreen Valley College property. Of this total, 26 are native species, including coast live oak and valley oak. The orchard trees are primarily walnut trees, with a few apple, pear, apricot, and cherry trees. Table 47 summarizes the existing trees by size and type. The complete tree survey is found in Appendix I.

### 4.6.2.6 *Existing Biological Resources in the Ocala/White Corridors*

With the exception of the White Road frontage along the Pleasant Hills Golf Course property, the area to be impacted by the widening of Ocala Avenue and White Road is developed. There are no sensitive biological habitats in these areas. Within the limits of the proposed widening, the roadways do not cross

**T A B L E 4 7**

**EXISTING TREES ON THE EVERGREEN VALLEY COLLEGE PROPERTY**

| Diameter | Tree Type | | | Total |
|---|---|---|---|---|
| | Orchard | Non-Native | Native | |
| less than 12" | 25 | 91 | 5 | 121 |
| 12"-17" | 16 | 55 | 13 | 84 |
| 18" or greater | 6 | 37 | 8 | 51 |
| Total | 47 | 183 | 26 | 256 |

**Source:** Hortscience, Inc., 2004.

any streams and there are no wetlands. For a description of the White Road frontage along the Pleasant Hills Golf Course property, which includes trees along the edge of the golf course, please refer to Section 4.6.2.2, above.

### 4.6.3 Biological Resources Impacts

#### 4.6.3.1 *Thresholds of Significance*

For the purposes of this project, a biological resources impact is considered significant if the project would:

- 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 CDFG or USFWS; or
- have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the CDFG or USFWS; or
- 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; or
- 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; or
- conflict with any local ordinances protecting biological resources, such as a tree preservation policy or ordinance.

#### 4.6.3.2 *Biological Resources Impacts on Arcadia Property*

Loss of Burrowing Owl Habitat: As described in Section 4.6.2.1, the entire 81-acre site is nesting and foraging habitat for the burrowing owl, a California Species of Concern. Under Scenarios I-VI, the site will be developed and most or all of this habitat will be lost. **[Significant Impact]**

Impacts to Individual Burrowing Owls: Burrowing owls are known to nest on the site. Development of the site under Scenarios I-VI could result in the abandonment of active burrowing owl nests and/or direct mortality to individual burrowing owls. **[Significant Impact]**

Impacts to Special Status Species: Other than for the burrowing owl, the Arcadia property does not contain critical habitat for any special status animal species.[62] Further, the site does not contain habitat that is suitable for any special status plant species. Therefore, development of the site under Scenarios I-VI will not result in a significant loss of habitat for special status plant or animal species. **[Less-than-Significant Impact]**

Wetland Impacts: Development of the project under Scenarios I-VI will impact a 0.1-acre seasonal wetland located in the northeastern portion of the site. Due to the fact that this wetland is very small, is isolated, and is highly degraded, this impact will not be significant. **[Less-than-Significant Impact]**

Tree Removal: As shown in Table 43, there are 116 trees on the Arcadia property, 60 of which have diameters of 18 inches or greater (i.e., "ordinance-sized" trees per the San José Tree Ordinance). Development of the site under Scenarios I-VI will result in the loss of some or all of these trees. **[Significant Impact]**

Impacts to Nesting Raptors: The trees on the site provide potential nesting habitat for tree-nesting raptors. Development of the site under Scenarios I-VI could result in the abandonment of active raptor nests and/or direct mortality to individual raptors. Such impacts could occur directly through tree removal or indirectly due to disturbances caused by construction activities. **[Significant Impact]**

Interference with Movement of Wildlife: The Arcadia property does not constitute a major movement corridor between other natural areas of habitat for most native species. Development of the site under Scenarios I-VI is, therefore, not expected to significantly affect wildlife movement. **[Less-than-Significant Impact]**

[62] As used in this EIR, critical habitat is that which contains features considered essential for the conservation of a species.

#### 4.6.3.3 *Biological Resources Impacts on Pleasant Hills Golf Course Property*

Habitat Loss: The Pleasant Hills Golf Course property is a developed golf course that does not contain any naturally-occurring biotic habitats. Therefore, development of the site under Scenarios II-VI will not result in the loss of any ecologically important habitat. **[Less-than-Significant Impact]**

Tree Removal: As shown in Table 44, there are 2,492 trees on the Pleasant Hills Golf Course property, 1,126 of which have diameters of 18 inches or greater (i.e., "ordinance-sized" trees per the San José Tree Ordinance). Development of the site under Scenarios II-VI will result in the loss of some or all of these trees. Although 80% of the trees on this site are in poor-to-fair condition, the tree loss would still be considered a significant impact. **[Significant Impact]**

Impacts to Nesting Raptors: The trees on the site provide potential nesting habitat for tree-nesting raptors. Development of the site under Scenarios II-VI could result in the abandonment of active raptor nests and/or direct mortality to individual raptors. Such impacts could occur directly through tree removal or indirectly due to disturbances caused by construction activities. **[Significant Impact]**

Interference with Movement of Wildlife: The Pleasant Hills Golf Course property does not constitute a major movement corridor between other natural areas of habitat for most native species. Development of the site under Scenarios II-VI is, therefore, not expected to significantly affect wildlife movement. **[Less-than-Significant Impact]**

Impacts to Special Status Species: The Pleasant Hills Golf Course property does not contain critical habitat for any special status animal species. Further, the site does not contain habitat that is suitable for any special status plant species. Therefore, development of the site under Scenarios II-VI will not result in a significant loss of habitat for special status plant or animal species. **[Less-than-Significant Impact]**

#### 4.6.3.4 *Biological Resources Impacts on Berg/IDS Property*

Habitat Loss: The Berg/IDS property contains only low-quality non-native grassland habitat. Therefore, development of the site under Scenarios I-VI will not result in the loss of any ecologically important habitat. **[Less-than-Significant Impact]**

Impacts to Fowler Creek: Development on the site under Scenarios I-VI is proposed to be set back 50 feet from each side of Fowler Creek.[63] Given the fact that this waterway is an ephemeral ditch that contains only ruderal grassland vegetation, this buffer is more than adequate to avoid impacts to Fowler Creek. The project includes a new bridge, approximately 65 feet in width, across Fowler Creek on the

[63] Per the City's *Riparian Corridor Policy Study*, since the proposed setback is less than 100 feet, the actual setback will be determined by the City Council.

site. Since there is no riparian vegetation, the effect of this bridge would not be significant and no mitigation would be warranted. **[Less-than-Significant Impact]**

Tree Removal: As shown in Table 45, there are 111 trees on the Berg/IDS property, 42 of which have diameters of 18 inches or greater (i.e., "ordinance-sized" trees per the San José Tree Ordinance). Development of the site under Scenarios I-VI will result in the loss of some or all of these trees. **[Significant Impact]**

Impacts to Nesting Raptors: The trees on the site provide potential nesting habitat for tree-nesting raptors. Development of the site under Scenarios I-VI could result in the abandonment of active raptor nests and/or direct mortality to individual raptors. Such impacts could occur directly through tree removal or indirectly due to disturbances caused by construction activities. **[Significant Impact]**

Interference with Movement of Wildlife: The Berg/IDS property does not constitute a major movement corridor between other natural areas of habitat for most native species. Development of the site under Scenarios I-VI is, therefore, not expected to significantly affect wildlife movement. **[Less-than-Significant Impact]**

Impacts to the Loggerhead Shrike: The loggerhead shrike, a California Species of Special Concern, was observed nesting in the oak trees that are located on the northern portion of the site. Development of the site under Scenarios I-VI could result in the abandonment of active nests and/or direct mortality to individual shrikes. Such impacts could occur directly through tree removal or indirectly due to disturbances caused by construction activities. **[Significant Impact]**

Impacts to Special Status Species: The Berg/IDS property does not contain critical habitat for any special status animal species. Further, the site does not contain habitat that is suitable for any special status plant species. Therefore, development of the site under Scenarios I-VI will not result in a significant loss of habitat for special status plant or animal species. **[Less-than-Significant Impact]**

#### 4.6.3.5 *Biological Resources Impacts on Legacy Partners Property*

Habitat Loss: With the exception of the Evergreen Creek riparian corridor, impacts to which are described below, the Legacy Partners property contains primarily low-quality ruderal and non-native grassland habitat, as well as small areas of chaparral and savanna habitats. None of these non-riparian habitats is considered to be rare or of high biological value. Therefore, development of the site under Scenarios I-VI will not result in the loss of any ecologically important habitat. **[Less-than-Significant Impact]**

Impacts to Evergreen Creek: Development on the site under Scenarios I-VI will be set back a minimum of 100 feet from each side of Evergreen Creek. This buffer, which complies with the City's *Riparian Corridor Policy Study*, will avoid direct and indirect impacts to the important riparian ecosystem along Evergreen Creek. **[Less-than-Significant Impact]**

Scenarios I-VI include a new bridge, approximately 65 feet in width, across Evergreen Creek on the site. At the proposed location for this new bridge, there is an absence of riparian trees and vegetation is predominately herbaceous and woody shrub species that are associated with the channel itself. Further, the project will remove an existing 1-lane bridge over Evergreen Creek that is located on the site a short distance to the east. Given these facts, the effect of this bridge on the Evergreen Creek riparian corridor would not be significant.[64] **[Less-than-Significant Impact]**

Wetland Impacts: Development of the project under Scenarios I-VI will impact four small seasonal wetland areas on the site, the combined size of which is 0.01 acre. Due to the fact that these wetlands are very small, are isolated from other similar habitat, and are located within degraded grassland, this impact will not be significant. **[Less-than-Significant Impact]**

Tree Removal: As shown in Table 46, there are 388 trees on the Legacy Partners property, 181 of which have diameters of 18 inches or greater (i.e., "ordinance-sized" trees per the San José Tree Ordinance). Most of these trees will be preserved because they are located along Evergreen Creek and the project includes a 100-foot setback from the edge of the riparian corridor. However, development of the site under Scenarios I-VI will result in the loss of some or all of the trees that are located outside of this Evergreen Creek setback area. **[Significant Impact]**

Impacts to Nesting Raptors: The trees on the site provide potential nesting habitat for tree-nesting raptors. Development of the site under Scenarios I-VI could result in the abandonment of active raptor nests and/or direct mortality to individual raptors. Such impacts could occur directly through tree removal or indirectly due to disturbances caused by construction activities. **[Significant Impact]**

Interference with Movement of Wildlife: With the exception of the Evergreen Creek riparian corridor, the Legacy Partners property does not constitute a major movement corridor between other natural areas of habitat for most native species. As noted above, the proposed development of the site will be set back 100 feet from each side of Evergreen Creek. Development of the site under Scenarios I-VI is, therefore, not expected to significantly affect wildlife movement. **[Less-than-Significant Impact]**

Impacts to Special Status Species: The Legacy Partners property does not contain critical habitat for any special status animal species. Further, no special status plant species occur on the site due to the absence of suitable habitat. Therefore, development of the site under Scenarios I-VI will not result in a significant loss of habitat for special status plant or animal species. **[Less-than-Significant Impact]**

#### 4.6.3.6 *Biological Resources Impacts on Evergreen Valley College Property*

Habitat Loss: The portion of the Evergreen Valley College that is not developed contains only low-quality non-native grassland habitat. Therefore, development of the site under Scenarios II-VI will not result in the loss of any ecologically important habitat. **[Less-than-Significant Impact]**

[64]Mitigation for impacts to water quality during construction are addressed in Section 4.8.4.2.

Tree Removal: As shown in Table 47, there are 256 trees on the Evergreen Valley College property, 51 of which have diameters of 18 inches or greater (i.e., "ordinance-sized" trees per the San José Tree Ordinance). Development of the site under Scenarios II-VI will result in the loss of some or all of these trees. **[Significant Impact]**

Impacts to Nesting Raptors: The trees on the site provide potential nesting habitat for tree-nesting raptors. Development of the site under Scenarios II-VI could result in the abandonment of active raptor nests and/or direct mortality to individual raptors. Such impacts could occur directly through tree removal or indirectly due to disturbances caused by construction activities. **[Significant Impact]**

Interference with Movement of Wildlife: The Evergreen Valley College property does not constitute a major movement corridor between other natural areas of habitat for most native species. Development of the site under Scenarios II-VI is, therefore, not expected to significantly affect wildlife movement. **[Less-than-Significant Impact]**

Impacts to Special Status Species: The Evergreen Valley College property does not contain critical habitat for any special status animal species. Further, the site does not contain habitat that is suitable for any special status plant species. Therefore, development of the site under Scenarios II-VI will not result in a significant loss of habitat for special status plant or animal species. **[Less-than-Significant Impact]**

#### 4.6.3.7 *Biological Resources Impacts due to Ocala/White Widening*

The proposed widening of Ocala Avenue and White Road under Scenarios II-VI will not adversely affect any ecologically important habitat. The widening of White Road along the Pleasant Hills Golf Course property could, however, result in tree removal if the widening precedes the development of that property. **[Significant Impact]**

#### 4.6.3.8 *Indirect Biological Impacts*

The USFWS has indicated concerns regarding the potential for nitrogen deposition from air pollution associated with overall development of urbanized areas to affect plant composition in serpentine grasslands and the bay checkerspot butterfly in the south Santa Clara County area. At this time, actual studies or information specifically related to the City projects, in terms of nitrogen deposition are not available. Further, there is no definitive scientific basis for concluding that projected nitrogen dioxide emissions from the EEHVS or other projects in San José would impact listed species, such as the bay checkerspot butterfly, that are dependent on native plants found growing on serpentine substrates. For these reasons, a discussion of this potential impact would be speculative and therefore, in accordance with CEQA Guidelines §15145, is not included in this analysis.

### 4.6.4 Mitigation and Avoidance Measures for Impacts to Biological Resources

#### 4.6.4.1 *Mitigation Measures Applicable to the Arcadia Property*

Tree Removal Mitigation: The following measures, which apply to Scenarios I-VI and are included in the project, will reduce tree removal impacts to a less-than-significant level:

**MM 4.6-1** The site design and PD Permit approval, as well as any public improvements, shall incorporate preservation of existing trees to the maximum extent practicable, to the satisfaction of the City's Director of Planning, Building, and Code Enforcement (PBCE).

**MM 4.6-2** In locations where preservation of existing trees is not feasible due to site constraints, trees to be removed by the project shall be replaced at the ratios shown in Table 48.

**TABLE 48**

**TREE REPLACEMENT REQUIREMENTS**

| Diameter of Tree to be Removed | Type of Tree to be Removed | | | Minimum Size of Each Replacement Tree |
|---|---|---|---|---|
| | Native | Non-Native | Orchard | |
| 18 inches or greater | 6:1 | 4:1 | 4:1 | 24-inch box |
| 12 - 18 inches | 2:1 | 2:1 | none | 24-inch box |
| less than 12 inches | 1:1 | 1:1 | none | 15-gallon container |

x:x = tree replacement to tree removal ratio

**MM 4.6-3** The species and exact number of trees to be planted on the site during the construction phase shall be determined in consultation with the City Arborist and to the satisfaction of the Director of the Department of PBCE.

**MM 4.6-4** In the event the developed portion of the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures shall be implemented at the PD Permit stage:

- An alternative site(s) shall be identified for additional tree planting. Alternative sites may include local parks or schools, or installation of trees on adjacent properties for screening purposes, to the satisfaction of the Director of PBCE.

- A donation equal to the replacement/installation cost per replacement tree shall be made to *San José Beautiful* or *Our City Forest* for in-lieu off-site tree planting in the community. These funds shall be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting shall be provided to the City's Planning Project Manager prior to removal of the trees.

Tree Protection Measures: The following measures, which apply to Scenarios I-VI and are included in the project, will protect trees to be preserved from harm that could occur during the construction phase:

**MM 4.6-5** The applicant shall retain a consultant arborist. The construction superintendent shall meet with the consulting arborist before beginning work to discuss work procedures and tree protection.

**MM 4.6-6** All trees to be retained shall be fenced to completely enclose the tree protection zone prior to demolition, grubbing, or grading. Fences shall be as approved by the consulting arborist and are to remain until all grading and construction is completed.

**MM 4.6-7** Trees to be preserved shall be pruned to clean the crown and to provide clearance. All pruning shall be completed or supervised by a Certified Arborist and adhere to the Best Management Practices for Pruning of the International Society of Arboriculture.

**MM 4.6-8** No grading, construction, demolition or other work shall occur within the tree protection zone. Any modifications must be approved and monitored by the consulting arborist.

**MM 4.6-9** Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the consulting arborist.

**MM 4.6-10** Supplemental irrigation shall be applied as determined by the consulting arborist.

**MM 4.6-11** If injury should occur to any tree during construction, it shall be evaluated as soon as possible by the consulting arborist so that appropriate treatments can be applied.

**MM 4.6-12** No excess soil, chemicals, debris, equipment, or other materials shall be dumped or stored within the tree protection zone.

**MM 4.6-13** Any additional tree pruning needed for clearance during construction must be performed or supervised by an arborist.

**MM 4.6-14** As trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore, foundations, footings and pavements on expansive soils near the trees shall be designed to withstand differential displacement.

**MM 4.6-15** A final report on tree protection measures, and the health of the protected trees, shall be submitted to the City's Environmental Principal Planner after grading and construction have been completed.

Nesting Raptor Mitigation: The following measures, which apply to Scenarios I-VI and are included in the project, will avoid potentially significant impacts to nesting raptors during the construction phase:

**MM 4.6-16** A qualified ornithologist shall conduct a protocol-level, pre-construction survey for nesting raptors onsite not more than 30 days prior to the onset of ground disturbance or tree removal, if disturbance is to occur during the breeding season (Feb. 1 to Aug. 31).

**MM 4.6-17** If a nesting raptor is detected, an appropriate construction buffer shall be established. Actual size of buffer will be determined by the ornithologist and will depend on species, topography, and type of construction activity that would occur in the vicinity of the nest but would be a minimum of 250 feet.

**MM 4.6-18** A report summarizing the results of the pre-construction survey and subsequent efforts to protect nesting raptors (if found to be present) shall be submitted to the Director of PBCE.

Nesting Burrowing Owl Mitigation: The following measures, which apply to Scenarios I-VI and are included in the project, will avoid potentially significant impacts to individual burrowing owls during the construction phase:

**MM 4.6-19** Prior to construction, during the non-nesting season, any owls occupying burrows within construction zones shall be passively relocated under the authorization of the CDFG. Passive relocation is an intensive process that involves the installation of one-way doors in all ground squirrel burrows occurring on the site. The one-way doors allow owls to leave their burrows but do not allow them to return, thereby forcing owls to move to a different area. Owl doors shall be monitored by a qualified biologist daily for a period of no less than three days and after that period, burrows shall be destroyed to preclude owls from returning to the burrows, and grading of these areas shall commence within seven days. The passive relocation shall be repeated if owls move back to the development areas.

**MM 4.6-20** Burrows on the site that are occupied by owls shall not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist verifies that either the owls have not begun laying and incubating eggs, or that juvenile owls have fledged and are able to live independently of their parents. If construction will occur during the nesting season, the project shall establish and maintain a minimum of a 250-foot buffer around any active nest.

Loss of Burrowing Owl Habitat Mitigation: If they are found to be feasible, the following measures would avoid/mitigate for the loss of burrowing owl habitat that would result from the development of the Arcadia property. The applicant has not included any of these measures as part of the proposed project. However, if the City Council determines the measures to be feasible and requires them as conditions of approval, they would reduce significant impacts to a less-than-significant level. In the event the mitigation is determined to be infeasible, adoption of a statement of overriding considerations will be required.

**MM 4.6-21** *Avoidance*: Compensation for the loss of burrowing owl habitat typically requires that 6.5 acres be set aside per resident pair or per resident individual. Based on the observance of three nesting pairs and three individual adult owls occurring on the site during the 2004 surveys, complete avoidance of impacts resulting from a loss of burrowing owl nesting habitat would include setting aside a conservation easement on the site totaling 39 acres, with deed restrictions that guarantee preservation of the easement as burrowing owl habitat into perpetuity. As part of this measure, a Mitigation and Monitoring Plan would be developed and implemented in consultation with the City of San José and CDFG to manage the easement site for owls.

**MM 4.6-22** *Offsite Mitigation Within the Region*: Full or partial compensation for impacts to burrowing owl habitat can also occur in the form of purchasing sufficient credits at a mitigation bank that services the area, or purchasing and setting aside 39 acres of suitable habitat in the City of San José, or some combination of onsite and offsite mitigation that equals 39 acres. If the mitigation is to be done partially onsite and partially offsite, however, it should be noted that relatively small habitat areas left onsite (i.e., less than 13 acres), would be considered insufficient mitigation unless they are contiguous with suitably protected open space areas. In the case of the study area, which is surrounded by development, there are no contiguous open space areas. Additionally, although it would lessen impacts to owls overall, complete or partial mitigation that occurs offsite and outside of the local area (i.e., outside of Santa Clara County) would result in a significant unavoidable loss of burrowing owl nesting and foraging habitat in the local area. At this time, there are no known mitigation banks within Santa Clara County that offers credits for burrowing owl habitat. There may, however, be vacant land available that is suitable as burrowing owl habitat elsewhere in Santa Clara County.

Either Mitigation 4.6-21 or 4.6-22 (if lands were purchased locally) would fully and adequately offset impacts to burrowing owl habitat to a less-than-significant level.

**MM 4.6-23** *Funding of a Burrowing Owl Habitat Management Plan at Reid-Hillview Airport*: Partial compensation for impacts to burrowing owl habitat may take the form of the applicant funding and implementing a Burrowing Owl Management Plan for established populations of burrowing owls occurring at Reid-Hillview Airport, which is located within one-quarter mile to the north of the Arcadia property. Airfields are known to

provide excellent habitat for burrowing owls as evidenced by the success of the CDFG-approved Burrowing Owl Management Plan developed and implemented for the nearby Mineta San José International Airport (1997).

The objectives of such a plan at Reid-Hillview Airport would include 1) reducing the number of aircraft strikes on burrowing owls and 2) providing for ongoing maintenance and management of an existing burrowing owl population. The plan would include the following elements: 1) development of procedures to ensure safety areas such as runways are kept free of nesting owls; 2) establishment of management areas in non-safety locations that will be managed to maintain breeding owl populations; and 3) development and implementation of a plan to monitor owl populations on the site.

**MM 4.6-24** *Active Relocation*: Prior to construction, during the non-nesting season, any owls occupying burrows within the construction zones can be actively relocated as partial compensation for impacts to onsite burrowing owl habitat. An active relocation would be preferred over passive relocation in the event that any offsite mitigation alternative for impacts to burrowing owl habitat is chosen. Although the CDFG has historically recommended only passive relocation, active relocations may be considered if sufficient information can be provided that such active relocations have been successful.[65]

Any active relocation effort would need to be undertaken under consultation with CDFG and under the guidance of a qualified biologist who is experienced with active relocation techniques and that possesses the proper permits to conduct active relocations. Funding for any active relocation effort would be provided by the project proponent.

Active relocation would require the trapping and physical relocation of owls to established preserve areas that have been set aside in perpetuity for the conservation of burrowing owls and that have been determined by CDFG to provide suitable habitat for burrowing owls. Possible reserve sites include 11.3 acres that have been set aside as mitigation for burrowing owls by Summerhill Homes on the Dairy Hill site in San José, and communications with Tony Eulo, a Planner at the City of Morgan Hill indicate that Morgan Hill would be willing to have owls actively relocated to areas that the City has set aside for burrowing owls under their Citywide Burrowing Owl Habitat Mitigation Plan (2003).

[65]Researchers such as Pete Bloom in Southern California and Greg Clark in Arizona have reported success with active relocations of burrowing owls in those areas (Burrowing Owl Consortium, 2004 and pers. comm. Pete Bloom). Additionally, H.T. Harvey & Associates has successfully conducted an active relocation of burrowing owls locally (pers. comm. Scott Terrill). CDFG staff person, Dave Johnston, has indicated that CDFG may consider active relocations in connection with the project.

**MM 4.6-25** *Offsite Mitigation Outside of Region*: Impacts to burrowing owl habitat may be partially compensated through offsite mitigation outside of the region (i.e., outside of Santa Clara County), either by purchasing sufficient credits at an established mitigation bank or by purchasing and setting aside sufficient acreage of lands outside of the region for burrowing owl habitat management. If this mitigation were combined with either Mitigation #3 or Mitigation #4 above, then sufficient acreage to compensate for impacts would be reduced to half of the requisite 39 acres, or 19.5 acres.

Mitigation 4.6-23, 4.6-24, and 4.6-25 all represent measures that, individually, would partially reduce project impacts to burrowing owl habitat. In order to fully offset project impacts, however, any two of these three measures must be implemented. If no owls are detected on the site just prior to the initial construction phase, then Mitigation 4.6-24 would no longer be a viable mitigation measure, in which case the project proponent would need to implement Mitigation 4.6-23 and 4.6-25 to reduce impacts to a less-than-significant level.

### 4.6.4.2 *Mitigation Measures Applicable to the Pleasant Hills Golf Course Property*

Tree Removal Mitigation: Mitigation measures MM 4.6-1 through 4.6-4, which are listed above in Section 4.6.4.1, are applicable to the Pleasant Hills Golf Course property. These measures, which apply to Scenarios II-VI and are included in the project, will reduce tree removal impacts to a less-than-significant level.

Tree Protection Measures: Tree protection measures MM 4.6-5 through 4.6-15, which are listed above in Section 4.6.4.1, are applicable to the Pleasant Hills Golf Course property. These measures, which apply to Scenarios II-VI and are included in the project, will protect trees to be preserved from harm that could occur during the construction phase.

Nesting Raptor Mitigation: Nesting raptor mitigation measures MM 4.6-16 through 4.6-18, which are listed above in Section 4.6.4.1, are applicable to the Pleasant Hills Golf Course property. These measures, which apply to Scenarios II-VI and are included in the project, will avoid potentially significant impacts to nesting raptors during the construction phase.

### 4.6.4.3 *Mitigation Measures Applicable to the Berg/IDS Property*

Tree Removal Mitigation: Mitigation measures MM 4.6-1 through 4.6-4, which are listed above in Section 4.6.4.1, are applicable to the Berg/IDS property. These measures, which apply to Scenarios I-VI and are included in the project, will reduce tree removal impacts to a less-than-significant level.

Tree Protection Measures: Tree protection measures MM 4.6-5 through 4.6-15, which are listed above in Section 4.6.4.1, are applicable to the Berg/IDS property. These measures, which apply to Scenarios I-VI and are included in the project, will protect trees to be preserved from harm that could occur during the construction phase.

Nesting Raptor Mitigation: Nesting raptor mitigation measures MM 4.6-16 through 4.6-18, which are listed above in Section 4.6.4.1, are applicable to the Berg/IDS property. These measures, which apply to Scenarios I-VI and are included in the project, will avoid potentially significant impacts to nesting raptors during the construction phase.

Loggerhead Shrike Mitigation: Nesting raptor mitigation measures MM 4.6-16 through 4.6-18 will also mitigate for potential impacts to nesting loggerhead shrikes on the Berg/IDS property. These measures, which apply to Scenarios I-VI and are included in the project, will avoid potentially significant impacts to nesting shrikes during the construction phase.

#### 4.6.4.4 *Mitigation Measures Applicable to the Legacy Partners Property*

Tree Removal Mitigation: Mitigation measures MM 4.6-1 through 4.6-4, which are listed above in Section 4.6.4.1, are applicable to the Legacy Partners property. These measures, which apply to Scenarios I-VI and are included in the project, will reduce tree removal impacts to a less-than-significant level.

Tree Protection Measures: Tree protection measures MM 4.6-5 through 4.6-15, which are listed above in Section 4.6.4.1, are applicable to the Legacy Partners property. These measures, which apply to Scenarios I-VI and are included in the project, will protect trees to be preserved from harm that could occur during the construction phase.

Nesting Raptor Mitigation: Nesting raptor mitigation measures MM 4.6-16 through 4.6-18, which are listed above in Section 4.6.4.1, are applicable to the Legacy Partners property. These measures, which apply to Scenarios I-VI and are included in the project, will avoid potentially significant impacts to nesting raptors during the construction phase.

#### 4.6.4.5 *Mitigation Measures Applicable to the Evergreen Valley College Property*

Tree Removal Mitigation: Mitigation measures MM 4.6-1 through 4.6-4, which are listed above in Section 4.6.4.1, are applicable to the Evergreen Valley College property. These measures, which apply to Scenarios II-VI and are included in the project, will reduce tree removal impacts to a less-than-significant level.

Tree Protection Measures: Tree protection measures MM 4.6-5 through 4.6-15, which are listed above in Section 4.6.4.1, are applicable to the Evergreen Valley College property. These measures, which apply to Scenarios II-VI and are included in the project, will protect trees to be preserved from harm that could occur during the construction phase.

Nesting Raptor Mitigation: Nesting raptor mitigation measures MM 4.6-16 through 4.6-18, which are listed above in Section 4.6.4.1, are applicable to the Evergreen Valley College property. These

measures, which apply to Scenarios II-VI and are included in the project, will avoid potentially significant impacts to nesting raptors during the construction phase.

#### 4.6.4.6 *Mitigation Measures Applicable to the Ocala Avenue/White Road Widening*

Tree Removal Mitigation: Mitigation measures MM 4.6-1 through 4.6-4, which are listed above in Section 4.6.4.1, are applicable to the White Road widening. These measures, which apply to Scenarios II-VI and are included in the project, will reduce tree removal impacts to a less-than-significant level.

Tree Protection Measures: Tree protection measures MM 4.6-5 through 4.6-15, which are listed above in Section 4.6.4.1, are applicable to the White Road widening. These measures, which apply to Scenarios II-VI and are included in the project, will protect trees to be preserved from harm that could occur during the construction phase.

Nesting Raptor Mitigation: Nesting raptor mitigation measures MM 4.6-16 through 4.6-18, which are listed above in Section 4.6.4.1, are applicable to the White Road widening. These measures, which apply to Scenarios II-VI and are included in the project, will avoid potentially significant impacts to nesting raptors during the construction phase.

### 4.6.5 Conclusions regarding Impacts to Biological Resources

Development on the 81-acre Arcadia property under Scenarios I-VI will result in a significant loss of burrowing owl habitat. This EIR describes mitigation measures that, if determined to be feasible, could reduce this impact to a less-than-significant level, but the applicant has not included such mitigation in the project. **[Less-than-Significant Impact if Mitigation is Determined to be Feasible and Made a Condition of Approval] [Significant Unavoidable Impact if Mitigation is Determined to be Infeasible]**

Other than the above-described loss of burrowing owl habitat on the Arcadia property, none of the development scenarios on any of the sites that are the subject of this EIR will result in the loss of important or unique habitats. **[Less-than-Significant Impact]**

None of the development scenarios on any of the sites that are the subject of this EIR will result in a significant loss of wetlands or riparian habitat. **[Less-than-Significant Impact]**

Development on each of the sites that are the subject of this EIR will result in a loss of numerous native and non-native trees, many of which have diameters in excess of 18 inches. Trees will be preserved where feasible and measures to protect such trees during construction are included in the project. Trees to be removed will be replaced at the ratios shown in Table 48. **[Less-than-Significant Impact with Mitigation]**

Construction activities on each site could directly or indirectly harm nesting raptors. Measures are included in the project that will avoid/minimize this potential impact. **[Less-than-Significant Impact with Mitigation]**

Construction activities on the Arcadia property could directly or indirectly harm nesting burrowing owls. Measures are included in the project that will avoid/minimize this potential impact. **[Less-than-Significant Impact with Mitigation]**

Other than burrowing owl habitat on the Arcadia property, none of the EEHVS sites contain critical habitat for any special status animal species. This conclusion includes those species that may nest and/or forage on the sites from time to time, such as the loggerhead shrike. Further, none of the sites contains suitable habitat for any special status plant species. Therefore, except for burrowing owl habitat on the Arcadia property, the EEHVS will not result in a significant loss of habitat for special status plant or animal species. **[Less-than-Significant Impact]**

None of the development scenarios on any of the sites that are the subject of this EIR will result in a significant impact on wildlife movement along wildlife corridors. **[Less-than-Significant Impact]**

# 4.7 GEOLOGY

The analysis contained in this section is primarily based on various site-specific geological reports prepared by Lowney Associates, Engeo Inc., Terrasearch Inc., and Kleinfelder, Inc. for the proposed project. The geological reports are included in Appendix J of this EIR.

**Introduction**

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating geologic impacts resulting from planned development within the City. All future development addressed by this EIR will be subject to the geologic policies listed in Chapter 4, *Goals and Policies*, of the City's General Plan, including the following:

- *Soils and Geologic Conditions Policy #1:* New Development should be Required to Evaluate and Mitigate for Geologic Hazards
- *Soils and Geologic Conditions Policy #6:* Development should Adequately Mitigate Soils and Geologic Hazards
- *Soils and Geologic Conditions Policy #8:* Development should not Cause or be Affected by Geological Hazards on Adjoining Properties
- *Soils and Geologic Conditions Policy #9:* Residential Development should Incorporate Adequate Mitigation/Remediation for Soils Contamination
- *Earthquake Policy #1:* New Buildings required to be Designed and Constructed to Resist Stress Produced by Earthquakes
- *Earthquake Policy #3:* Approval of Development requires Mitigation of Seismic Hazards
- *Earthquake Policy #5:* New Development should be Required to Evaluate and Mitigate for Seismic Hazards

## 4.7.1 Existing Geologic Conditions

### 4.7.1.1 *Regional Geology*

The City of San José is located in the Santa Clara Valley, a broad alluvial-covered plain lying between the Santa Cruz Mountains to the west and the Diablo Range to the east. The Valley and the entire San Francisco Bay region are within an area known as the Coast Range Geomorphic Province, an area where the geology is dominated by the deformation of the earth's surface due to the movement of the Pacific and North American tectonic plates. The San Andreas Fault system lies along the intersection of these two plates.

San José is part of the seismically-active coastal area of California. The area is classified as Seismic Zone 4, the most seismically-active in the United States. Resulting from earthquakes occurring along the San Andreas Fault system, which includes the Hayward Fault and Calaveras Fault zones, the region

is subject to strong ground shaking. The most recent large earthquake to affect the area was the 1989 Loma Prieta Earthquake, which measured 6.9 on the Richter Scale. The Working Group on California Earthquake Probabilities has estimated that there is a 62% probability of a large (i.e., Richter Magnitude $\geq$6.7) earthquake in the San Francisco Bay region in the next 30 years.

#### 4.7.1.2 *Geologic Conditions on the Arcadia Property*

The Arcadia property is located in the alluvial plain of the Santa Clara Valley. The 81-acre site is relatively flat, with an average elevation of approximately 140 feet above mean sea level (msl). Since the site and the adjacent area are relatively level, the potential for landsliding and erosion to affect the site is considered negligible.

The closest fault of significance to the site is the southeast extension of the Hayward Fault, approximately 2.5 miles to the east. There are no mapped active faults on the Arcadia property and there is no evidence of active faulting visible on the site. The potential for fault-related surface rupture on the site is, therefore, low.

During soil borings taken on the site, groundwater was encountered in one boring at a depth of eight feet. Historical highest groundwater levels have ranged from less than 10 feet deep in the northeast corner of the site to more than 20 feet deep in the southwest corner of the property.

The Arcadia property is mapped by the California Geological Survey as being in a seismic hazard zone for liquefaction.[66] However, based on a review of historic data, as well as an analysis of onsite soil borings, the potential for liquefaction to occur on the site is considered moderate. An analysis of the fine material within the granular soil deposits taken from onsite borings indicate that liquefaction settlement (the primary liquefaction-related concern at the site) will be minor to negligible (Kleinfelder, 2005). Nonetheless, further evaluation of this potential hazard will occur during a subsequent design-level geotechnical investigation. Given that the site is virtually level, it is unlikely that lateral spreading[67] could occur at this site.

[66]Liquefaction is the phenomenon which occurs when saturated and loose granular soils (e.g. sand and silt) are transformed from a solid state into a "jelly-like" state during a strong earthquake. When liquefaction occurs, the soils lose their strength and structures the soils are supporting may be severely damaged or collapse. A good example of the dangers of liquefaction occurred during the October 17, 1989 Loma Prieta Earthquake when many homes built on such soils in San Francisco's Marina District either collapsed or were severely damaged.

[67]Lateral spreading, which is commonly associated with liquefaction, is a hazard where ground cracking and settlement can occur. It typically occurs adjacent to free faces such as creek channels, harbors, and canals.

#### 4.7.1.3 *Geologic Conditions on the Pleasant Hills Golf Course Property*

The Pleasant Hills Golf Course property is located in the alluvial plain of the Santa Clara Valley. The 114-acre site is relatively flat, with elevations ranging from approximately 130 to 190 feet msl. Since the site and the adjacent area are relatively level, the potential for landsliding and erosion to affect the site is considered negligible.

The closest fault of significance to the site is the southeast extension of the Hayward Fault, approximately 3.1 miles to the northeast. There are no mapped active faults on the Pleasant Hills Golf Course property and there is no evidence of active faulting visible on the site. The potential for fault-related surface rupture on the site is, therefore, low.

During the onsite soil borings, groundwater was encountered at depths as shallow as 3.5 feet below the ground surface in the area along White Road. No groundwater was encountered at the northeast portion of the site to depths of up to 25 feet below the ground surface. Borings in intermediate areas encountered groundwater at intermediate depths.

Soil conditions on the site are varied. Highly plastic, critically-expansive[68] soil occurs along White Road, gradually changing to highly-expansive soil through the middle of the site. Moderately to highly-expansive clays are present in the north and northeast portions of the site. Fill soil has been placed in some locations to create greens, sand traps, and tee-off locations.

The Pleasant Hills Golf Course property is mapped by the California Geological Survey as being in a seismic hazard zone for liquefaction. However, the geotechnical analysis concluded that the potential for liquefaction on the site is mostly low[69], although there is a potential for liquefaction-inducted settlement in the event of a major earthquake (Terrasearch, 2004). Lateral spreading is considered very unlikely to occur on the site.

#### 4.7.1.4 *Geologic Conditions on the Berg/IDS Property*

The Berg/IDS property is located at the easterly edge of the Santa Clara Valley. The site is underlain by alluvial deposits to a depth of at least 40 feet. The 200-acre site is slightly sloping (i.e., slopes less than five percent), with elevations that range from approximately 440 feet msl in the west to approximately 550 feet msl in the east. Immediately east of the property are hillsides where slopes increase considerably. No active landslides were observed on the slopes of these hillsides. The potential for erosion from the site is considered low.

[68]Expansive soils are those that shrink and swell as a result of moisture changes. This can lead to heaving and the cracking of slabs-on-grade, pavement, and structures built on shallow foundations.

[69]The potential for liquefaction was precluded for all soil strata of interest, with the exception of one soil boring at a depth of 44 feet below the ground surface.

A landslide is mapped in a corner of the site along the easterly boundary at the location where the south fork of Fowler Creek intersects the property.

Based on an analysis of soils on the site, the potential for liquefaction, seismic settlement, and/or differential compaction is considered low. The depth to groundwater on the site, as determined by the results of trenching and soil borings, is at least 38 feet.

The closest fault of significance to the site is the southeast extension of the Hayward Fault, approximately 0.3 miles to the east. In addition, the Quimby Fault, which is shown as a potential geologic hazard on the City of San José Fault Hazard Map, is located along the easterly edge of the Berg/IDS property. Extensive trenching to determine the location of this fault has occurred, both on and adjacent to the site. The result of the trenching has led to the delineation of a building-exclusion zone at the easterly edge of the site (see Figure 10). This building-exclusion zone is designed to avoid hazards associated with potential ground movement/rupture at these locations in the event of an earthquake on one of the region's active faults.

The geologic report prepared for the Berg/IDS property noted the presence of a 4-million gallon water tank to the east of, and approximately 200 feet higher than, the site. The report noted that the unlikely rupture of the tank during a major earthquake could result in the flooding of a portion of the site and, therefore, follow-up investigation was warranted. This issue was subsequently analyzed as part of the 2005 hydrologic study prepared as part of this EIR. The study, which was prepared by Schaaf & Wheeler and is found in EIR Appendix K, concluded that a catastrophic failure of the water tank would be both unlikely and unprecedented. In such an event, water would flow through the debris basin that is proposed as part of the EEHVS on the Berg/IDS property. The debris basin would contain most of the water, with the excess flowing onto streets and into the storm drainage system. Any water flowing onto the streets would be contained within the street right-of-way and would not affect adjacent properties.

#### 4.7.1.5 *Geologic Conditions on the Legacy Partners Property*

The Legacy Partners property, which is located directly south of the Berg/IDS property, is located at the easterly edge of the Santa Clara Valley. The 120-acre site is underlain by alluvial deposits and the topography slopes toward the west, with knolls and ridgelines situated at the western and eastern portions of the site, respectively. Elevations range from approximately 517 feet msl in the southwest to approximately 700 feet msl in the east. Immediately east of the property are hillsides where slopes increase considerably. The potential for erosion from the site is considered low.

Although mapping prepared by the California Geological Survey indicates that there is a low hill in the western portion of the site that may be subject to seismically-induced landslides, the site-specific geotechnical report (Engeo, 2004) determined that there are no landslides on the site and the potential for such is low. There are, however, two landslide areas east of the site. One is located on the northeast side of Evergreen Creek and is several hundred feet from the area of proposed development due to the

fault-related building exclusion zone (described below). Therefore, this mapped landslide does not appear to be a potential hazard to the proposed project. The second mapped landslide is located on the flank of a drainage course that is east of the site. Slope movement on this mapped landslide could contribute debris to the drainage course that enters the northeast corner of the property.

Based on an analysis of soils on the site, the potential for liquefaction, seismic settlement, and/or lateral spreading is considered low. Groundwater was not encountered within the borings, test pits, or trenches that were undertaken during the geologic field investigations, with the exception of one test pit where groundwater seepage was observed at a depth of approximately 11 feet.

The closest fault of significance to the site is the southeast extension of the Hayward Fault, approximately 1,500 feet to the east. In addition, the Quimby Fault, which is shown as a potential geologic hazard on the City of San José Fault Hazard Map, is located along the easterly edge of the Legacy Partners property. Extensive trenching to determine the location of this fault has occurred, both on and adjacent to the site. The trenching identified the location of the Quimby Fault, as well as two unnamed fault traces, on the site. The trenching also led to the delineation of two building-exclusion zones in the easterly portion of the site (see Figure 11). These building-exclusion zones are designed to avoid hazards associated with potential ground movement/rupture at these locations in the event of an earthquake on one of the region's active faults.

#### 4.7.1.6 *Geologic Conditions on the Evergreen Valley College Property*

The Evergreen Valley College property is located at the easterly edge of the alluvial plain of the Santa Clara Valley. The 27-acre site is relatively flat, with an elevation that ranges from approximately 302 feet msl in the west to approximately 358 feet msl in the east. Since the site and the adjacent area are relatively level, the potential for landsliding and erosion to affect the site is considered negligible.

The closest fault of significance to the site is the southeast extension of the Hayward Fault, approximately 1.25 miles to the northeast. There are no mapped active faults on the Evergreen Valley College property and there is no evidence of active faulting visible on the site. The potential for fault-related surface rupture on the site is, therefore, low.

Information for nearby sites indicates that groundwater is approximately 35 to 40 feet below the ground surface. Based on a review of published reports, as well as an analysis of soil borings from the adjacent property, the potential for liquefaction to occur on the Evergreen Valley College property is considered low. Given the absence of a layer of liquefiable soils, there is a low probability that lateral spreading could occur at this site.

#### 4.7.1.7 *Geologic Conditions along Ocala Avenue/White Road Corridors*

Ocala Avenue (Capitol Expressway to White Road) and White Road (Ocala Avenue to Aborn Road) are located in the alluvial plain of the Santa Clara Valley. The topography along these roadways is

relatively flat. Since the roadways and the adjacent area are relatively level, the potential for landsliding and erosion to affect these transportation facilities is considered negligible.

There are no mapped active faults along (or across) the alignment of Ocala Avenue or White Road within the project limits. The potential for fault-related surface rupture is, therefore, low.

## 4.7.2 Geologic Impacts

### 4.7.2.1 *Thresholds of Significance*

For the purposes of this project, a geologic impact is considered significant if the project would:

- expose people or structures to substantial adverse effects including the risk of loss, injury or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic related ground failure (including liquefaction), landslides, or expansive soil; or
- expose people or property to major geologic or soils hazards that cannot be mitigated through the use of standard engineering design and seismic safety techniques; or
- result in substantial soil erosion or the loss of top soils.

### 4.7.2.2 *Seismic Impacts*

All of the properties that are the subject of this EIR are located within the seismically-active San Francisco Bay Area and severe ground shaking is probable during the anticipated life of the project. Under Scenarios I-VI, future residents of the sites, as well as employees and patrons of the commercial and industrial uses, would be exposed to hazards associated with severe ground shaking during a major earthquake on one of the region's active faults. The hazard is not unique to the EEHVS or these specific sites, because it applies to all locations throughout the greater Bay Area. The project will be designed and constructed in accordance with the Uniform Building Code guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking on the sites. Potential seismic impacts would be reduced to a less-than-significant level by the use of standard engineering techniques mandated by the Uniform Building Code. **[Less-than-Significant Impact]**

### 4.7.2.3 *Geologic Impacts from Development of the Arcadia Property*

As described previously in Section 4.7.1.2, there are no geologic conditions (e.g., landslides, steep slopes, active faults, etc.) on, or immediately adjacent to, the Arcadia property that would constitute a substantial hazard or constraint. Although initial analysis of materials taken from onsite borings indicates that the potential for liquefaction settlement will be minor to negligible, further assessment will occur at the design stage. Further, standard engineering requirements and practices that are embodied in the Uniform Building Code and enforced by the City of San José, will ensure that future development

is properly designed to take onsite soil conditions into account. Specific requirements will be developed by an engineering geologist, and will be reviewed and approved by the City, prior to the issuance of any grading or building permits. Development of the Arcadia property under Scenarios I-VI would, therefore, not result in a significant geologic or soils impact. **[Less-than-Significant Impact]**

#### 4.7.2.4 *Geologic Impacts from Development of the Pleasant Hills Golf Course Property*

As noted in Section 4.7.1.3, existing onsite geologic conditions of concern include high groundwater in the southern and western portions of the site, the presence of highly- to critically-expansive clay soils, and the potential for liquefaction-induced settlement. These conditions are not, however, unusual in the greater San José area and development under such circumstances can safely occur by implementing standard engineering requirements and practices that are embodied in the Uniform Building Code and enforced by the City of San José. The geotechnical report prepared for the Pleasant Hills Golf Course property (Appendix J of this EIR) lists the specific measures that will apply to any development under Scenarios II-VI, such measures will mitigate the potential effects of these conditions. **[Less-than-Significant Impact]**

#### 4.7.2.5 *Geologic Impacts from Development of the Berg/IDS Property*

As noted in Section 4.7.1.4, there is an existing landslide mapped in a corner of the Berg/IDS site along its easterly boundary at the location where the south fork of Fowler Creek intersects the property. In the event of movement on this slide, the debris flow could adversely impact development on the site under Scenarios I-VI. **[Significant Impact]**

The Quimby Fault is located along the easterly edge of the site. Movement or ground rupture along the fault could occur during an earthquake. Buildings constructed within, or immediately adjacent to, the fault zone under Scenarios I-VI, could sustain substantial damage due to such movement or rupture, which could in turn endanger the occupants of the buildings. **[Significant Impact]**

The soils on the Berg/IDS property do not pose a significant geologic constraint to the development of the site under any of the development scenarios. Standard engineering requirements and practices, which are embodied in the Uniform Building Code and enforced by the City of San José, will ensure that future development is properly designed to take onsite soil conditions into account. Specific requirements will be developed by an engineering geologist, and will be reviewed and approved by the City, prior to the issuance of any grading or building permits. **[Less-than-Significant Impact]**

#### 4.7.2.6 *Geologic Impacts from Development of the Legacy Partners Property*

As noted in Section 4.7.1.5, there is a mapped landslide located on the flank of a drainage course that is just east of the site. Slope movement on this mapped landslide could contribute debris to the drainage course that enters the northeast corner of the property, which in turn could adversely impact development on the site under Scenarios I-VI. **[Significant Impact]**

The Quimby Fault and two associated unnamed faults are located along the easterly edge of the site. Movement or ground rupture along these faults could occur during an earthquake. Buildings constructed within, or immediately adjacent to, the fault zones under Scenarios I-VI, could sustain substantial damage due to such movement or rupture, which could in turn endanger the occupants of the buildings. **[Significant Impact]**

The soils on the Legacy Partners property do not pose a significant geologic constraint to the development of the site under any of the six development scenarios. Standard engineering requirements and practices, which are embodied in the Uniform Building Code and enforced by the City of San José, will ensure that future development is properly designed to take onsite soil conditions into account. The geotechnical report prepared for the Legacy Partners property (see Appendix J of this EIR) lists the specific measures that will apply to any development on the site under Scenarios I-VI. **[Less-than-Significant Impact]**

#### 4.7.2.7 *Geologic Impacts from Development of the Evergreen Valley College Property*

As described previously in Section 4.7.1.6, there are no geologic conditions (e.g., landslides, steep slopes, active faults, etc.) on, or immediately adjacent to, the Evergreen Valley College property that would constitute a substantial hazard or constraint. Further, standard engineering requirements and practices that are embodied in the Uniform Building Code and enforced by the City of San José, will ensure that future development is properly designed to take onsite soil conditions into account. Specific requirements will be developed by an engineering geologist, and will be reviewed and approved by the City, prior to the issuance of any grading or building permits. Development of the Evergreen College property under Scenarios II-VI would, therefore, not result in a significant geologic or soils impact. **[Less-than-Significant Impact]**

#### 4.7.2.8 *Geologic Impacts from Widening of Ocala Avenue and White Road*

These existing roadways will be widened by one lane in each direction within the public right-of-way. Since there are no geologic hazards within these two alignments, the widening will not result in any significant geologic impacts. Users of the widened roadway will be exposed to the effects of ground shaking during a large earthquake, but such exposure would be the same as under existing conditions. **[Less-than-Significant Impact]**

## 4.7.3 Mitigation and Avoidance Measures for Geologic Impacts

### 4.7.3.1 *Mitigation Measures* Applicable to the Arcadia Property

The following measure, which is included in the project, applies to Scenarios I-VI:

**MM 4.7-1** A detailed, design-level geotechnical investigation for the project shall be completed by the applicant and shall be reviewed and approved by the City Geologist prior to Public Works clearance and issuance of a PD Permit for any phase of the project. The geotechnical investigation shall identify and describe the specific engineering practices to be used to reduce or avoid potential geologic hazards on the site.

### 4.7.3.2 *Mitigation Measures* Applicable to the Pleasant Hills Golf Course Property

The following measure, which is included in the project, applies to Scenarios II-VI:

**MM 4.7-2** The applicant shall implement the specific engineering practices that are listed in the geotechnical report prepared for this site. The geotechnical report (Terrasearch, Inc., December 2004) is included in Appendix J of this EIR. The geotechnical report will be reviewed and approved by the City geologist prior to final project clearance from the City.

### 4.7.3.3 *Mitigation Measures* Applicable to the Berg/IDS Property

The following measures, which are included in the project, apply to Scenarios I-VI:

**MM 4.7-3** A building-exclusion zone shall be established along the easterly edge of the site, per the recommendations of, and as delineated in, the geologic hazards assessment (Kleinfelder, Inc., November 2004), which is found in Appendix J of this EIR. The building-exclusion zone, the general location of which is shown on Figure 10 of this EIR, will serve dual purposes: it will avoid impacts associated with potential movement on the mapped landslide at the easterly corner of the site and it will avoid impacts associated with potential movement/ground rupture along the Quimby Fault.

**MM 4.7-4** A design-level soils-engineering investigation for the project shall be completed by the applicant and shall be reviewed and approved by the City Geologist prior to Public Works clearance and issuance of a PD Permit for any phase of the project. The geotechnical investigation shall identify and describe the specific engineering practices to be used to reduce or avoid potential geologic hazards on the site.

#### 4.7.3.4 *Mitigation Measures* Applicable to the Legacy Partners Property

The following measures, which are included in the project, apply to Scenarios I-VI:

**MM 4.7-5** The project shall include measures to contain or divert runoff from a drainage swale at the east edge of the site. This will avoid impacts associated with potential movement on a mapped landslide that is located on the flank on this drainage.

**MM 4.7-6** Two building-exclusion zones shall be established in the easterly portion of the site, per the recommendations of, and as delineated in, the geologic hazards assessment (Engeo, Inc., July 2004), which is found in Appendix J of this EIR. The building-exclusion zones, the general locations of which are shown on Figure 11 of this EIR, will avoid impacts associated with potential movement/ground rupture along the Quimby Fault and two unnamed faults.

**MM 4.7-7** The applicant shall implement the specific engineering practices that are listed in the geotechnical report prepared for this site. The geotechnical report (Engeo, Inc., July 2004) is found in Appendix J of this EIR

#### 4.7.3.5 *Mitigation Measures* Applicable to the Evergreen Valley College Property

The following measure, which is included in the project, applies to Scenarios II-VI:

**MM 4.7-8** A detailed, design-level geotechnical investigation for the project shall be completed by the applicant and shall be reviewed and approved by the City Geologist prior to Public Works clearance and issuance of a Planned Development Permit for any phase of the project. The geotechnical investigation shall identify and describe the specific engineering practices to be used to reduce or avoid potential geologic hazards on the site.

#### 4.7.3.6 *Mitigation Measures* Applicable to the Ocala Avenue/White Road Widening

The following measure, which is included in the project, applies to Scenarios II-VI:

**MM 4.7-9** A detailed, design-level geotechnical investigation for the project shall be completed and shall be reviewed and approved by the City Geologist prior to the commencement of roadway widening. The geotechnical investigation shall identify and describe the specific engineering practices to be used to reduce or avoid potential geologic hazards. This measure applies only where new pavement or other improvements (e.g., sidewalks, curb and gutter, etc.) are needed; it does not apply at locations where the widening will be limited to the restriping of existing paved surfaces.

### 4.7.4 Conclusions regarding Geologic Impacts

Development on any of the properties that are the subject of this EIR will be subjected to strong ground shaking during a large earthquake on one of the region's active faults. This impact is not unique to these sites, but applies to the entire region. Potential seismic impacts would be reduced to a less-than-significant level by the use of standard engineering techniques for Seismic Zone 4, as mandated by the Uniform Building Code. **[Less-than-Significant Impact]**

The soils that are present on the properties that are the subject of this EIR do not pose significant or unusual constraints to the development that would occur under Scenarios I-VI. Those properties of the various soils that could affect future development (e.g., expansiveness, potential for settlement, etc.) will be mitigated through the use of standard engineering design practices. **[Less-than-Significant Impact]**

Under Scenarios I-VI, potential impacts to future development on the Berg/IDS property from movement on a mapped landslide located at the easterly edge of the site will be avoided by the creation of a building-exclusion zone in the vicinity of the landslide. **[Less-than-Significant Impact with Mitigation]**

Under Scenarios I-VI, potential impacts to future development on the Berg/IDS property from movement or ground rupture along the Quimby Fault will be avoided by the creation of a building-exclusion zone in the vicinity of the fault. **[Less-than-Significant Impact with Mitigation]**

Under Scenarios I-VI, potential impacts to future development on the Legacy Partners property from movement on a mapped landslide located just east of the site will be avoided by the construction of diversion devices in the vicinity of the landslide. **[Less-than-Significant Impact with Mitigation]**

Under Scenarios I-VI, potential impacts to future development on the Legacy Partners property from movement or ground rupture along the Quimby Fault or two unnamed faults will be avoided by the creation of two building-exclusion zones in the vicinity of the faults. **[Less-than-Significant Impact with Mitigation]**

# 4.8 HYDROLOGY AND WATER QUALITY

This analysis contained in this section is based on a hydrologic report prepared by Schaaf & Wheeler for the proposed project. The report is found in Appendix K of this EIR.

## 4.8.1 Introduction and Regulatory Framework

This section of the EIR addresses the impact(s) of the proposed project with regard to the issues of drainage, flooding, water quality, and groundwater. As explained in the following paragraphs, these issues are the subject of various regulatory programs that are designed to avoid adverse impacts that include the following: 1) human injury/loss of life; 2) property damage/loss; 3) harm to fisheries as well as terrestrial wildlife; 4) degradation of plant communities; 5) economic losses; and 6) reduction in quality of life, including effects on recreational activities such as boating and swimming.

### Flooding

In order to avoid impacts related to flooding, the existing EDP states that development can proceed only if 100-year flood protection is in place for each project and downstream of each project.[70]

### Water Quality

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality. Regulations set forth by the U.S. Environmental Protection Agency (EPA) and the State Water Resources Control Board have been developed to fulfill the requirements of this legislation. EPA's regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by water quality control boards, which for the San José area is the San Francisco Bay Regional Water Quality Control Board (RWQCB).[71]

[70]The 100-year flood, sometimes referred to as the one-percent flood, has a one percent statistical probability of occurring in any year, or an average return period of 100 years. The occurrence of a 100-year flood does not change the probability of a 100-year flood occurring in succeeding years. The 100-year flood is the standard design level of protection set by the Federal Emergency Management Agency, which is responsible for administration of the National Flood Insurance Program.

[71]Historically, efforts to prevent water pollution have focused on "point" sources, meaning the source of the discharge was from a single location (e.g., a sewage treatment plant, power plant, factory, etc.). Recent efforts are focusing on pollution caused by "non-point" sources, meaning the discharge comes from multiple locations. The best example of this latter category is urban stormwater runoff, the source of which is a myriad of impervious surfaces (e.g., highways, rooftops, parking lots, etc.) that are found in a typical city or town.

The Santa Clara Valley Urban Runoff Pollution Prevention Program, of which the City of San José is a participant, was developed in accordance with the requirements of the RWQCB's *San Francisco Bay Basin Water Quality Control Plan*, as well as the requirements of EPA's NPDES permit program.

Additional water quality control measures were approved in October 2001 (revised in 2005), when the RWQCB adopted an amendment to the NPDES permit for Santa Clara County. This amendment, which is commonly referred to as "C3" (referring to the applicable section of the permit amendment), requires all new and redevelopment projects that result in the addition or replacement of impervious surfaces totaling one acre or more, to be designed with Best Management Practices (BMPs) that reduce stormwater pollution through source control measures and stormwater treatment measures. In turn, City of San José Policy Number 6-29 mandates compliance with the C3 regulations for projects that are located within its boundaries and specifies sizing for BMPs using hydraulic thresholds.

In practical terms, the C3 requirements seek to reduce water pollution by both reducing the *volume* of stormwater runoff and the *amount* of pollutants that are contained within the runoff. The methods used to achieve these objectives vary from site to site, but can include measures such as a reduction in impervious surfaces, onsite detention facilities, biofiltratration swales, settlement/debris basins, etc.

***Hydromodification Management Plan***: Pursuant to the C3 requirements, the Santa Clara Valley Urban Runoff Pollution Prevention Program prepared a Hydromodification Management Plan (HMP) for the purpose of determining how its member agencies plan to manage increases in the magnitude, volume, and duration of stormwater runoff from project sites, so as to protect streams from increased potential for erosion or other adverse impacts.[72] The control theory behind the HMP, which was approved by the RWQCB in 2005, is that downstream watercourses will not undergo any increased erosion potential if the "flow-duration" curve of stormwater runoff from a site is identical to the curve under existing runoff conditions. The HMP has determined that this standard is met if post-project stormwater discharge rates and durations match pre-project discharge rates and durations from 10% of the pre-project 2-year peak flow up to the pre-project 10-year peak flow.[73]

To implement the HMP, a Post-Construction HMP Policy (Policy #8-14) was adopted by the San José City Council on October 18, 2005. The HMP Policy applies to development projects located on sites equal to or exceeding 20 acres in size, and located in sub-watersheds that are less than 90% built out. Such projects are required to implement post-construction flow-control measures to reduce the volume, velocity, and duration of stormwater runoff, so that post-project runoff does not exceed pre-project conditions. The size and location of the EEHVS opportunity sites render them subject to the full requirements of the HMP Policy.

[72]City Council Policy 6-29 mandates compliance with HMP requirements for projects located within the City of San José.

[73]Source: "Hydromodification Management Plan", Santa Clara Valley Urban Runoff Pollution Prevention Program, April 2005.

In addition to the above regulations, various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating hydrologic impacts resulting from planned development within the City. All future development addressed by this EIR will be subject to the hydrologic policies listed in Chapter 4, *Goals and Policies*, of the City's General Plan, including the following:

- *Level of Service Policy #12:* New Projects should be Designed to Minimize Damage due to Stormwater and Flooding
- *Water Resources Policy #12:* Require Specific Construction and Post-construction Measures to Control the Quantity and Improve the Water Quality of Urban Runoff
- *Flooding Policy #1*: New Development should be Designed to Provide Protection from Impacts of the 100-year Flood
- *Flooding Policy #7*: Development should Provide Adequate Flood Control Retention Facilities

## 4.8.2 Existing Hydrologic Conditions

### Flooding and Drainage

The Evergreen • East Hills area is located within the Coyote Creek Watershed, the largest watershed in Santa Clara County. The Coyote Creek Watershed drains 322 square miles and includes numerous streams that are tributaries to Coyote Creek. One of these tributaries is Lower Silver Creek, which is the focus of this EIR since it is the waterway that drains the sites that are the subject of the EEHVS development scenarios.

The Lower Silver Creek Watershed drains a large portion of the Evergreen area, as well as part of the Berryessa area to the north. Within the Evergreen • East Hills area, streams within the Lower Silver Creek Watershed include the following creeks: Thompson, Evergreen, Yerba Buena, Fowler, Quimby, Norwood, Ruby, Flint, and South Babb.

Lake Cunningham is a key element of the existing flood control system for Lower Silver Creek. The lake, which is a multi-purpose facility that incorporates recreation into the flood control function, is an off-channel water storage device that captures and detains high flood flows. This prevents discharges to Lower Silver Creek downstream of Lake Cunningham that would otherwise exceed the design capacity of the downstream channel.

An approximately 16-acre area in the westerly portion of the Pleasant Hills Golf Course property is located within an existing 100-Year Floodplain. This area is hydraulically connected to the adjacent Lake Cunningham via culverts. This portion of the property would contain approximately 20.9 acre-feet of water during a 100-Year Flood, which equates to 1.9% of the combined storage capacity of this area and Lake Cunningham.

Other than the portion of the Pleasant Hills Golf Course site described above, none of the properties that are the subject of this EIR are located within a 100-Year Floodplain.

There are no dams or levee systems in the Evergreen • East Hills area. The Project area is not subject to inundation from a seiche, tsunami, or mudflow.

**Water Quality**

Urban runoff has been identified as a significant source of water pollution in the San Francisco Bay Area. Runoff from developed areas flows untreated to local creeks, rivers, and the Bay, carrying pollutants that are detrimental to the beneficial uses of these water bodies. Examples of pollutants commonly generated in the San Francisco Bay Area include: sediment from construction sites; products of internal combustion engine operation such as hydrocarbons from automobiles; heavy metals, such as copper from automobile brake pad wear and zinc from tire wear; dioxin as a product of combustion; mercury resulting from atmospheric deposition; and naturally-occurring minerals from local geology.

The water quality of the creeks which flow out of the project area to the San Francisco Bay, including Yerba Buena Creek, Evergreen Creek, Fowler Creek, Silver Creek and Thompson Creek within the Evergreen area, depends upon the volume of water at a given time of the year. Water quality is also dependent upon the concentration of contaminants, which flow into the creeks as a component of urban runoff via storm drains. In sufficient concentrations, these contaminants have been found to adversely affect the aquatic habitat of these streams and San Francisco Bay, into which the streams flow.

Section 303(d) of the federal Clean Water Act requires that states develop a list of water bodies that do not meet water quality standards, establish priority rankings for waters on the list, and develop action plans, called Total Maximum Daily Loads (TMDLs), to improve water quality. The creeks in the greater Evergreen area are tributaries to two water bodies that are listed by the RWQCB and the EPA as impaired: Coyote Creek and San Francisco Bay. Coyote Creek is impaired due to diazinon that is contained within urban runoff. San Francisco Bay is impaired due to chlordane, DDT, diazinon, dieldrin, mercury, and PCBs, all of which are constituents of urban runoff.[74] Although Coyote Creek appears on the list of impaired water bodies, no TMDL has been developed or implemented to date.

In addition to the pollution issue, the increased peak flows and volumes of stormwater associated with existing urbanization have led to adverse impacts such as bank erosion, channel widening, flooding, channel modification and loss of the natural floodplain. This occurs because development typically increases the amount of impervious surface area within a watershed by converting natural ground cover to impervious surfaces such as paved highways, streets, rooftops, and parking lots, thereby diminishing the stormwater retention, detention and purification characteristics provided by the vegetated soils

[74]Source: http://www.swrcb.ca.gov/rwqcb2/303dlist.htm

In the project area, Thompson Creek has been identified by the SCVWD as subject to substantial stream bank erosion impacts.

## 4.8.3 Hydrologic Impacts

### 4.8.3.1 *Thresholds of Significance*

For the purposes of this project, a hydrologic impact is considered significant if the project would:

- violate any water quality standards or waste discharge requirements; or
- 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 groundwater table level (e.g., 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); or
- 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; or
- 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 which would result in flooding on-or off-site; or
- 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; or
- otherwise substantially degrade water quality; or
- place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map; or
- place structures within a 100-year flood hazard area, such that flood flows would be impeded or redirected; or
- 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; or
- be subject to inundation by seiche, tsunami, or mudflow.

### 4.8.3.2 *Flooding Impacts*

In order to assess the impact of the EEHVS scenarios on the potential for downstream flooding, an analysis was undertaken using a hydrologic model provided by the SCVWD. The model, which is described in detail in Appendix K, has the capability of predicting 100-Year stormwater discharges on all watercourses in the project area. The model was run for existing/pre-project conditions, wherein all of the EEHVS opportunity sites except the Evergreen Valley College property are undeveloped. The model was re-run under post-project conditions assuming the worst-case (i.e., greatest amount of impervious surfaces) EEHVS scenario. Based upon the Planned Development zoning applications submitted to the City, the amount of each site assumed to be impervious is as follows: Arcadia Property -

77%; Pleasant Hills Golf Course Property - 56%; Evergreen Valley College Property - 90%; Berg/IDS/Legacy Partners Properties - 50%.

The results of this analysis are shown in Table 49 for the peak, 6-, 24-, and 72-hour average 100-Year discharges. According to the technical report (Appendix K), the data indicate that, when compared to existing conditions, the effect of the most intense EEHVS development scenario on 100-Year discharges to area creeks would be negligible and, therefore, consistent with the current EDP. Further, any increases in the tributary creeks (i.e., Evergreen Creek, Fowler Creek, and Quimby Creek) would be reduced by on-site detention, which was not assumed in this analysis. The effects of less-intense EEHVS development scenarios (i.e., those with smaller percentages of impervious surfaces) would be less than that shown in Table 49. **[Less-than-Significant Impact]**

Scenarios II-VI would grade the Pleasant Hills Golf Course property, removing 16 acres in the western portion of the site from an existing 100-Year Floodplain. Upon completion of grading, no portion of the site would be within a 100-Year Floodplain. The grading would reduce the 100-Year storage capacity of the adjacent Lake Cunningham flood storage facility by about 20.9 acre-feet (1.9%). This change, in turn, would cause a rise in the 100-Year water surface elevation of Lake Cunningham of one-tenth of a foot. The increase would not cause new areas to flood and would not increase flows to Lower Silver Creek downstream of Lake Cunningham. **[Less-than-Significant Impact]**

#### 4.8.3.3 *Water Quality Impacts during Construction*

With the exception of Scenario I/No Project at the Pleasant Hills Golf Course and Evergreen Valley College properties, all of the EEHVS development scenarios will entail the construction of new land uses and transportation improvements at various locations throughout the Evergreen • East Hills area. The construction phase will involve excavation and grading activities at each site. These construction activities have the potential to degrade water quality in nearby creeks since the storm drainage system discharges to those waterways. The degradation could take the form of increased sedimentation and/or erosion, as well as adverse effects on wildlife if fuels/lubricants from equipment enters the water. **[Significant Impact]**

Scenarios I-VI propose new bridges over Evergreen and Fowler Creeks, as shown on Figures 10 and 11. Construction of the piers and/or abutments for the bridges will require work within or adjacent to these creeks. The work can lead to a short-term degradation of the water quality due to erosion and/or sedimentation. **[Significant Impact]**

#### 4.8.3.4 *Long-Term Water Quality Impacts*

With the exception of Scenario I/No Project at the Pleasant Hills Golf Course and Evergreen Valley College properties, all of the EEHVS development scenarios will entail the construction of new land uses on each of the opportunity sites. For the reasons described below, such development will result in

**T A B L E 4 9**

**WORST-CASE EEHVS IMPACT ON 100-YEAR STORMWATER DISCHARGES**

**[Expressed as Percent Change from Existing Conditions]**

| | Peak Discharge | 6-Hour Average | 24-Hour Average | 72-Hour Average |
|---|---|---|---|---|
| Evergreen Cr: upstream of Thompson Cr. | -4.47% | 2.24% | 3.70% | 5.56% |
| Flint Cr: upstream of Ruby Cr. | 0.00% | 0.00% | 0.00% | 0.00% |
| Fowler Cr: upstream of Thompson Cr. | 1.80% | 1.96% | 2.82% | 3.33% |
| Lower Silver Cr: upstream of Thompson Cr. | 0.68% | 0.81% | 0.66% | 1.92% |
| Lower Silver Cr: downstream of Thompson Cr. | 0.05% | 0.60% | 1.37% | 1.43% |
| Lower Silver Cr: upstream of Lake Cunningham | 0.04% | 0.53% | 1.24% | 1.33% |
| Norwood Cr: upstream of Thompson Cr. | 0.00% | 0.00% | 0.00% | 0.00% |
| Quimby Cr: upstream of Thompson Cr. | 0.70% | 1.20% | 1.62% | 1.59% |
| Ruby Cr: upstream of Flint Cr. | 1.02% | 0.44% | 1.49% | 0.00% |
| Thompson Cr: upstream of Yerba Buena Cr. | 0.00% | 0.00% | 0.00% | 0.00% |
| Thompson Cr: downstream of Yerba Buena Cr. | -0.06% | 0.07% | 0.28% | 0.41% |
| Thompson Cr: upstream of Evergreen Cr. | 0.00% | 0.07% | 0.28% | 0.00% |
| Thompson Cr: downstream of Evergreen Cr. | 0.27% | 0.43% | 0.83% | 0.69% |
| Thompson Cr: upstream of Fowler Cr. | 0.32% | 0.49% | 0.83% | 1.04% |
| Thompson Cr: downstream of Fowler Cr. | 0.38% | 0.78% | 1.60% | 1.56% |
| Thompson Cr: upstream of Quimby Cr. | 0.35% | 0.78% | 1.60% | 1.56% |
| Thompson Cr: downstream of Quimby Cr, | 0.39% | 0.82% | 1.49% | 1.52% |
| Thompson Cr: upstream of Norwood Cr. | 0.42% | 0.82% | 1.49% | 1.53% |
| Thompson Cr: downstream of Norwood Cr. | -0.03% | 0.61% | 1.38% | 1.56% |
| Thompson Cr: upstream of Lower Silver Cr. | -0.03% | 0.61% | 1.38% | 1.56% |
| Yerba Buena Cr: upstream of Thompson Cr. | -0.19% | 0.25% | 0.97% | 1.43% |

Analysis assumes most intense EEHVS scenario with regard to increases in impervious surfaces.

**Source:** Schaaf & Wheeler, 2005.

a long-term degradation of water quality in local creeks because the volume and pollutant load of stormwater runoff will be increased. **[Significant Impact]**

Stormwater volume will be increased because substantial portions of the various sites will be converted from pervious to impervious surfaces. Specifically, post-project stormwater discharge rates and durations will not match pre-project rates and durations in a manner that complies with the adopted HMP criteria. Therefore, post-project discharges will have the potential to increase erosion and cause other adverse effects in local streams.

Pollutants in post-project stormwater will result from activities associated with residential, commercial, and industrial land uses. Hydrocarbons, grease, oil, and heavy metals from automobiles are typical runoff pollutants generated from impervious road, driveway and parking lot surfaces. Building roofs also generate hydrocarbons from atmospheric deposition, and heavy metals from roofing materials. In addition, pesticides, and nutrients (from fertilizers and other landscape maintenance products) detergents, coliform bacteria (from pet waste), and trash are all common stormwater pollutants that can be expected from the proposed development.

## 4.8.4 Mitigation and Avoidance Measures for Hydrology and Water Quality Impacts

### 4.8.4.1 *Construction Phase Mitigation Measures*

The following measures are included in the project and will reduce construction-related water quality impacts to a less-than-significant level. The measures apply to all scenarios and locations where construction will occur:

**MM 4.8-1** Prior to construction of any phase of the project, the City of San José shall require that the applicants submit a Stormwater Pollution Prevention Plan (SWPPP) and submit a Notice of Intent to the RWQCB to control the discharge of stormwater pollutants including sediments associated with construction activities. Along with these documents, the applicants may also be required to prepare an Erosion Control Plan. The Erosion Control Plan may include Best Management Practices (BMPs) as specified in the California Stormwater Best Management Practice Handbook for reducing impacts on the City's storm drainage system from construction activities. The SWPPP shall include control measures during the construction period for :

- Soil stabilization practices
- Sediment control practices
- Sediment tracking control practices
- Wind erosion control practices and
- Non-stormwater management, waste management & disposal control practices.

**MM 4.8-2** Prior to issuance of a grading permit, the applicant shall be required to submit copies of the Notice of Intent and Erosion Control Plan (if required) to the City Project Engineer, Department of Public Works. The applicant shall also be required to maintain a copy of the most current SWPPP on-site and provide a copy to any City representative or inspector on demand.

**MM 4.8-3** Each phase of development shall comply with the City's Grading Ordinance, including erosion- and dust-control during site preparation, and with the City's Zoning Ordinance requirement for keeping adjacent streets free of dirt and mud during construction.

#### 4.8.4.2 *Post Construction Mitigation Measures*

The following mitigation is included in the project and will reduce long-term water quality impacts to a less-than-significant level. The mitigation applies to Scenarios II-VI at the Pleasant Hills Golf Course and Evergreen Valley College properties. The mitigation also applies to Scenarios I-VI at the Arcadia, Berg/IDS, and Legacy Partners properties.

**MM 4.8-4** Each of the opportunity sites shall be designed such that post-project stormwater discharge rates and durations match pre-project discharge rates and durations from 10% of the pre-project 2-year peak flow up to the pre-project 10-year peak flow. This requirement will be met on each site through the use of one or more of the following: 1) HMP detention basins, 2) underground vaults, 3) oversized pipes, 4) vegetated filter strips, 5) vegetated swales, 6) permeable pavements, and/or 7) other design techniques that reduce impermeable surfaces.[75]

**MM 4.8-5** The final design of all HMP basins, including but not limited to locations, sizes, depths, infiltration rates, and side slopes, shall require review by the City and approval by the Director of Planning, Building & Code Enforcement. This will ensure that the final design not only meets the requirements of City Council Policies 6-29 and 8-14, but also addresses related issues such as groundwater protection, dual use, safety, visual and aesthetic considerations, vector control, the capacity of receiving pipelines, and provisions for emergency release of water. The project applicant shall defer to the California Stormwater Quality Association's Stormwater *Best Management Practice Handbook for New Development and Redevelopment* (January 2003) for the design and sizing of extended detention basins. Basin depths should optimally range from two to five feet with side slopes of 4:1 (horizontal:vertical) or flatter for dual park use purposes.

[75] A comprehensive listing of such measures is contained in *Start at the Source: Design Guidance Manual for Stormwater Quality Protection*, Bay Area Stormwater Management Association, 1999. A copy of this report is available for review at San José City Hall, 200 East Santa Clara Street, San José, and is incorporated herein by this reference.

**MM 4.8-6** To ensure all stormwater BMPs are maintained for the life of the development, a maintenance and monitoring plan shall be developed at the PD Permit stage, to the satisfaction of the Director of Planning, Building & Code Enforcement. The maintenance and monitoring plan shall be implemented to ensure that all stormwater treatment BMPs will be permanently maintained by the Homeowner' Association(s), or equivalent, for the life of the development, to the satisfaction of the Director of Planning, Building & Code Enforcement.

**MM 4.8-7** Maintenance techniques listed in *Landscape Maintenance Techniques for Pest Reduction* (prepared by the Santa Clara Valley Urban Runoff Pollution Prevention Program) shall be utilized. This will minimize the amount of pesticides that will be contained in stormwater runoff.

For informational purposes, a preliminary analysis was undertaken to determine the approximate size of the HMP detention basin that would be required on each opportunity site to meet the HMP criteria. The analysis assumed no other methods to reduce stormwater flows (e.g., underground vaults, oversized pipes, etc.) would be used, with percolation limited to those sites with permeable soils and where groundwater is no closer than 10 feet from the bottom of the basin. For a discussion of the technical procedures and parameters that were used for the analysis, please refer to Appendix K.

Table 50 summarizes the results of this analysis for each site. Note that the analysis was run only for the maximum development scenario on each site, which is why the lesser development scenarios utilize the "less than (<)" symbol.

For the maximum sizes shown in Table 50, the preliminary analysis found that most of the basins would drain within three days for most storms. The basin on the Arcadia property would take up to six days to drain in some storms, but would drain within three days in most cases. Under worst-case scenarios, the basin on the Legacy Partners property would take up to seven days to drain. However, in all cases during the draining of the basins, water will not be standing.

The HMP basins will also serve to reduce the level of pollutants in stormwater that is ultimately discharged into local creeks. This statement is based on the fact that detention basins allow suspended pollutants to settle out of the water prior to its discharge.

### 4.8.5 Conclusions regarding Hydrology and Water Quality Impacts

Development under any of the EEHVS scenarios will have a negligible impact on Evergreen-area flood flows during a 100-Year Storm. Under the worst-case development scenario, the 100-Year water surface level in Lake Cunningham would rise by one-tenth of a foot. **[Less-than-Significant Impact]**

**T A B L E 5 0**

**PRELIMINARY SIZES OF PROPOSED HMP BASINS (ACRES)**

| EEHVS Scenario | Arcadia | Pleasant Hills Golf Course | Evergreen Valley College | IDS | Berg (North of Fowler Road) | Berg (South of Fowler Road) | Legacy (North of Evergreen Creek) | Legacy (South of Evergreen Creek) |
|---|---|---|---|---|---|---|---|---|
| I | 1.9 | 0 | 0 | 1.8 | 4.2 | 2.9 | 0.6 | 2.1 |
| II | < 9.3 | < 1.3 | < 0.3 | < 1.2 | < 2.8 | < 1.9 | < 0.4 | < 1.4 |
| III | < 9.3 | < 1.3 | < 0.3 | < 1.2 | < 2.8 | < 1.9 | < 0.4 | < 1.4 |
| IV | 9.3 | < 1.3 | < 0.3 | < 1.2 | < 2.8 | < 1.9 | < 0.4 | < 1.4 |
| V | < 9.3 | 1.3 | 0.3 | 1.2 | 2.8 | 1.9 | 0.4 | 1.4 |
| VI | < 9.3 | < 1.3 | < 0.3 | 1.8 | 4.2 | 2.9 | 0.6 | 2.1 |
| Max. Depth | 1'10" | 5'11" | 8'1" | 2'8" | 5'11" | 6'1" | 6'2" | 6'0" |

- Estimated sizes are preliminary and are subject to change based upon final site plans.
- Estimated sizes are maximums. No other BMPs are assumed to be in place. If incorporated into designs, other BMPs could reduce the required size of the HMP basins.
- Preliminary calculations were undertaken only for the most intense development scenario on each site. Lesser development scenarios would require smaller HMP basins, as indicated by the use of the "less than (<)" symbol.
- Some of the opportunity sites are divided into two subareas to reflect the topographic and drainage characteristics of the property.

**Source:** Schaaf & Wheeler, 2005.

At all locations where development is proposed, construction activities have the potential to degrade the water quality of local streams. Implementation of the measures described above will mitigate this short-term water quality impact to a less-than-significant level. **[Less-than-Significant with Mitigation]**

Development on the Arcadia, Pleasant Hills Golf Course, Berg/IDS, Legacy Partners, and Evergreen Valley College properties will result in significant long-term water quality impacts in local waterways. This is due to the fact that development will increase the volume of stormwater runoff, as well add pollutants to the stormwater. Implementation of the measures described above will mitigate this long-term water quality impact to a less-than-significant level. **[Less-than-Significant with Mitigation]**

# 4.9 HAZARDS AND HAZARDOUS MATERIALS

The analysis contained in this section is based on site-specific Phase I and Phase II environmental site assessments prepared by Lowney Associates, Tetra Tech Inc., Aqua Science Engineers, PES Environmental, and Kleinfelder, Inc. for each of the EEHVS opportunity sites. The assessments are included in Appendix L of this EIR.

## 4.9.1 Introduction and Regulatory Framework

Hazardous materials encompass a wide range of substances, some of which are naturally-occurring and some of which are man-made. Examples include pesticides, herbicides, petroleum products, metals (e.g., lead, mercury, arsenic), asbestos, and chemical compounds used in manufacturing. Determining if such substances are present on or near project sites is important because, by definition, exposure to hazardous materials above regulatory thresholds can result in adverse health effects on humans, as well as harm to plant and wildlife ecology.

Due to the fact that these substances have properties that are toxic to humans and/or the ecosystem, there are multiple regulatory programs in place that are designed to minimize the chance for unintended releases and/or exposures to occur. Other programs set forth remediation requirements at sites where contamination has occurred. Table 51 summarizes many of these regulations; for more details on the regulations and the legislation on which they are based, please see Appendix L.

In addition to the above regulations, various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating hazardous materials impacts resulting from planned development within the City. All future development addressed by this EIR will be subject to the hazardous materials policies listed in Chapter 4, *Goals and Policies*, of the City's General Plan, including the following:

- *Hazardous Materials Policy #1*: Require Proper Storage and Disposal of Hazardous Materials
- *Hazardous Materials Policy #3*: Evaluate Soil and Groundwater Contamination When Considering Proposals for New Development
- *Fire Hazards Policy #3*: Development Adjacent to Grassed and Semi-Arid Hillsides should be Designed to Minimize Hazards from Wildland Fires
- *Fire Hazards Policy #6:* Development should Provide for Adequate Emergency Access and Emergency Evacuation Routes

## 4.9.2 Existing Conditions

Each of the opportunity sites that are the subject of this EIR were evaluated for the purpose of determining whether any hazardous materials are present or likely to be present. The evaluations that were undertaken included the following:

**T A B L E 5 1**

**REGULATION OF HAZARDOUS MATERIALS**

| Agency | Responsibilities |
|---|---|
| U.S. Environmental Protection Agency (EPA) | Oversees Superfund sites; evaluates remediation technologies; develops standards for hazmat disposal & cleanup of contamination; implements Clean Air & Clean Water Acts. |
| U.S. Department of Transportation | Regulates and oversees the transportation of hazmat. |
| U.S. Occupational Safety & Health Administration (OSHA) | Implements federal regulations and develops programs & procedures regarding the handling of hazmat for the protection of workers. |
| CA Department of Toxic Substances Control | Authorized by EPA to implement & enforce various federal hazmat laws & regulations; implements state hazmat regulations; oversees remediation of contamination at various sites. |
| CA Occupational Safety & Health (Cal-OSHA) | Implements state regulations and develops programs & procedures regarding the handling of hazmat for the protection of workers. |
| CA Air Resources Board/Bay Area Air Quality Management District | Regulates emissions of toxic air contaminants & requires information regarding the risk of such emissions to be available to the public. |
| CA Water Resources Control Board/Regional Water Quality Control Board | Regulates the discharge of hazmat to surface and ground waters; oversees remediation of contamination at various sites. |
| Santa Clara County Department of Environmental Health | Oversees & enforces state/local regulations pertaining to hazardous waste generators and risk management programs, including the California Accidental Release Program. |
| Santa Clara Valley Water District | Responsible for groundwater protection; oversees remediation of contamination at various sites. |
| City of San José Fire Department | Implements City's Toxic Gas and Hazmat Storage Ordinances; requires businesses that use or store hazmat to prepare a management plan; regulates installation & removal of above- and below-ground storage tanks; reviews plans for compliance with the Uniform Fire and the Flammable & Combustible Liquids Codes. |

hazmat = hazardous materials

- a review of federal, state, and local agency databases and files to identify nearby sites that have reported the generation, use, storage, and/or release of hazardous materials;[76]
- a review of any previous environmental investigations for the subject properties;
- a review of the historical uses of the subject properties and surrounding areas;
- an inspection of the subject properties and adjacent sites; and
- collection and laboratory analyses of soil samples from the subject properties.

#### 4.9.2.1 *Existing Conditions on the Arcadia Property*

The Arcadia property is vacant and the historic use of the site has been for agricultural purposes including orchard and row crop cultivation. Historic photos show what appear to be several buildings on the site that were related to farming, but such structures are no longer present. There is no known or suspected contamination on the adjacent properties that would affect the development of the Arcadia property.

The Arcadia property is not listed in any of the federal, state, or local databases that track the use and storage of hazardous materials, as well as contamination from such.

Due to the historic use of the site for agricultural purposes, a soil testing program was undertaken for the purpose of determining the presence of pesticide residues (e.g., endrin, chlordane, DDD, DDE, and DDT), as well as heavy metals associated with agricultural uses (e.g., arsenic, lead, and mercury). Soil samples were analyzed and compared to the Environmental Protection Agency's (EPA) Preliminary Remediation Goals (PRGs) and the Regional Water Quality Control Board's (RWQCB) Environmental Screening Levels (ESLs) for residential uses.

The testing and analysis found that pesticides, mercury, and lead are present in soils on the Arcadia property, but concentrations of these substances were determined to be below applicable risk-based screening levels. Arsenic concentrations in 10 of the 25 surface composite soil samples were found to be above the RWQCB ESL of 5.5 mg/kg. However, the measured arsenic concentrations[77] were determined to be within the range of background concentrations for arsenic in the region.[78] Based on these findings, the technical site assessment concluded that levels of pesticides and metals in the soil

[76]The regulation of hazardous materials involves all levels of government, including the U.S. Environmental Protection Agency (EPA), the California Department of Toxic Substances Control, the Regional Water Quality Control Board, the Santa Clara Valley Water District, and the San José Fire Department. These agencies maintain databases and files for the purpose of tracking the manufacture, transport, use, storage, and disposal of these substances. For details, please see Appendix L.

[77]Measured concentrations in the 10 samples that exceeded the ESL ranged from 6.8 mg/kg to 18 mg/kg. The average concentration from the 25 composite samples was 5.67 mg/kg.

[78]See Appendix L for detailed testing results including laboratory analytical reports.

are not considered to pose a significant threat to human or ecological receptors and, therefore, no further action was recommended.

#### 4.9.2.2 *Existing Conditions on the Pleasant Hills Golf Course Property*

The Pleasant Hills Golf Course property is an inactive golf course. Prior to its development as a golf course in the 1960s, the site was used for agricultural purposes. Current structures on the property consist of a clubhouse, which operates on a septic and leach field system, and several buildings that were used to store and repair equipment used in the maintenance and operation of the golf course. One of the buildings includes a small area used to store lubricants in 5-gallon containers and one 20-gallon container of used motor oil.

There are two wells on the property that were used for golf course watering, one of which is inactive and closed. There is also one 500-gallon above ground gasoline storage tank on the site. A 500-gallon underground fuel storage tank was removed from the site in 1998 and the case was closed by the SCVWD in 1999.

There is no known or suspected contamination on the adjacent properties that would affect the development of the Pleasant Hills Golf Course property.

Due to the historic use of the site for agricultural purposes and its recent use as a golf course, a soil testing program was undertaken for the purpose of determining the presence of pesticide residues (e.g., endrin, chlordane, DDD, DDE, and DDT), as well as heavy metals associated with agricultural uses (e.g., arsenic, lead, and mercury). Twenty-four (24) soil samples were analyzed and compared to EPA's PRGs and the RWQCB's ESLs for residential uses.

The testing and analysis found that pesticides, mercury, lead, and arsenic are present in soils on the Pleasant Hills Golf Course property. Concentrations of the pesticides and mercury were determined to be below applicable risk-based screening levels. Concentrations of arsenic and lead were, however, found to be above the residential ESLs in a number of samples:

- One of 24 samples had a lead concentration of 170 milligrams per kilogram (mg/kg), which exceeds the residential ESL for lead of 150 mg/kg.

- Eighteen of the 24 samples had an arsenic concentration in excess of the residential ESL for arsenic of 5.5 mg/kg. Of these 18, four samples had arsenic concentrations above a typical regional background arsenic concentration of 15 mg/kg. The arsenic concentrations in those four samples were 24, 48, 58, and 90 mg/kg.

The above-described samples with the elevated concentrations of arsenic and/or lead were all from samples taken on the greens of the golf course. Based on this sampling, it is likely that a majority of the putting greens, as well as the practice greens, are similarly affected with lead and/or arsenic. The

contamination may be a result of the historic use of certain pesticides, but the source is more likely to be contaminated soil that was imported to the site for the greens. Based on the results of the sampling, it appears that the issue of elevated concentrations of arsenic and/or lead is limited to the greens and does not extend to other areas of the site (e.g., tees, fairways, roadways, etc.).

#### 4.9.2.3 *Existing Conditions on the Berg/IDS Property*

Except for two houses, the Berg/IDS property is vacant and consists of fallow pasture. Former storage structures on the property have been removed, as was a 350-gallon gasoline underground storage tank. Historic use of the site has been for agricultural purposes including orchard and row crop cultivation. Several water wells are present on the site. There is no known or suspected contamination on the adjacent properties that would affect the development of the Berg/IDS property.

A soil sample was collected and analyzed at the time the former underground storage tank was removed in 1990. No concentrations of hazardous substances (benzene, toluene, ethylbenzene, total xylenes [BTEX], and petroleum hydrocarbons [TPHg]) were reported at or above laboratory detection limits.

Due to their age, the two houses on the property may contain lead-based paint and/or asbestos-containing building materials.

Due to the historic use of the site for agricultural purposes, a soil testing program was undertaken for the purpose of determining the presence of pesticide residues (e.g., endrin, chlordane, DDD, DDE, and DDT), as well as heavy metals associated with agricultural uses (e.g., arsenic, lead, and mercury). Soil samples were analyzed and compared to EPA's PRGs and the RWQCB's ESLs for residential uses.

The testing and analysis found that pesticides, mercury, and lead are present in soils on the Berg/IDS property, but concentrations of these substances were determined to be below applicable risk-based screening levels. Arsenic concentrations in a number of soil samples were found to be above the RWQCB ESL of 5.5 mg/kg. However, the measured arsenic concentrations[79] were determined to be within the range of background concentrations for arsenic in the region.[80] Based on these findings, the technical site assessment concluded that levels of pesticides and metals in the soil are not considered to pose a significant threat to human or ecological receptors and, therefore, no further action was recommended.

#### 4.9.2.4 *Existing Conditions on the Legacy Partners Property*

The Legacy Partners property is vacant and is primarily fallow pasture/grassland. Former storage structures on the property have been removed. Historic use of the site has been for agricultural purposes

[79]Measured concentrations ranged from 2.8 mg/kg to 21 mg/kg.

[80]See Appendix L for detailed testing results including laboratory analytical reports.

including orchard and row crop cultivation. Two former irrigation wells are present on the site. There is also an abandoned concrete water storage reservoir, approximately 61,000 gallons in size, that is located in the southeasterly portion of the site. There is no known or suspected contamination on the adjacent properties that would affect the development of the Legacy Partners property.

One pole-mounted electric transformer was observed on the property. The transformer casing appeared intact, with no visible signs of cracks, leaks, or corrosion. No soil staining was observed below the transformer.

Due to the historic use of the site for agricultural purposes, a soil testing program was undertaken for the purpose of determining the presence of pesticide residues (e.g., endrin, chlordane, DDD, DDE, and DDT), as well as heavy metals associated with agricultural uses (e.g., arsenic, lead, and mercury). Soil samples were analyzed and compared to EPA's PRGs and the RWQCB's ESLs for residential uses.

The testing and analysis found that pesticides, mercury, and lead are present in soils on the Legacy Partners property, but concentrations of these substances were determined to be below applicable risk-based screening levels. Arsenic concentrations were found to be above the RWQCB ESL of 5.5 mg/kg. However, the measured arsenic concentrations[81] were determined to be within the range of background concentrations for arsenic in the region.[82] Based on these findings, the technical site assessment concluded that levels of pesticides and metals in the soil are not considered to pose a significant threat to human or ecological receptors and, therefore, no further action was recommended.

#### 4.9.2.5 *Existing Conditions on the Evergreen Valley College Property*

The 27-acre Evergreen Valley College property includes an existing office building and a criminal justice training center, the latter of which includes a firing range. The portion of the property that is not developed consists of grassland and the remnants of an orchard. All of the property was historically used for agricultural purposes, including an orchard. There is no known or suspected contamination on the adjacent properties that would affect the development of the Evergreen Valley College property.

Adjacent to the office building are a 1,000-gallon storage tank and a 150-gallon storage tank, both of which are above ground and contain diesel fuel for emergency generators. Analysis of a soil sample taken at this location detected petroleum hydrocarbons at concentrations below regulatory thresholds.

The main building that houses the criminal justice training center includes a room that contains vehicle maintenance equipment, vehicle fluids, tires and tools. An electric transformer is also present on the southwestern side of the building.

[81] Measured concentrations ranged from less than 5.0 mg/kg to 14 mg/kg, with an average concentration of 5.91 mg/kg.

[82] See Appendix L for detailed testing results including laboratory analytical reports.

The criminal justice training center includes a concrete building that is used as a firing range. The building has a ventilation system that exhausts filtered air to the exterior when the firing range is in use. The center hires a contractor to collect the bullets and clean the lead from the interior of the firing range once a month. Fourteen soil samples were taken around the outside of the firing range. Elevated concentration of lead were found to be present in the soil, primarily near the exhaust fans and exit doors. Most of the samples had lead concentrations in excess of the California Human Health Screening Level (CHHSL) of 150 ppm for residential uses and one sample had a lead concentration in excess of the CHHSL of 3,500 ppm for commercial/industrial uses. Two of the samples had concentrations over 1,000 ppm, which exceeds the hazardous waste threshold.

Due to their age, the various buildings on the property may contain lead-based paint and/or asbestos-containing building materials.

Files maintained by the San José Fire Department indicate that there were applications for three underground diesel storage tanks on the property, which were installed in 1975, 1979, and 1980. However, the locations of the tanks are not documented and the tanks were not located during an onsite survey of the site. It is possible that these tanks have been removed, but there is no documentation of such.

Due to the historic use of the site for agricultural purposes, a soil testing program was undertaken for the purpose of determining the presence of pesticide residues (e.g., endrin, chlordane, DDD, DDE, and DDT), as well as heavy metals associated with agricultural uses (e.g., arsenic, lead, and mercury). Soil samples were analyzed and compared to EPA's PRGs and the RWQCB's ESLs for residential uses.

The testing and analysis found that pesticides, mercury, arsenic, and lead are present in soils on the Evergreen Valley College property. Except for chlordane and arsenic, concentrations of these substances do not exceed regulatory and/or background levels. Elevated levels of chlordane were detected in four samples taken around the existing office building and in one sample taken in the southeast corner of the site (near the location of a former farm building area). The detected concentrations ranged from 0.67 to 1.1 ppm, which are well above the CHHSL of 0.43 ppm for residential uses. Elevated levels of arsenic (i.e., 16 ppm) were found in one of the soil samples taken around the office building and is co-located with the elevated chlordane.[83]

#### 4.9.2.6 *Existing Conditions along the Ocala Avenue/White Road Corridors*

The segments of Ocala Avenue and White Road that are proposed to be widened by the EEHVS are devoid of any buildings or structures. There is no evidence of hazards or contamination from hazardous materials within the area where widening will occur.

[83] See Appendix L for detailed testing results including laboratory analytical reports.

#### 4.9.2.7 *Existing Conditions at the King Road/Tully Road Intersection*

The proposed improvements to the King Road/Tully Road intersection by the EEHVS will require right-of-way from the property located at 1698 Tully Road. This property, which is at the southwest corner of the intersection, is a service station with underground gasoline storage tanks. Given the nature of the existing land use, a Phase I Environmental Site Assessment was undertaken for the site as part of the preparation of this EIR. The assessment is found in Appendix L and is summarized below.

The property has been used as a service station since the 1960s and is currently an active fuel leak case according to SCVWD files. Groundwater and soil contamination were discovered at the site in 1998, during activities to upgrade the underground storage tank facilities. Since then, groundwater and soil remediation activities by means of groundwater extraction and soil vapor extraction, respectively, have taken place at the site. Seven monitoring wells are located on the property. Two of the wells (#1 and #6) are located on the portion of the site to be acquired for the intersection improvements.

Data obtained from recent groundwater monitoring indicate that gasoline-related contaminants detected at the site have decreased significantly since groundwater monitoring commenced in 2000. During the most recent (December 2004) monitoring, TPHg was detected in Well #1 at an elevated concentration of 2,300 micrograms per liter (µg/l). Other levels of contaminants detected in Well #1 were relatively low. The levels of contaminants in Well #6 were either not detected at or above laboratory reporting limits, or were relatively low.

### 4.9.3 Hazards and Hazardous Materials Impacts

#### 4.9.3.1 *Thresholds of Significance*

For the purposes of this EIR, a hazardous materials impact is considered significant if the project would:

- create a significant hazard to the public or the environment as a result of the routine transport, use or disposal of hazardous materials; or
- 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; or
- emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school; or
- construct a school on a property that is subject to hazards from hazardous materials contamination, emissions or accidental release; or
- create a significant hazard to the public or the environment from existing hazardous materials contamination by exposing future occupants or users of the site to contamination in excess of soil and ground water cleanup goals developed for the site; or
- (for a project located within an airport land use plan) result in a safety hazard for people residing or working in the project area; or

- (for a project within the vicinity of a private airstrip) result in a safety hazard for people residing or working in the project area; or
- impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation route; or
- 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.

#### 4.9.3.2 *Hazards and Hazardous Materials Impacts on Arcadia Property*

As discussed in Section 4.9.2.1, there is no known or suspected contamination from hazardous materials on the Arcadia property. Further, residual concentrations of pesticides and/or heavy metals in the soil on the site are below levels that would be considered potentially hazardous for a sensitive land use such as residential. Therefore, development of the site under Scenarios I-VI would not expose future residents/users to significant hazards. **[Less-than-Significant Impact]**

Due to its location near Reid-Hillview Airport, the Arcadia property is located within the referral boundaries of the *Land Use Plan for Areas Surrounding Santa Clara County Airports*. This issue is addressed in Section 4.1, *Land Use*.

#### 4.9.3.3 *Hazards and Hazardous Materials Impacts on Pleasant Hills Golf Course Property*

As described above in Section 4.9.2.2, the soils on the existing golf course greens contain arsenic and/or lead in concentrations that exceed the residential ESLs and/or background levels. Development of the site under Scenarios II-VI could, therefore, expose future residents to these toxic substances in concentrations that are potentially hazardous to human health. **[Significant Impact]**

#### 4.9.3.4 *Hazards and Hazardous Materials Impacts on Berg/IDS Property*

As discussed in Section 4.9.2.3, there is no known or suspected contamination from hazardous materials on the Berg/IDS property. Further, residual concentrations of pesticides and/or heavy metals in the soil on the site are below levels that would be considered potentially hazardous for a sensitive land use such as residential. Therefore, development of the site would not expose future residents (Scenarios II-V) or workers (Scenarios I and VI) to significant hazards. **[Less-than-Significant Impact]**

Under Scenarios I-VI, the two existing houses on the Berg/IDS property would be demolished. Since the two houses may contain lead-based paint and/or asbestos-containing building materials, construction workers could be exposed to these hazardous substances during demolition. **[Significant Impact]**

Under Scenarios I and VI, the Berg/IDS property would be developed with industrial uses. Industrial activities (e.g., R&D, product assembly, manufacturing, etc.) could utilize and/or store hazardous materials that could pose off-site hazards in the event of an accidental release. While this potential

impact would typically be reduced to an acceptable level through standard compliance with the regulations summarized in Table 51, such regulations are often viewed by regulatory agencies as insufficient when these substances are used/stored within one-quarter mile (1,320 feet) of a school.[84] Since Chaboya Middle School is located across Fowler Road from a portion of the Berg/IDS property, students could be exposed to the harmful effects of an accidental release of hazardous materials on the property under Scenarios I and VI. **[Significant Impact]**

Under Scenarios II-V, an approximately 5-acre portion of the Berg/IDS property along Yerba Buena Road could be developed as a school by the Evergreen School District. Part of the area that would be reserved for such a school (see Figure 10) is within one-quarter mile of the existing Hitachi facility, which borders the southern end of the Berg/IDS property. Although the existing Hitachi facility does not appear to use hazardous materials, Hitachi or any other user of the 36-acre property would be free to use/store such substances under the existing *Campus Industrial* zoning. In that event, students at the future school could be exposed to the harmful effects of an accidental release of hazardous materials on the Hitachi property. **[Significant Impact]**

Under Scenarios II-V, residential uses would be constructed on the Berg/IDS property in proximity to the existing Hitachi facility. As noted in the previous paragraph, the zoning on the Hitachi property allows for the use and storage of hazardous substances, the accidental release of which could adversely affect future residents on the Berg/IDS property. However, standard compliance with the regulations summarized in Table 51 will minimize this potential. In addition, the new development will adhere to the City's Residential Design Guidelines, which require setbacks from industrial uses. It should also be noted that most of the Hitachi buildings are set back several hundred feet from the nearest property line, which would further minimize potential hazards. **[Less-than-Significant Impact]**

#### 4.9.3.5 *Hazards and Hazardous Materials Impacts on Legacy Partners Property*

As discussed in Section 4.9.2.4, there is no known or suspected contamination from hazardous materials on the Legacy Partners property. Further, residual concentrations of pesticides and/or heavy metals in the soil on the site are below levels that would be considered potentially hazardous for sensitive land uses such as residential and parks. Therefore, development of the site would not expose future residents (Scenarios II-V) or workers (Scenarios I and VI) to significant hazards. **[Less-than-Significant Impact]**

Under Scenarios II-V, residential uses would be constructed on the Legacy Partners property in proximity to the existing Hitachi facility. As noted in the previous paragraph, the zoning on the Hitachi property allows for the use and storage of hazardous substances, the accidental release of which could adversely affect future residents on the Legacy Partners property and/or future users of the Evergreen

[84]The adverse health effects from exposure to hazardous substances are known to be more acute in children than in healthy adults. Further, the nature of a population of school children is such that the ability to rapidly evacuate the area is more difficult than in other situations. For these reasons, special precautions are employed when hazardous materials are proposed to be stored or used in proximity to schools.

Little League facility. However, standard compliance with the regulations summarized in Table 51 will minimize this potential. In addition, the new development will adhere to the City's Residential Design Guidelines, which require setbacks from industrial uses. It should also be noted that most of the Hitachi buildings are set back several hundred feet from the nearest property line, which would further minimize potential hazards. **[Less-than-Significant Impact]**

#### 4.9.3.6 *Hazards and Hazardous Materials Impacts on Evergreen Valley College Property*

Under Scenarios II-VI, the existing buildings on the Evergreen Valley College property would be demolished. Since the buildings may contain lead-based paint and/or asbestos-containing building materials, construction workers could be exposed to these hazardous substances during demolition. **[Significant Impact]**

Under Scenarios II-VI, the existing police firing range on the Evergreen Valley College property would be demolished. Since the interior of the firing range may contain lead residues, construction workers could be exposed to this hazardous substance during demolition. **[Significant Impact]**

As described above in Section 4.9.2.5, the soils around the outside of the existing police firing range contain concentrations of lead that are substantially above the CHHSLs for residential and/or commercial uses. Development of the site under Scenarios II-VI could, therefore, expose future residents and/or workers to this toxic substance in concentrations that are potentially hazardous to human health. **[Significant Impact]**

As described above in Section 4.9.2.5, the soils around the outside of the existing office building contain concentrations of chlordane and arsenic that are above the CHHSLs for residential uses and/or background levels. In addition, a soil sample taken in the southeast corner of the site contains elevated levels of chlordane. Development of the site under Scenarios II-VI could, therefore, expose future residents and/or workers to this toxic substance in concentrations that are potentially hazardous to human health. **[Significant Impact]**

Under Scenarios II-VI, construction could impact three onsite underground diesel fuel storage tanks, the existence and location of which could not be confirmed, as discussed in Section 4.9.2.4. Specifically, construction workers could be exposed to hazards if they were to inadvertently encounter one or more of these tanks.. **[Significant Impact]**

#### 4.9.3.7 *Hazards and Hazardous Materials Impacts from Ocala/White Widening*

As discussed in Section 4.9.2.5, there is no known or suspected contamination from hazardous materials within the Ocala Avenue and White Road corridors. Therefore, the proposed widening of these streets under Scenarios II-VI would not expose the public to hazards. **[No Impact]**

#### 4.9.3.8 *Hazards and Hazardous Materials Impacts at King/Tully Intersection*

As described in Section 4.9.2.6, a narrow strip of right-of-way from a gasoline service station is needed for the purpose of accommodating the proposed widening of the King Road/Tully Road intersection under Scenarios II-VI. This strip of land, which is part of the property located at 1698 Tully Road, contains two wells that are monitoring known groundwater contamination that resulted from leaking underground fuel storage tanks on the property. Construction on land that is contaminated could expose workers and/or the public to the adverse effects of toxic substances. Further, acquisition of property that is contaminated could expose the City to future liabilities. **[Significant Impact]**

#### 4.9.3.8 *Interference with Emergency Evacuation/Response Plans*

The development associated with the proposed EEHVS would not impair implementation of, or physically interfere with, any emergency response/evacuation plans. This statement is based on the fact that the project will not close or modify any roadways that would be used for such purposes. Further, the streets included within all new development proposed by the EEHVS will comply with the City's design standards pertaining to emergency access. **[No Impact]**

#### 4.9.3.9 *Risks Associated with Wildland Fires*

The area encompassed by the EDP is wholly within the City's Urban Service Area and does not include wildlands. However, the rural hillside areas adjacent to the eastern boundaries of the Berg/IDS and Legacy Partners properties are classified as "Wildland Area That May Contain Substantial Forest Fire Risks and Hazards" on the *Santa Clara County Natural Hazard Disclosure [Fire] Map* (California Department of Forestry and Fire Protection, 2000). The hillsides are primarily annual grasslands with woodland vegetation concentrated along drainages.

If development occurs on the Berg/IDS and Legacy Partners properties, the risks to people and structures from a wildland fire on the adjacent hillsides would not be significant. This statement is based on the fact that 1) adequate fire protection will be available (see Section 5.1, *Fire Protection*), 2) structures will utilize fire-resistant building materials (e.g., Class "A" roofing materials), and 3) the street and circulation system will comply with City design standards pertaining to emergency access. **[Less-than-Significant Impact]**

### 4.9.4 Mitigation and Avoidance Measures for Hazards and Hazardous Material Impacts

#### 4.9.4.1 *Mitigation Measures Applicable to the Arcadia Property*

There are no mitigation measures that are applicable to the Arcadia property under any of the development scenarios with regard to hazards and hazardous materials.

#### 4.9.4.2 *Mitigation Measures Applicable to the Pleasant Hills Golf Course Property*

The following measures, which are included in the project, apply to Scenarios II-VI:

**MM 4.9-1** Prior to any grading of the site, all putting greens shall be individually sampled for arsenic and lead by EPA Method 6020A. Any green containing concentrations of these substances above the residential ESLs shall be excavated and stockpiled separately from other soils on the site.

**MM 4.9-2** Stockpiled soils shall be evaluated for their suitability for re-use on the site beneath roadways, sidewalks, and utility trenches. Any soils found to be unsuitable for such re-use, as determined by the City of San José Environmental Services Department, shall be hauled off-site to an appropriate landfill facility.

**MM 4.9-3** The existing above ground fuel storage tank shall be removed and the surrounding area will be tested to determine if any contamination due to possible fuel spillage is present.

**MM 4.9-4** The existing onsite septic tank shall be removed.

**MM 4.9-5** Any existing irrigation wells shall be closed in accordance with SCVWD procedures.

#### 4.9.4.3 *Mitigation Measures Applicable to the Berg/IDS Property*

The following measures, which are included in the project, applies to Scenarios I-VI:

**MM 4.9-6** Prior to their demolition, the two houses on the property shall be surveyed for the presence of asbestos and lead-based paint. If either or both of these substances are found to be present, they shall be removed and disposed of in accordance with existing regulations that are designed to protect workers and the environment.

**MM 4.9-7** Any existing irrigation wells shall be closed in accordance with SCVWD procedures.

The following measure, which is included in the project, applies to Scenarios II-V:

**MM 4.9-8** The development shall be configured so that the site reserved for a possible future school on the Berg/IDS property shall be a minimum of 1,320 feet (one-quarter mile) from the nearby Hitachi property located at 3403 Yerba Buena Road.

The following measures, which are included in the project, will reduce hazardous materials impacts to Chaboya Middle School from development of the Berg/IDS property under Scenarios I and VI:

**MM 4.9-9** No manufacturing operation that produces odors, fumes, smoke, or other air-borne pollutants detectable, without instruments, at the property line of the property or which produces any dangerous emissions whatsoever, shall be permitted.

**MM 4.9-10** No storage of hazardous material, as defined by Chapter 17.68 of the San José Municipal Code, shall be permitted underground within one-quarter mile of Chaboya Middle School unless such storage has been approved by the San José Fire Department. Any person, firm, or corporation responsible for the use or storage of such material shall comply with all applicable requirements of the San José Hazardous Materials Storage Ordinance.

**MM 4.9-11** There shall be no incineration of any waste materials on the property within one-quarter mile of Chaboya Middle School.

**MM 4.9-12** The storage, handling and use of acutely hazardous materials shall be prohibited within one-quarter mile of Chaboya Middle School. Acutely hazardous materials are defined as hazardous materials meeting the California Occupational Health and Safety Administration's (Cal/OSHA) definition of a material that presents a potential for catastrophic event per California Code of Regulations (Title 8) §5189, Appendix A, List of Acutely Hazardous Chemicals, Toxics and Reactives.

**MM 4.9-13** Group H-Occupancies, as defined in the Uniform Fire Code and Uniform Building Code, as buildings or structures, or portions thereof, that involve the manufacturing, processing, generation or storage of materials that constitute a high fire, explosion or health hazard, shall not be allowed on the site within one-quarter mile of Chaboya Middle School unless it can be demonstrated to the San José Fire Department that hazardous materials used, stored or transported to the site would not adversely affect the safety or welfare of persons in the surrounding area. Allowable hazardous materials use shall be specified under conditions of individual Planned Development Permits.

**MM 4.9-14** Aboveground storage tanks or outside storage of flammable or explosive materials shall be prohibited within one-quarter mile of Chaboya Middle School unless specific storage facilities and locations are evaluated and determined by the San José Fire Department to not pose an unacceptable hazard to the school.

#### 4.9.4.4 *Mitigation Measures Applicable to the Legacy Partners Property*

The following measure, which is included in the project, applies to Scenarios I-VI:

**MM 4.9-15** Any existing irrigation wells shall be closed in accordance with SCVWD procedures.

#### 4.9.4.5 *Mitigation Measures Applicable to the Evergreen Valley College Property*

The following measures, which are included in the project, apply to Scenarios II-VI:

**MM 4.9-16** Prior to their demolition, the buildings on the property shall be surveyed for the presence of asbestos and lead-based paint. If either or both of these substances are found to be present, they shall be removed and disposed of in accordance with existing regulations that are designed to protect workers and the environment.

**MM 4.9-17** Prior to its demolition, the interior of the police firing range shall be surveyed for the presence of residual lead. If elevated levels of this substance are found to be present, it shall be removed and disposed of in accordance with existing regulations that are designed to protect workers and the environment.

**MM 4.9-18** Prior to the commencement of any grading or construction on the site, the locations and status of three underground diesel storage tanks shall be verified. If it is determined that one or more of the tanks are present on the site, they shall be removed in accordance with existing regulations that are designed to protect workers and the environment.

**MM 4.9-19** Prior to the commencement of any grading or construction on the site, soils on the site that are known to contain elevated concentrations of lead, arsenic, and/or chlordane shall be removed or capped, as appropriate, so that exposure to these substances will not occur. Because some of these soils meet the definition of hazardous waste, disposal shall occur at a facility that is designed and licensed to handle such materials.

#### 4.9.4.6 *Mitigation Measures Applicable to the Ocala Avenue/White Road Widening*

There are no mitigation measures that are applicable to the Ocala Avenue/White Road widening under any of the development scenarios with regard to hazards and hazardous materials.

#### 4.9.4.7 *Mitigation Measures Applicable to the King/Tully Intersection Improvements*

The following measures, which are included in the project, apply to Scenarios II-VI:

**MM 4.9-20** Prior to the acquisition of right-of-way from the property located at 1698 Tully Road, the City shall conduct additional analysis in order to confirm that the existing contamination does not extend to the right-of-way, or that such contamination is limited to areas where no public/worker exposure will occur.

**MM 4.9-21** The two existing groundwater monitoring wells that are located on the area to be acquired shall be protected if possible. If not possible, the wells shall be destroyed in accordance with State and County requirements.

### 4.9.5 Conclusions regarding Hazards and Hazardous Materials Impacts

With regard to hazards and hazardous materials, conditions on and adjacent to the Arcadia and Legacy Partners properties are such that they do not pose a significant risk to the development of those sites under any of the EEHVS scenarios. **[Less-than-Significant Impact]**

There would be no hazards or hazardous materials impacts associated with the widening of Ocala Avenue and White Road. **[No Impact]**

Potential hazards associated with exposure to elevated levels of arsenic and/or lead in the soils on the golf course greens of the Pleasant Hills Golf Course property will be mitigated/avoided by implementing the above-described measures. **[Less-than-Significant Impact with Mitigation]**

Potential hazards associated with exposure to residual lead that may be present inside the police firing range on the Evergreen Valley College property will be mitigated by implementing the above-described measures. **[Less-than-Significant Impact with Mitigation]**

Potential hazards associated with exposure to elevated levels of chlordane, arsenic and/or lead in the soils at certain locations on the Evergreen Valley College property will be mitigated/avoided by implementing the above-described measures. **[Less-than-Significant Impact with Mitigation]**

The project includes measures that will protect workers and the environment from the effects of lead-based paint and asbestos-containing building materials, in the event that such substances are found within the existing buildings on the Berg/IDS and Evergreen Valley College properties. **[Less-than-Significant Impact with Mitigation]**

The risks to Chaboya Middle School from an accidental release of hazardous substances associated with industrial uses on a portion of the Berg/IDS property (Scenarios I and VI only) will be mitigated by implementing the measures that are described above. **[Less-than-Significant Impact with Mitigation]**

Under Scenarios II-V, future residents of the Berg/IDS and Legacy Partners properties, as well as future users of the Evergreen Little League facility, will not be exposed to significant hazards associated with any use/storage of hazardous substances on the adjacent Hitachi property. **[Less-than-Significant Impact]**

Any future school to be built on the Berg/IDS property (Scenarios II-V) will be sited so that it is at least one-quarter mile from the adjacent Hitachi property. **[Less-than-Significant Impact with Mitigation]**

# 4.10 VISUAL AND AESTHETICS

**Introduction**

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating visual and aesthetic impacts resulting from planned development within the City. All future development addressed by this EIR will be subject to the visual and aesthetic policies listed in Chapter 4, *Goals and Policies*, of the City's General Plan, including the following:

- *Urban Design Policy #1*: Apply Strong Architectural & Site Design Controls on Development
- *Urban Design Policy #2*: Private Development should include Adequate Landscaped Areas
- *Urban Design Policy #7*: Designs should consider Security, Aesthetics and Public Safety
- *Urban Design Policy #24*: New Development should preserve Ordinance-sized and Other Significant Trees.

In addition to the policies of the San José General Plan, development addressed by this EIR will be required to comply with the following:

- San José Outdoor Lighting Policy (City Council Policy 4-3, as revised 6/20/00)
- San José Residential Design Guidelines
- San José Commercial Design Guidelines
- San José Industrial Design Guidelines

## 4.10.1 Existing Conditions

### 4.10.1.1 *Overview/Regional Setting*

The greater Evergreen • East Hills area of San José can generally be described as a developed suburban environment. The area is characterized by numerous single- and multi-family residential subdivisions, interspersed with commercial areas along major streets. The great majority of the buildings are one or two stories in height.

As a result of the ongoing development, the amount of vacant/open space lands in the area has substantially decreased over the years. However, the EEHVS sites that are the subject of this EIR are primarily vacant/open space lands. This includes the Pleasant Hills Golf Course property, which while not vacant, can be characterized as man-made open space. Other than the EEHVS properties, other notable open space areas in the EDP area include the 202-acre Lake Cunningham Regional Park and the 60-acre Montgomery Hill Park, as well many smaller neighborhood parks and linear parks along various creeks.

The most prominent visual feature of the greater Evergreen area are the adjacent hills and mountains to the east that are part of the Diablo Range. These hills and mountains, which include Mount Hamilton (elevation 4,213 feet) and the Lick Observatory, can be seen from numerous locations in the area. They form an aesthetically-pleasing backdrop to the visual environment, especially on days when there is little or no haze.

#### 4.10.1.2 *Visual/Aesthetic Conditions at the Arcadia Property*

The 81-acre Arcadia property is a vacant/open space parcel that is surrounded by suburban development on all sides. As viewed from the surrounding uses, there are no features of the site that would be considered an important visual/aesthetic resource other than the open space nature of the property itself. Although there are 116 trees on the site (see Table 43), the tree density is low and the property would be characterized as non-native grassland.

#### 4.10.1.3 *Visual/Aesthetic Conditions at the Pleasant Hills Golf Course Property*

The 114-acre Pleasant Hills Golf Course property is a recently-closed golf course that is surrounded by single-family residential development on three sides and Lake Cunningham Regional Park on the fourth (i.e., west) side. Although the site is not in its natural/undeveloped state, the golf course has an open space and park-like character. Included on the site are a pond and almost 2,500 trees (see Table 44), which augment the park-like setting and serve as a visual amenity in the immediate area.

#### 4.10.1.4 *Visual/Aesthetic Conditions at the Berg/IDS Property*

The 200-acre Berg/IDS property, which is contiguous to the 120-acre Legacy Partners property to the south, is largely a vacant/open space site that is characterized by non-native grassland. The only development on the site is two single-family houses. Adjacent to the easterly border of the site are the open space/ranch lands of the Diablo Range foothills, which augments the open space character of the property. A campus industrial site (Hitachi Headquarters) is located to the south, and single-family residences are located to the west and north.

As viewed from the surrounding uses, there are no features of the site that would be considered an important visual/aesthetic resource other than the open space nature of the property itself. Although there are 111 trees on the site (see Table 45), the tree density is very low. Further, although Fowler Creek crosses the northerly portion of the property, there is no existing riparian habitat that could be characterized as a visual amenity; see Section 4.6.2, *Existing Biological Resources*, for details.

#### 4.10.1.5 *Visual/Aesthetic Conditions at the Legacy Partners Property*

The 120-acre Legacy Partners property, which is contiguous to the 200-acre Berg/IDS property to the north, is a vacant/open space site that is characterized by non-native grassland. Adjacent to the easterly and southerly borders of the site are the open space/ranch lands of the Diablo Range foothills, which

augments the open space character of the property. A campus industrial site (Hitachi Headquarters) is located to the north, and Montgomery Hill Park is located to the west.

Evergreen Creek crosses the site and, due to the fact that its riparian habitat includes over 300 trees along the creek banks, is considered a visual/aesthetic resource. In addition, the open space nature of the site itself is considered a visual/aesthetic amenity in the immediate area.

#### 4.10.1.6 *Visual/Aesthetic Conditions at the Evergreen Valley College Property*

The 27-acre Evergreen Valley College property is part of the 165-acre Evergreen Valley College campus. Approximately 25% of the 27 acre-site, which is bordered by San Felipe and Yerba Buena Roads, is developed with buildings and parking areas. The non-developed part of the site is characterized by non-native grassland. A shopping center is located adjacent to the site, as are parking lots and various buildings on the college campus.

As viewed from the surrounding uses, there are no features of the site that would be considered an important visual/aesthetic resource. Further, although approximately 20 acres of the property are undeveloped, its open space character is limited by the existing onsite and adjacent institutional and commercial development. The presence of San Felipe and Yerba Buena Roads also diminishes the aesthetic qualities of the property.

#### 4.10.1.7 *Visual/Aesthetic Conditions along the Ocala Avenue/White Road Corridors*

The project segments of these two roadways are, with one exception, bordered by residential and commercial development. The exception is the northerly segment of White Road, which is bordered by Lake Cunningham Regional Park on the west and the above-described Pleasant Hills Golf Course property on the east. Within the project limits, there are no visual/aesthetic resources within or adjacent to the rights-of-way of these two roadways.

### 4.10.2 Visual/Aesthetic Impacts

#### 4.10.2.1 *Thresholds of Significance*

For the purposes of this EIR, a visual/aesthetic impact is considered significant if the project would:

- have a substantial adverse effect on a scenic vista; or
- substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway; or
- substantially degrade the existing visual character or quality of the site and its surroundings; or
- create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

#### 4.10.2.2 *Visual/Aesthetic Impacts at the Arcadia Property*

Change in Visual Character: Depending upon which EEHVS development scenario is approved and implemented, some or all of the 81-acre Arcadia property would be developed. Development intensity would range from a low of 217 dwelling units under Scenario I, to a high of 2,025 dwelling units and 300,000 square feet of commercial uses under Scenario IV. This development would change the visual character of the site from open space to an urbanized environment. **[Significant Impact]**

Effect on Scenic Views: Given the proposed intensity of uses under Scenarios II-VI, some of the buildings could be six stories in height. Buildings of this height would likely block existing views of the scenic Diablo Range foothills and mountains from various locations in the adjacent single-family neighborhood to the west. Although the blocking of views can be lessened by placing the taller buildings toward the interior of the site, some loss of views will still occur. Reducing the height of buildings would also lessen this impact, but would have the effect of decreasing density, which would be contrary to the site's designation for higher-density Transit-Oriented Development. **[Significant Impact]**

Overall Light and Glare: The proposed project would have outdoor security night lighting on the site, along walkways, in parking areas, and in entrance areas, and would also include standard pole lighting within the public street system. In accordance with the City of San José Outdoor Lighting Policy, low-pressure sodium lighting would be required for most types of lighting fixtures in most locations on the site and the fixtures would be directed downward to avoid spillover onto adjacent areas. **[Less-than-Significant Impact]**

Sports Field Lighting: Under Scenarios II-VI, the outdoor playing fields that would be part of the sports complex in the northeast portion of the property would include nighttime lighting. Such lighting would generally increase the level of illumination in the area. In addition, although the playing fields would be at least 500 feet from the closest residence in the existing neighborhood to the west, the nature of this type of lighting is such that it could - without proper design - change the character of the neighborhood and adversely affect typical residential activities (e.g., sleeping). In addition, because this location is under the final approach flight path for nearby Reid-Hillview Airport, this type of lighting - without proper design - could potentially interfere with pilots' vision during a critical phase of aircraft operations. **[Significant Impact]**

#### 4.10.2.3 *Visual/Aesthetic Impacts at the Pleasant Hills Golf Course Property*

Change in Visual Character: With the exception of Scenario I, each of the EEHVS development scenarios would result in the development of the 114-acre Pleasant Hills Golf Course property into residential uses. Development intensity would range from a low of 540 dwelling units under Scenario II to a high of 825 dwelling units under Scenarios V and VI. This development would change the visual character of the site from open space to an urbanized environment. It would also result in the removal of numerous trees (i.e., up to approximately 2,500 trees). **[Significant Impact]**

Effect on Scenic Views: Under Scenarios II-VI, future single-family residences would not exceed two stories and the buildings with multi-family residences would be two stories over partially-depressed parking. Further, building setbacks from the closest existing homes (i.e., along the northerly border of the site) would be a minimum of 20 feet. Existing residences to the south would be separated from new residences by Tully Road. Given these setbacks and building heights, existing views of the scenic Diablo Range foothills and mountains from various locations in the adjacent single-family neighborhoods to the north and south would not be blocked. **[Less-than-Significant Impact]**

Overall Light and Glare: The proposed project would have outdoor security night lighting on the site, along walkways, in parking areas, and in entrance areas, and would also include standard pole lighting within the public street system. In accordance with the City of San José Outdoor Lighting Policy, low-pressure sodium lighting would be required for most types of lighting fixtures in most locations on the site and the fixtures would be directed downward to avoid spillover onto adjacent areas. **[Less-than-Significant Impact]**

#### 4.10.2.4 *Visual/Aesthetic Impacts at the Berg/IDS Property*

Change in Visual Character: Scenarios I and VI would result in the development of the 200-acre Berg/IDS property into industrial uses. Scenarios II-V would result in the development of the property into residential uses. Either the industrial or residential development would change the visual character of the site from open space to an urbanized environment. **[Significant Impact]**

Effect on Scenic Views: Under Scenarios I and VI, future industrial buildings would be one or two stories in height. Under Scenarios II-V, future single-family residences would not exceed two stories and the buildings with townhomes would be two stories over partially-depressed parking. The slightly higher townhomes would be located in the interior of the site. Further, the existing residences to the west would be separated from new residences by Yerba Buena Road. Given these setbacks and building heights, existing views of the scenic Diablo Range foothills and mountains from various locations in the adjacent neighborhoods to the west would not be blocked. **[Less-than-Significant Impact]**

Overall Light and Glare: The proposed project would have outdoor security night lighting on the site, along walkways, in parking areas, and in entrance areas, and would also include standard pole lighting within the public street system. In accordance with the City of San José Outdoor Lighting Policy, low-pressure sodium lighting would be required for most types of lighting fixtures in most locations on the site and the fixtures would be directed downward to avoid spillover onto adjacent areas. **[Less-than-Significant Impact]**

#### 4.10.2.5 *Visual/Aesthetic Impacts at the Legacy Partners Property*

Change in Visual Character: Scenarios I and VI would result in the development of the 120-acre Legacy Partners property into industrial uses. Scenarios II-V would result in the development of the property

into residential uses. Either the industrial or residential development would change the visual character of the site from open space to an urbanized environment. **[Significant Impact]**

Effect on Scenic Views: Under Scenarios I and VI, future industrial buildings would be 1-3 stories in height. Under Scenarios II-V, future single-family residences would not exceed two stories and the buildings with townhomes would be two stories over partially-depressed parking. The slightly higher townhomes would be located in the interior of the site. Given these setbacks and building heights, existing views of the scenic Diablo Range foothills and mountains from various nearby locations would not be blocked. **[Less-than-Significant Impact]**

Overall Light and Glare: The proposed project would have outdoor security night lighting on the site, along walkways, in parking areas, and in entrance areas, and would also include standard pole lighting within the public street system. In accordance with the City of San José Outdoor Lighting Policy, low-pressure sodium lighting would be required for most types of lighting fixtures in most locations on the site and the fixtures would be directed downward to avoid spillover onto adjacent areas. **[Less-than-Significant Impact]**

Sports Field Lighting: Under Scenarios II-V, a sports complex for the Evergreen Little League would be constructed in the southwestern corner of the Legacy Partners property; see Section 2.2.8. The project would not include nighttime lighting of the playing fields. The facility would be used during daylight hours only. **[No Impact]**

#### 4.10.2.6 *Visual/Aesthetic Impacts at the Evergreen Valley College Property*

Change in Visual Character: Under Scenarios II-VI, residential, commercial, office, and public (i.e., library) land uses would be constructed on the 27-acre Evergreen Valley College property. As noted previously, approximately 25% of the site is already developed for office and educational uses, the site is bordered by development on all sides, and the site does not constitute a substantial open space resource. In this context, the new development that would occur on the site would not substantially degrade the existing visual character or quality of the site and its surroundings. **[Less-than-Significant Impact]**

Effect on Scenic Views: Under Scenarios II-VI, future commercial buildings on the site would be one story in height and the buildings containing offices or residences would be up to four stories in height. The taller buildings would be located in the interior of the site, with the buildings along the west and north boundaries having heights of one or two stories. Development along the northerly boundary would be separated from the residential neighborhood to the north by Evergreen Creek. Development along the westerly boundary would be separated from the senior center to the west by San Felipe Road. Given these setbacks and building heights, existing views of the scenic Diablo Range foothills and mountains from various nearby locations would not be blocked. **[Less-than-Significant Impact]**

Overall Light and Glare: The proposed project would have outdoor security night lighting on the site, along walkways, in parking areas, and in entrance areas, and would also include standard pole lighting within the public street system. In accordance with the City of San José Outdoor Lighting Policy, low-pressure sodium lighting would be required for most types of lighting fixtures in most locations on the site and the fixtures would be directed downward to avoid spillover onto adjacent areas. **[Less-than-Significant Impact]**

#### 4.10.2.7 *Visual/Aesthetic Impacts from the Ocala Avenue/White Road Widening*

The proposed widening of Ocala Avenue and White Road under Scenarios II-VI would not result in visual or aesthetic impacts. This statement is based on the fact that 1) there are no existing scenic resources within or adjacent to the project segments of these two roadways, 2) the widening would be confined to the existing public right-of-way, 3) much of the widening would consist of restriping existing pavement, and 4) the widening would not alter the existing character of the area since the roadways are already in place. **[No Impact]**

### 4.10.3 Mitigation and Avoidance Measures for Visual and Aesthetic Impacts

There are no feasible mitigation measures that would mitigate for the blockage of scenic views and the significant change in visual character, which would result from the development of the Arcadia, Pleasant Hills Golf Course, Berg/IDS, and Legacy Partners properties. Therefore, adoption of a statement of overriding considerations will be required.

#### 4.10.3.1 *Mitigation Measures Applicable to the Arcadia Property*

The following measures, which apply to Scenarios II-VI and are included in the project, will reduce light and glare impacts to a less-than-significant level:

**MM 4.10-1** A photometric study shall be prepared as part of the design process for the lighting systems for the outdoor playing fields. The study shall specify the design requirements for the lights, such requirements which shall include measures to 1) minimize light spill into nearby residential areas [both existing and proposed] and 2) to minimize upward light spill so that the lighting does not interfere with landings and takeoffs at nearby Reid-Hillview Airport.[85] The study shall be submitted to the Director of Planning, Building, and Code Enforcement for review and approval.

**MM 4.10-2** Lighting for the playing fields shall include features such as light hoods and visors for the purpose of directing the light down onto the playing fields.

[85]This will also avoid any potential for the lighting to affect operations at the Lick Observatory, which is located on Mount Hamilton, east of San José.

**MM 4.10-3** The lighting fixtures shall be equipped with lamps that are designed to reduce the number of fixtures needed and to increase light beam control and efficiency. Such lamps (e.g., metal halide lamps) are in use in modern lighting systems for athletic fields.

### 4.10.4 Conclusions regarding Visual and Aesthetic Impacts

Under Scenarios II-VI, nighttime lighting of the outdoor playing fields on the Arcadia property could result in adverse light and glare impacts on nearby residents and on aircraft operations associated with nearby Reid-Hillview Airport. This impact will be reduced to a less-than-significant level by mitigation that is included in the project. **[Less-than-Significant Impact with Mitigation]**

Under Scenarios II-VI, buildings with heights of up to six stories on the Arcadia property could block views of the scenic Diablo Range foothills and mountains from various locations in the adjacent single-family neighborhood to the west. **[Significant Unavoidable Impact]**

Under all development scenarios, there would be a significant change in visual character on the following sites: Arcadia Property, Berg/IDS Property, and Legacy Partners Property. **[Significant Unavoidable Impact]**

Under Scenarios II-VI, there would be a significant change in visual character on the Pleasant Hills Golf Course property. **[Significant Unavoidable Impact]**

None of the development scenarios for the Pleasant Hills Golf Course property, the Berg/IDS property, or the Legacy Partners property would result in any significant light or glare impacts. **[Less-than-Significant Impact]**

None of the development scenarios would result in a significant visual or aesthetic impact at the Evergreen Valley College property. **[Less-than-Significant Impact]**

The widening of Ocala Avenue and White Road under Scenarios II-VI would not result in any visual or aesthetic impacts. **[No Impact]**

## 4.11 UTILITIES AND SERVICE SYSTEMS

Much of the discussion in this section is based upon an EEHVS Water Supply Assessment prepared by the San José Municipal Water System, an EEHVS Water Supply Assessment prepared by the San José Water Company, and a Memorandum on EEHVS Utilities prepared by Ruth & Going, Inc. These documents are Appendices M-O of this EIR, respectively.

**Introduction**

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating utility-related impacts resulting from planned development within the City. All future development addressed by this EIR will be subject to the utility and service policies listed in Chapter 4, *Goals and Policies*, of the City's General Plan, including the following:

- *Level of Service Policy #2*: Capital and Facility Needs Generated by New Development should be Financed by New Development
- Level of Service Policy #6: Standard is Level of Service "D" for Sanitary Sewer Lines
- *Level of Service Policy #7*: Monitor and Regulate Growth so that Cumulative Sewage Treatment Demand can be Accommodated by the San José/Santa Clara Water Pollution Control Plant
- *Level of Service Policy #9*: Encourages use of Water Conservation Programs
- *Water Resources Policy #11*: Promotes use of Reclaimed Water
- *Urban Design Policy #7*: Undergrounding of Utility Lines serving New Development

In addition to the above-listed policies of the San José General Plan, new development in San José is required to comply with programs that mandate the use of water-conserving features and appliances.

### 4.11.1 Existing Conditions

The EDP area, including the properties that are the subject of this EIR, is within the City of San José's Urban Service Area (USA).

#### 4.11.1.1 *Existing Sanitary Sewer/Wastewater Treatment System*

The City's sanitary sewer/wastewater treatment system has two distinct components: 1) a network of sewer mains/pipes that conveys effluent from its source to a treatment plant, and 2) the water pollution control plant that treats the effluent, including a system of mains/pipes that recycles a portion of the treated wastewater for non-potable uses (e.g., irrigation of landscaping, agricultural irrigation, dust suppression during construction, etc.).

### Sanitary Sewer System

The City of San José has adopted a level of service (LOS) policy for design of sanitary sewer mains. The levels of service range from "A" to "F," with LOS A defined as unrestricted flow and LOS F defined as being inadequate to convey existing sewer flow. To meet the City's guidelines, new developments must meet LOS D or better. LOS D is defined as restricted sewage flow during peak flow conditions.

Sanitary sewer mains adjacent to the Arcadia property consist of a 10-inch line in Quimby Road, a 36-inch line at Brahms Avenue, a 30-inch line to the south, and a downstream 15-inch line in King Road. Both the 10-inch line in Quimby Road and the 15-inch line in King Road are nearly full.

Sanitary sewer mains adjacent to the Pleasant Hills Golf Course property consist of a 24-inch line in White Road, a 10-inch line in Tully Road, and an 8-inch line in Vista Verde Drive.

Sanitary sewer mains adjacent to the Berg/IDS property consist of 8-inch lines at Aborn Road, Strada Circolare, Altia Avenue, and Verona Road. Downstream flow monitoring was conducted in 2005 in the 8-inch main in Aborn Road at Ruby Avenue, the 8-inch main in Michelangelo Drive at Via Borghese, the 8-inch main in Fowler Road at Ruby Avenue, the 6-inch main in Delta Road at Ruby Avenue, the 12-inch main in San Felipe Road north of Fowler Road, and the 21-inch main in Aborn Road at Yellowleaf Court. During this monitoring, relatively high flows were recorded in the San Felipe Road main, while relatively low flows were recorded in Aborn Road at Yellowleaf Court. It was determined that the cause of this imbalance is the fact that the east-west mains in Aborn Road, Michelangelo Drive, Fowler Road, and Delta Road were not connected to the Evergreen Phase IV Sewer Interceptor in Ruby Avenue when it was constructed in the mid-1990s. [Note: This will be confirmed by the City during the PD Permit stage.] The 6-inch line in Delta Road is nearly full.

Sanitary sewer mains adjacent to the Legacy Partners property consist of an 8-inch line in Yerba Buena Road north of Evergreen Creek and a 12-inch line in Yerba Buena Road south of Evergreen Creek.

Sanitary sewer service to the Evergreen Valley College property is provided by a 12-inch main in San Felipe Road.

### San José/Santa Clara Water Pollution Control Plant

The San José/Santa Clara Water Pollution Control Plant (WPCP), which is located at the northerly end of San José, provides wastewater treatment for the Cities of San José, Santa Clara, and Milpitas, as well as five other sanitary districts in Santa Clara County. The WPCP has an existing capacity to treat 167 million gallons per day (mgd) of effluent. Of this total amount, the capacity allocated to San José is roughly 107 mgd.

In 1998, the WPCP was treating an average of 142 mgd (dry weather peak), of which 94 mgd was from San José. In 2000, the WPCP was treating an average of 135 mgd. In 2002 and 2004, the plant was

treating an average of 118 mgd and 114 mgd, respectively. San José's portion of the 114 mgd is approximately 72 mgd.[86] The decline in discharge from 142 mgd to 114 mgd can be attributed, at least in part, to a decline in manufacturing uses in Santa Clara County, a general decline in industrial activity, and continuing implementation of water conservation measures through new construction. Another part of the reduction in activity is due to the economic conditions that resulted in high vacancy rates in the industrial areas of Santa Clara County.

While the capacity of the WPCP is 167 mgd, the amount of treated wastewater that can be discharged to San Francisco Bay is limited to 120 mgd (dry weather peak). This limitation is based upon the concerns of the State Water Resources Board and the Regional Water Quality Control Board over the effects of additional freshwater discharges from the WPCP on saltwater marsh habitat, as well as pollutant loading to the Bay from the WPCP. This limitation has led to the development of programs to reduce the volume of wastewater generated at the source, as well as a system that recycles some of the wastewater for non-potable uses.

The delivery of recycled water occurs through the South Bay Water Recycling (SBWR) program. The SBWR system includes over 100 miles of pipes that convey recycled water to portions of San José, Santa Clara, and Milpitas. The SBWR program is currently recycling approximately 10-16 mgd of recycled water during the peak summer season to over 500 customers in the three cities.[87]

The Evergreen • East Hills area is one of the locations in San José that is served by the SBWR. Portions of the planned SBWR system in Evergreen are completed and one segment, which traverses the Legacy Partners property, is currently under construction. The text below provides information on which of the EEHVS opportunity sites are served (or will be served) by the SBWR system.

#### 4.11.1.2 *Existing Water Supply System*

Water service to the Arcadia property is provided by the San José Municipal Water System (SJMWS). Existing water mains are located adjacent to the site within Quimby Road, Chopin Avenue, and Brahms Avenue.[88] Recycled water is not currently available in the vicinity of the site, but is anticipated to be available in the future.

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[86]Source: Annual Treatment Plant Capacity Reports, City of San José Environmental Services Department.

[87]Source: City of San José (www.sanjoseca.gov/sbwr), 2005.

[88]The San José Municipal Water System has water mains within various street rights-of-way that were designed to be extended into the Arcadia site. If the final site design does not include the extension of such streets onto the Arcadia site, such changes will need to be accounted for in the alignments and sizing of future water mains.

Water service to the Pleasant Hills Golf Course property is provided by the San José Water Company (SJWC). Existing water mains are located adjacent to the site within White Road, Vista Verde Drive, and Flint Avenue. Recycled water is not currently available in the vicinity of the site.

Water service to the Berg/IDS property is provided by the SJMWS. Existing water mains are located adjacent to the site within Aborn Road, Fowler Road, Altia Avenue, and Yerba Buena Road. In addition, one water main traverses the property within the proposed alignment for the extension of Yerba Buena Road, and another main traverses the property in an east-west direction between Altia Avenue and the 4-million gallon water reservoir on the hill to the east. Recycled water is currently available to the site from mains located in Aborn Road, Fowler Road, Altia Avenue, and Yerba Buena Road.

Water service to the Legacy Partners property is provided by the SJMWS. An existing water main is located adjacent to the site within Yerba Buena Road. Recycled water is currently available to the site from a main located in Yerba Buena Road.

Water service to the Evergreen Valley College property is provided by the SJMWS. Existing water mains are located adjacent to the site within San Felipe Road, Yerba Buena Road, and Falls Creek Drive. Recycled water is currently available to the site from a main located in Yerba Buena Road.

For a discussion of existing and future water supply to the Evergreen • East Hills area, please see Section 4.11.2.6, *Water Supply Impacts*, below.

#### 4.11.1.3 *Existing Solid Waste Disposal System*

Commercial solid waste collection in the City of San José is provided by a number of non-exclusive service providers and the waste may be disposed of at any of the four privately-owned landfills in San José. Collection of residential waste occurs under exclusive franchise agreements between the City and two service providers, Norcal of San José and Green Team. According to the Source Reduction and Recycling Element of the General Plan prepared for the City of San José and the Countywide Integrated Waste Management Plan, there is sufficient landfill capacity for Santa Clara County's projected needs for at least 30 more years.

Recycling collection and processing services, including yard waste recycling, are provided to both single-family and multi-family residences by Norcal of San José, Green Team, and Green Waste, Inc. Recycling services are available to most businesses from private recyclers. The City of San José Environmental Services Department also offers information and assistance to businesses wishing to recycle, or to expand their recycling activities.

#### 4.11.1.4 *Existing Storm Drainage System*

The stormwater drainage system adjacent to the Arcadia property consists of a pipeline in Quimby Road that varies in size from 18 to 30 inches. The pipeline discharges to Lower Silver Creek at Quimby Road.

Lower Silver Creek flows along the westerly edge of the Arcadia property in an underground 72-inch pipe. Downstream of the Arcadia property, Lower Silver Creek continues in a pipe across the Eastridge Shopping Center.

The stormwater drainage system adjacent to the Pleasant Hills Golf Course Property consists of an 18- to 24-inch pipeline in Vista Verde Drive, an 84-inch pipeline in Tully Road, a 30-inch pipeline in White Road at the southerly end of the property, and a 30-inch pipeline in White Road at the northerly end of the property. These pipelines discharge into Silver Creek.

The stormwater drainage system adjacent to the Berg/IDS Property consists of a 66-inch pipeline in Michelangelo Avenue, a 24-inch pipeline in Aborn Road, a 54-inch pipeline in Altia Avenue, and a 24-inch pipeline in Yerba Buena Road.

The stormwater drainage system adjacent to the Legacy Partners Property consists of two 24-inch pipelines in Yerba Buena Road, one of which drains to Evergreen Creek and one of which drains to Yerba Buena Creek.

The stormwater drainage system adjacent to the Evergreen Valley College Property consists of a 24-inch pipeline in San Felipe Road that drains to Thompson Creek and a 42-inch pipeline in San Felipe Road that drains to Evergreen Creek.

#### 4.11.1.5 *Existing Electricity and Natural Gas Systems*

The Pacific Gas & Electric Company (PG&E) is the utility that provides electricity and natural gas to the greater Evergreen area. Electricity is provided to the opportunity sites via a system of overhead and underground lines, while natural gas is provided to the opportunity sites via a system of underground pipelines.

### 4.11.2 Utilities and Services Impacts

#### 4.11.2.1 *Thresholds of Significance*

For the purposes of this EIR, a utility and service impact is considered significant if the project would:

- exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board;
- require or result in the construction of new/expanded water or wastewater treatment facilities, the construction of which could cause significant environmental effects;
- require or result in the construction of new stormwater or wastewater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;

- not have sufficient water supplies available to serve the project from existing entitlements and resources, and would require new or expanded entitlements;
- result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments;
- be served by a landfill without sufficient permitted capacity to accommodate the project's solid waste disposal needs; or
- be inconsistent with federal, state or local statutes and regulations related to solid waste.

#### 4.11.2.2 *Impacts on the Sanitary Sewer System*

**Adequacy of Sanitary Sewer Mains**

Wastewater generated from proposed development on the Arcadia property would be directed into the adjacent existing mains in Quimby Road and Brahms Avenue. By splitting the flow into these mains, the existing network will be able to accept the discharge from the development of this site under all scenarios. However, the flow permitted to the Quimby Road main may be very limited. Most or all of the wastewater flow from this property may be required to discharge to the Brahms Avenue main.[89] **[Less-than-Significant Impact]**

Wastewater generated from proposed development on the Pleasant Hills Golf Course Property would be directed into the existing mains in White Road, Tully Road, and Vista Verde Drive. Based on discussions with the staff of the San José Public Works Department, the existing mains will be able to accept the discharge from the site's development under all scenarios. **[Less-than-Significant Impact]**

Wastewater generated from proposed development on the Berg/IDS property will require the replacement of the existing 6-inch main in Delta Road with an 8-inch main, and will likely require the replacement of some flatter upstream 8-inch main with a larger size main. It will also require the connection of the east-west mains in Aborn Road, Michelangelo Drive, Fowler Road, and Delta Road to the Evergreen Phase IV Sewer Interceptor in Ruby Avenue. With these improvements, all of which are included in the project, the sanitary system will be able to accept the discharge from the development of the Berg/IDS property under all scenarios.[90] [Note:.] **[Less-than-Significant Impact]**

[89]The flow permitted to discharge to the Quimby main will be determined by the City based on the sewer capacity and flow monitoring data. The results of the additional sewer analysis and the City's discharge requirements will be incorporated into the final site design.

[90]Prior to final site design, further investigation into existing sewer main connections will be required. The flow permitted to discharge to individual mains will be determined by the City based on the sewer capacity and flow monitoring data. The results of the additional sewer analysis and the City's discharge requirements will be incorporated into the final site design

Wastewater generated from proposed development on the Legacy Partners property will require the replacement of the existing 6-inch main in Delta Road with an 8-inch main. With this improvement, which is included in the project, the sanitary system will be able to accept the discharge from the development of the property under all scenarios. **[Less-than-Significant Impact]**

Wastewater generated from proposed development on the Evergreen Valley College Property would be directed into the existing main in San Felipe Road. Based on the results in flow monitoring conducted in 2005, the existing main will be able to accept the discharge from the development of the property under all scenarios. **[Less-than-Significant Impact]**

For all of the EEHVS sites, at the final site design stage, new development wastewater flows that are proposed to be discharged to individual sewer mains will be submitted to the City for review and comment.

**Impacts to the Water Pollution Control Plant**

Development under the various EEHVS scenarios will increase the volume of wastewater treated at the WPCP. Table 52 provides a rough estimate of wastewater to be generated by development (at full buildout) at the opportunity sites under each scenario. Based on the information described above in Section 4.11.1, there is sufficient capacity at the WPCP to accommodate this discharge. **[Less-than-Significant Impact]**

**T A B L E 5 2**

**ESTIMATE OF WASTEWATER TO BE GENERATED**

| Scenario I | Scenario II | Scenario III | Scenario IV | Scenario V | Scenario VI |
|---|---|---|---|---|---|
| 0.7 mgd | 0.8 mgd | 0.9 mgd | 1.0 mgd | 1.2 mgd | 1.4 mgd |

mgd = million gallons per day gpd = gallons per day

Generation rates used in this estimate were provided by the City and are: 240 gpd/detached dwelling unit, 130 gpd/attached dwelling unit, 0.5 gpd/$ft^2$ commercial, 0.14 gpd/$ft^2$ R&D/industrial, and 0.14 gpd/$ft^2$ office.

**Source:** David J. Powers & Associates, Inc., 2005.

#### 4.11.2.3 *Impacts on Electric and Natural Gas Systems*

Facilities for providing electrical and natural gas services are built and maintained by PG&E under franchise agreements with the State of California. New and expanded facilities are paid for from capital funds financed by fees paid by users. Construction of the proposed development would result in an increase in the demand for electric and natural gas service in the Evergreen • East Hills area, as compared with existing conditions.[91] Given the location of the opportunity sites within the City's Urban Service Area, and the fact that electric and natural gas service is currently provided to the area, the provision and expansion of service for the EEHVS would not present a significant impact. **[Less-than-Significant Impact]**

#### 4.11.2.4 *Solid Waste Impacts*

Development under the various EEHVS scenarios will generate solid waste that will need to be disposed of at local landfills. Table 53 provides a conservative (i.e., maximum) estimate of the weekly volume of solid waste to be generated by proposed development (at buildout) at the opportunity sites under each EEHVS scenario. The estimates are conservative in that the non-residential uses are assumed to have no recycling.

**T A B L E 5 3**

**ESTIMATE OF SOLID WASTE TO BE GENERATED**

| Scenario I | Scenario II | Scenario III | Scenario IV | Scenario V | Scenario VI |
|---|---|---|---|---|---|
| 330,000 | 270,000 | 290,000 | 300,000 | 330,000 | 600,000 |

Estimates are expressed in pounds per week and are rounded to the nearest 10,000.

Generation rates used in this estimate were provided by the City and are: 26.9 lb/week/single-family unit, 35.8 lb/week/multi-family dwelling unit, 0.32 lb/week/$ft^2$ commercial, 0.07 lb/week/$ft^2$ R&D/industrial, and 0.07 lb/week/$ft^2$ office.

**Source:** David J. Powers & Associates, Inc., 2005.

[91] For a discussion of projected supply and demand for electricity and natural gas, please see EIR Section 4.12, *Energy*.

The amount of solid waste to be generated under Scenario I is accounted for in the above estimate of remaining landfill capacity, because Scenario I is defined as no changes to the approved General Plan. The amount of solid waste to be generated under Scenarios II-V would be similar to that of Scenario I. While Scenario VI would generate roughly twice the amount of solid waste as compared to Scenario I, the increase would represent only a small fraction of the total generated Citywide. The effect of this increase on remaining landfill capacity would be negligible. **[Less-than-Significant Impact]**

#### 4.11.2.5 *Impacts to the Storm Drainage System*[92]

Development of the Arcadia property will include an on-site storm drainage system. The system will include a HMP basin, as noted in Section 4.8. After passing through the HMP basin, stormwater will be discharged into the existing pipeline in Quimby Road. Since the discharge from the HMP basin up to a 10-year storm event will be designed to mirror existing runoff from the site, there will be no capacity problems with downstream storm drainage facilities under all scenarios. **[Less-than-Significant Impact]**

Development of the Pleasant Hills Golf Course property will include an on-site storm drainage system. The system will include a HMP basin, as noted in Section 4.8. After passing through the HMP basin, stormwater will be discharged into the pipelines in the adjacent streets. Since the discharge from the HMP basin up to a 10-year storm event will be designed to mirror existing runoff from the site, there will be no capacity problems with downstream storm drainage facilities under all scenarios. **[Less-than-Significant Impact]**

Development of the Berg/IDS property will include an on-site storm drainage system. The system will include a HMP basin, as noted in Section 4.8. It will also include two debris basins, one at the location where the North Fork of Fowler Creek enter the site and one at the location where the South Fork of Fowler Creek enter the site. The purpose of the basins is to collect sediment and debris before stormwater flows enter pipelines. After passing through the HMP basin, stormwater will be discharged into the pipelines in the adjacent streets. Since the discharge from the HMP basin up to a 10-year storm event will be designed to mirror existing runoff from the site, there will be no capacity problems with downstream storm drainage facilities under all scenarios. **[Less-than-Significant Impact]**

Development of the Legacy Partners property will include an on-site storm drainage system. The system will include a HMP basin, as noted in Section 4.8. After passing through the HMP basin, stormwater will be discharged into the pipelines in Yerba Buena Road. Since the discharge from the HMP basin up to a 10-year storm event will be designed to mirror existing runoff from the site, there will be no capacity problems with downstream storm drainage facilities under all scenarios. **[Less-than-Significant Impact]**

[92]For a discussion of stormwater, as it relates to flooding and water quality, please see EIR Section 4.8, *Hydrology and Water Quality*.

Development of the Evergreen Valley College property will include an on-site storm drainage system. The system will include a HMP basin, as noted in Section 4.8. After passing through the HMP basin, stormwater will be discharged into the pipelines in San Felipe Road. Since the discharge from the HMP basin up to a 10-year storm event will be designed to mirror existing runoff from the site, there will be no capacity problems with downstream storm drainage facilities under all scenarios. **[Less-than-Significant Impact]**

#### 4.11.2.6 *Water Supply Impacts*

This discussion is divided into two parts. The first part addresses the adequacy of the existing water mains to serve the proposed development on each of the opportunity sites. The second part addresses a larger issue, which is whether future water supplies will be available and adequate to serve the proposed land uses being considered as part of the EEHVS.

**Adequacy of Existing Water Mains**

For the proposed development of the Arcadia property, expected fire-flow requirements are 4,500 gallons per minute under the most intense scenario. Based on the utility analysis (see Appendix O), the existing water supply mains adjacent to the site are capable of meeting this demand. New water mains will be constructed on the site to meet daily water use requirements, as well as firefighting requirements. The project will also include a new water main along Capitol Expressway between Quimby Road and Nieman Boulevard, which will tie into existing mains. Finally, the new streets within the proposed development will include a piping system for recycled water; the system will be designed to meet all future non-potable water needs on the site. **[Less-than-Significant Impact]**

For the proposed development of the Pleasant Hills Golf Course property, expected fire-flow requirements are 2,000 gallons per minute for residential development. Based on the utility analysis (see Appendix O), the existing water supply mains adjacent to the site are capable of meeting this demand. New water mains will be constructed on the site to meet daily water use requirements, as well as firefighting requirements. The new streets within the proposed development will include a piping system for recycled water; the system will be designed to meet all future non-potable water needs on the site. **[Less-than-Significant Impact]**

For the proposed development of the Berg/IDS property, expected fire-flow requirements are 4,500 gallons per minute under Scenarios I & VI and 2,000 gallons per minute for Scenarios II-V. Based on the utility analysis (see Appendix O), the existing water supply mains adjacent to the site are capable of meeting this demand. New water mains will be constructed on the site to meet daily water use requirements, as well as firefighting requirements. The new streets within the proposed development will include a piping system for recycled water; the system will be designed to meet non-potable water needs on the site. **[Less-than-Significant Impact]**

For the proposed development of the Legacy Partners property, expected fire-flow requirements are 4,500 gallons per minute under Scenarios I & VI and 2,000 gallons per minute for Scenarios II-V. Based on the utility analysis (see Appendix O), the existing water supply mains adjacent to the site are capable of meeting this demand for development up to elevation 630 feet msl. Additional infrastructure will be required to serve development above 630 feet msl, which could possibly include a public booster station and reservoir, or private infrastructure. Any water pump(s) will be enclosed within a utility structure so as to avoid noise impacts at the proposed residences. The new streets within the proposed development will include a piping system for recycled water; the system will be designed to meet non-potable water needs on the site. **[Less-than-Significant Impact]**

For the proposed development of the Evergreen Valley College property, expected fire-flow requirements are 4,500 gallons per minute under the most intense scenario. Based on the utility analysis (see Appendix O), the existing water supply mains adjacent to the site are capable of meeting this demand. New water mains will be constructed on the site to meet daily water use requirements, as well as firefighting requirements. The new streets within the proposed development will include a piping system for recycled water; the system will be designed to meet non-potable water needs on the site. **[Less-than-Significant Impact]**

### Future Availability of Water

New development that would occur under the EEHVS scenarios will increase the demand for water, as compared to current usage. The magnitude of this increase is summarized in Table 54 for each of the EEHVS scenarios. For details on the assumptions used to calculate water demand, please refer to Appendices M and N.

**SB 610 Water Supply Assessments**

In enacting SB 610 in 2001, the Legislature required that the availability of water must be assessed before various large-scale projects can be approved. A water supply assessment must be completed by the water supplier(s) and such assessment(s) are to be included in the appropriate CEQA document. The discussion in this section is based upon two SB 610 water supply assessments prepared for the EEHVS.

The projected water demand shown in Table 54 is divided into two parts: demand in the area served by the SJWC and demand in the area served by the SJMWS. The SJWC serves the portion of Evergreen north of Tully Road and the SJMWS serves the portion of Evergreen south of Tully Road.[93]

***San José Municipal Water System Supply and Demand:*** Evergreen is one of four areas of San José that is served by the SJMWS. In 2004, existing water demand in the Evergreen service area was 17,253

[93]There are several exceptions, including Lake Cunningham Park, which are served by the San José Municipal Water System.

**T A B L E 5 4**

**PROJECTED WATER DEMAND**

| Scenario I | Scenario II | Scenario III | Scenario IV | Scenario V | Scenario VI |
|---|---|---|---|---|---|
| ***Demand within San José Municipal Water System Service Area*** | | | | | |
| 1,037 | 1,397 | 1,551 | 1,653 | 1,981 | 1,883 |
| ***Demand within San José Water Company Service Area*** | | | | | |
| 0 | 226 | 241 | 256 | 298 | 298 |

Demand is expressed in acre-feet per year.

Demand includes all land uses shown in Table 5 of this EIR.

**Sources:** San José Municipal Water System/Todd Engineers, San José Water Company, 2005.

acre-feet (AF).[94] The existing demand is met primarily with water imported by the Santa Clara Valley Water District (SCVWD).

A water supply assessment was prepared for the EEHVS by the SJMWS. The EEHVS water supply assessment was adopted and approved by the San José City Council on December 13, 2005.

According to the EEHVS water supply assessment (see Appendix M), SJMWS has prepared estimates of projected water supply and demand through 2030. These estimates are contained in SJMWS' *2005 Urban Water Management Plan Update*.[95] Future demand utilizes population projections prepared by the Association of Bay Area Governments (ABAG) for the Evergreen area. Future supply will continue to be met primarily through imported water, supplemented with groundwater and a greater use of recycled water.

In comparing projected water demand under the heaviest EEHVS water use scenario (i.e., Scenario V) with projected water demand contained in SJMWS' *2005 Urban Water Management Plan Update*, it turns out that the former will be lower than the latter. As an example, projected 2030 water demand in Evergreen under EEHVS Scenario V would be 20% lower than that contained in the Urban Water

[94] An **acre-foot** is the amount of water needed to cover one acre to a depth of one foot. One acre-foot is approximately 325,851 U.S. gallons.

[95] The SJMWS *2005 Urban Water Management Plan Update* is available for review on the internet at www.sjmuniwater.com.

Management Plan. The reason for this is that ABAG's projections for the Evergreen area assumed more growth than that which is expected to occur - with or without the EEHVS.

The SJMWS holds contracts with the SCVWD for water deliveries. The SCVWD, however, maintains the right to decrease deliveries in the event of inadequate imported water supply during drought years. For example, during a multi-year drought such as that which occurred in 1987-1992, imported water supply is predicted to drop to 74.6% of normal. In such cases, reliance on groundwater would increase. The maximum use of groundwater during a single dry year, assuming EEHVS Scenario V is implemented, is projected to be 2,726 AF. The wells that serve Evergreen have the capacity to supply this amount of water when needed.

As noted previously, the development proposed on the EEHVS opportunity sites located within the SJMWS service area will be served by the SBWR system. On-site recycled water mains are proposed to be constructed on each site. Therefore, recycled water, which is already being used for irrigation in Evergreen, will serve a portion of the water demand shown in Table 54. Assuming that recycled water will be used to meet the landscape irrigation water demand for all proposed EEHVS land uses except single-family detached residences, recycled water would meet a substantial portion of total water demand, as shown in Table 55.

**T A B L E 5 5**

**PERCENT OF EEHVS WATER DEMAND TO BE MET WITH RECYCLED WATER**

| Scenario I | Scenario II | Scenario III | Scenario IV | Scenario V | Scenario VI |
|---|---|---|---|---|---|
| ***San José Municipal Water System Service Area*** | | | | | |
| 52% | 32% | 30% | 28% | 24% | 35% |
| ***San José Water Company Service Area*** | | | | | |
| 0% | 0% | 0% | 0% | 0% | 0% |

For total water demand, see Table 54.

The Pleasant Hills Golf Course property is the only opportunity site located within the SJWC service area; this property is not served by the SBWR system.

**Sources:** San José Municipal Water System/Todd Engineers, San José Water Company, 2005.

Based on the above analysis, it is concluded that none of the EEHVS development scenarios will create a demand for water that cannot be met through supplies that are projected to be available to the SJMWS.

In addition, the planned use of recycled water for irrigation will serve a substantial portion of total water demand. **[Less-than-Significant Impact]**

***San José Water Company Supply and Demand:*** The San José Water Company (SJWC) service area encompasses 138 square miles and includes most of San José, as well as all or portions of five other cities in Santa Clara County. In 2005, water demand within the SJWC service area is expected to be approximately 153,000 AF. SJWC has three sources of water: local surface water (9%), imported treated surface water purchased from the SCVWD (55%), and groundwater (36%).

SJWC prepared a water supply assessment for the EEHVS (see Appendix N). The assessment includes estimates of projected water supply and demand through 2030. Based on hydraulic modeling conducted for the heaviest EEHVS water use scenarios (i.e., Scenarios V and VI), the assessment concluded that SJWC will be able to supply the project without any additional source of water supply or system operation changes. The EEHVS water supply assessment was adopted and approved by a Resolution of the SJWC Board of Directors at a meeting held on October 27, 2005.

Based on the above analysis, it is concluded that none of the EEHVS development scenarios will create a demand for water that cannot be met through supplies that are projected to be available to the SJWC. **[Less-than-Significant Impact]**

### 4.11.3 Mitigation and Avoidance Measures for Impacts to Utilities & Service Systems

As proposed, none of the EEHVS development scenarios will result in significant impacts on utilities and service systems. Therefore, there are no mitigation measures applicable to any of the EEHVS scenarios.

### 4.11.4 Conclusions regarding Utilities and Service Systems Impacts

With the upgrades to a number of the local sanitary sewer mains that are proposed as part of the project, all of which are described in Section 4.11.2.2, none of the EEHVS development scenarios will significantly impact the sanitary sewer system. **[Less-than-Significant Impact]**

Wastewater to be generated by new development under the various EEHVS scenarios will not exceed the capacity of the San José/Santa Clara Water Pollution Control Plant. **[Less-than-Significant Impact]**

Demand for electricity and natural gas will increase under each of the EEHVS Scenarios, but will not significantly impact PG&E's delivery systems. **[Less-than-Significant Impact]**

Solid waste to be generated by new development under the various EEHVS scenarios will not exceed the capacity of local landfills. **[Less-than-Significant Impact]**

The volume of additional stormwater runoff to be generated by new development under the various EEHVS scenarios can be accommodated by the storm drainage system. This conclusion assumes the HMP facilities described in Section 4.8 are in place. **[Less-than-Significant Impact]**

The existing system of water mains is adequate to serve new development under all of the EEHVS scenarios. This conclusion assumes that the developer(s) of the Arcadia property will construct a new water main in Capitol Expressway between Quimby Road and Nieman Boulevard. This conclusion also assumes that a booster pump is constructed on the Legacy Partners property by that site's developer(s). **[Less-than-Significant Impact]**

The demand for water generated by development under each of the EEHVS scenarios is not expected to exceed anticipated supplies. Further, a substantial portion of the increased demand for water that will result from new development will be met with recycled water. **[Less-than-Significant Impact]**

## 4.12 ENERGY

This section was prepared pursuant to Appendix F of the CEQA Guidelines, which requires that EIRs include a discussion of the potential energy impacts of projects, with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy. This information in this section is based largely on data and reports produced by the California Energy Commission and the Energy Information Administration of the U.S. Department of Energy. The specific sources and citations are listed in Section 11, *References*.

### 4.12.1 Introduction

Energy consumption is analyzed in an EIR because of the environmental impacts associated with its production and usage. Such impacts include the depletion of nonrenewable resources (e.g., oil, natural gas, coal, etc.) and emissions of pollutants during both the production and consumption phases.

Energy usage is typically quantified using the British Thermal Unit (Btu).[96] As points of reference, the approximate amount of energy contained in a gallon of gasoline, a cubic foot of natural gas, and a kilowatt hour (kWhr) of electricity are 123,000 Btu's, 1,000 Btu's, and 3,400 Btu's, respectively.

Energy conservation is embodied in many federal, state and local statutes and policies. At the federal level, energy standards apply to numerous products (e.g., the *EnergyStar*™ program) and transportation (e.g., fuel efficiency standards). At the state level, Title 24 of the California Administrative Code sets forth energy standards for buildings, rebates/tax credits are provided for installation of renewable energy systems, and the *Flex Your Power* program promotes conservation in multiple areas. At the local level, the City's General Plan contains policies whose objectives include reduction in energy usage. Among these are Energy Policy #2, which states that decisions on land use should consider the proximity of industrial and commercial uses to major residential areas in order to reduce the energy used for commuting, and Energy Policy #4, which states that the energy-efficiency of proposed new development should be considered when land use and development review decisions are made. The City's Green Building Policy also contains goals regarding energy efficiency and the use of renewable energy technologies.

### 4.12.2 Existing Setting

Total energy usage in California was 8,519 trillion Btu's in the year 2000, which equates to an average of 252 million Btu's per capita. Of California's total energy usage in 2000, the breakdown by sector was 15% residential, 14% commercial, 35% industrial, and 36% transportation. This energy was primarily

[96]The British Thermal Unit (Btu) is the amount of energy that is required to raise the temperature of one pound of water by one degree Fahrenheit.

supplied in the form of coal (2.9 million tons), natural gas (2.3 trillion cubic feet), petroleum (647 million barrels), nuclear electric power (35.2 trillion kWhr), and hydroelectric power (42.8 trillion kWhr).

Given the nature of the proposed project (i.e., a land use decision in San José), this remainder of this discussion will focus on the three most relevant sources of energy: electricity for residential and commercial uses, natural gas for residential and commercial uses, and gasoline for vehicle trips associated with residential and commercial uses.

**Electricity**

In 2003, California used over 276,000 gigawatt hours of electricity.[97] This electricity was produced from power plants fueled by natural gas (37%), coal (21%), hydro (16%), nuclear (15%), and renewables (11%). Approximately 78% of the electricity was generated within California, with the balance imported from other states, Canada, and Mexico.

Electricity usage in California for differing land uses varies substantially by the type of uses in a building, type of construction materials used in a building, and the efficiency of all electricity-consuming devices within a building. That said, the average annual usage of electricity is roughly 6,500 kWhr/residence. The average annual usage of electricity is roughly 13 kWhr/square foot for all commercial buildings and roughly 18 kWhr/square foot for office buildings.

Electricity supply in California involves a complex grid of power plants and transmission lines located in the Western United States, Canada, and Mexico. The issue is complicated by market forces that have become prominent since 1998, which is when a new regulatory environment commonly referred to as "deregulation" took effect in California. Supply is further complicated by the fact that the peak demand for electricity is significantly higher than the off-peak demand. For example, in August 2004, peak electric demand - due in large part to hot weather - reached a record high of 44,497 megawatts, which is almost double the lowest demand period.[98]

In 2000-2001, electric demand exceeded supply on various occasions, which required utilities to institute systematic rotating outages to maintain the stability of the grid and to prevent widespread blackouts. Since that time, additional generating capacity has come on-line and upgrades to various transmission lines continue to occur.

According to the California Energy Commission's *2003 Integrated Energy Policy Report*, the current outlook is that California will have an adequate supply of electricity through 2009. However, the report notes that peak demand reserve shortages could return by 2006.

[97]One gigawatt = one thousand megawatts = one million kilowatts = one billion watts.

[98]Source: California Independent System Operator, 8/11/04.

### Natural Gas

In 2001, California used almost 2.4 trillion cubic feet of natural gas. The natural gas was used to produce electricity (41%), in industrial uses (28%), in commercial uses (10%), and in residential uses (21%). Approximately 16% of the natural gas was produced within California, with the balance imported from other states and Canada.

Natural gas usage in California for differing land uses varies substantially by the type of uses in a building, type of construction materials used in a building, and the efficiency of all gas-consuming devices within a building. That said, the average annual usage of natural gas is roughly 45,000 cubic feet/residence. The average annual usage of natural gas is roughly 37 cubic feet/square foot for all commercial buildings and roughly 29 cubic feet/square foot for office buildings.

According to the California Energy Commission's *2003 Integrated Energy Policy Report*, the current outlook is that Northern California will have an adequate supply of natural gas through 2007. However, the report notes meeting peak demand under extreme weather conditions may require gas infrastructure improvements (e.g., additional pipeline capacity) earlier than currently programmed.

### Gasoline for Motor Vehicles

Californians presently consume roughly 49.5 million gallons of gasoline and diesel each day. This is a 53% increase over the amount that was used 20 years ago. The primary factors contributing to this increase are 1) population growth, 2) declining per-mile cost of gasoline, 3) land use patterns that have increased the distance between jobs and housing, and 4) a shift in consumer preferences to larger, less fuel efficient motor vehicles.

The average fuel economy for the fleet of light-duty vehicles (autos, pickups, vans, and SUVs) steadily increased from about 12.6 miles-per-gallon (mpg) in the mid-1970s to the current 20.7 mpg. However, no further improvements in the average fuel economy for the overall fleet are projected through the year 2020. This conclusion is based on the fact that projected increases in the number of fuel efficient cars (e.g., hybrids) will be offset by projected increases in the number of SUVs, pickups, and vans.

Although no new refineries have been constructed in California since 1969, supply has kept pace with demand though a combination of refinery upgrades/modernizations and out-of-state imports.

According to the California Energy Commission's *2003 Integrated Energy Policy Report*, the demand for gasoline and diesel for on-road vehicles is projected to increase by 36% over the next 20 years. Imports of foreign crude oil will increase as in-state and Alaskan supplies diminish. Since California refineries are already operating close to their full capacity, daily imports of refined gasoline and diesel are expected to double over the next 20 years. Unless out-of-state facilities expand, the gasoline and diesel markets will become increasingly volatile, with the likelihood of shortages and more prolonged periods of high prices.

### 4.12.3 Energy Impacts

#### 4.12.3.1 *Thresholds of Significance*

For this project, the thresholds of significance for an energy impact are defined as follows: 1) the project will use fuel or energy in a wasteful manner; or 2) the project will result in a substantial increase in demand upon energy resources in relation to projected supplies, or 3) the project will result in longer overall distances between jobs and housing.

#### 4.12.3.2 *Energy Impacts of the Proposed EEHVS*

Under the EEHVS, new land uses will be constructed in the area. Depending on the development scenario, land uses could include residential, commercial, and/or industrial uses. Energy will be consumed during both the construction and operational phases of these uses. The construction phase will require energy for the manufacture and transportation of building materials, preparation of the various sites (e.g., grading), and the actual construction of the buildings. The operational phase will consume energy for multiple purposes including - but not limited to - building heating and cooling, lighting, appliances, electronics, office equipment, and commercial machinery. Operational energy will also be consumed during each vehicle trip associated with these proposed uses.

Rough estimates of operational energy usage by the EEHVS under each scenario are provided in Table 56. The data in Table 56, which utilize average energy consumption factors, are based on the buildout of the land uses that would be constructed under each scenarios. The data are useful in that they provide a comparison between scenarios. It is important to note, however, that actual energy usage could vary substantially depending upon factors such as the type of industrial and commercial uses that will occupy the buildings, actual miles driven by future residents/employees, and the degree to which energy conservation measures are incorporated into the various facilities.

The estimated operational energy usage shown in Table 56, while a small percentage of the total energy consumed in San José as a whole, is nonetheless substantial in view of the above-described projections regarding future supplies. **[Significant Impact]**

When compared to Scenarios I and VI, Scenarios II-V will increase the average length of each commute trip. The reason for this increase is that Scenarios II-V will construct housing on approximately 322 acres of land currently planned for industrial uses. This, in turn, will increase average commute trip lengths because jobs that would have been located in Evergreen near a substantial number of residences will now be located in other areas of the City or South Bay area.[99] The longer commute distances will translate into increased energy consumption. **[Significant Impact]**

[99]See Section 1.3.2 of this EIR for a discussion on the history and reasons for designating these lands for industrial uses.

**T A B L E 5 6**

**COMPARISON OF ESTIMATED AVERAGE ANNUAL ENERGY USAGE**

| | Scenario I | Scenario II | Scenario III | Scenario IV | Scenario V | Scenario VI |
|---|---|---|---|---|---|---|
| **Electricity** (million kWhr) | 85 | 31 | 35 | 38 | 45 | 111 |
| **Natural Gas** (million $ft^3$) | 145 | 183 | 210 | 228 | 277 | 331 |
| **Gasoline** (million gallons) | 2.1 | 4.1 | 4.3 | 4.5 | 5.0 | 6.1 |

Notes:

- These data are based on the following *average* energy usage factors:
  - Electricity: 6,500 kWhr per residential dwelling unit per year; 13 kWhr per $ft^2$ of commercial per year; 18 kWhr per $ft^2$ of office per year.
  - Natural Gas: 45,000 $ft^3$ per residential dwelling unit per year; 37 $ft^3$ per $ft^2$ of commercial per year; 29 $ft^3$ per $ft^2$ of office per year.
  - Gasoline: .048 gallons per vehicle per mile.
- According to the EIR traffic consultant, the average vehicle trip length in the San José/Santa Clara County area is *estimated* to be approximately three miles.
- These data are rough estimates. Actual energy usage could (and will) vary substantially depending upon factors such as the type of industrial and commercial uses that will occupy the buildings, actual miles driven by future residents/employees, and the degree to which energy conservation measures are incorporated into the various facilities.
- These data do not account for the fact that the average length of each commute trip will be longer under Scenarios II-V than under Scenarios I and VI.
- $ft^3$ = cubic feet
- $ft^2$ = square feet
- kWhr = kilowatt hour

Sources:

- Energy Information Administration (U.S. Department of Energy)
- California Energy Commission
- Hexagon Transportation Consultants
- David J. Powers & Associates

The above paragraph notwithstanding, from a regional land use perspective, providing additional housing in San José may lead to some reduction in transportation-related energy consumption. This conclusion is based on the fact that the region has a surplus of jobs in relation to housing, which has been a contributing factor in the decision of many people who are employed in the greater Santa Clara County area to purchase homes in more distant locales (e.g., Monterey County, San Benito County, San Joaquin County, etc.). Increasing the supply of housing locally would presumably reduce the magnitude of this phenomenon, based on the assumption that short commute distances are generally preferable to longer commute distances.

Development on the Arcadia property under Scenarios II-VI would be at densities that are consistent with that site's location in a Transit-Oriented Development Corridor and adjacent to the planned Nieman LRT Station. Such densities, which are higher than would otherwise typically be allowed, are designed to maximize the use of public transit, thereby decreasing energy usage. Higher density developments also utilize less energy on a per-unit-basis than low-density detached units.

## 4.12.4 Mitigation and Avoidance Measures for Energy Impacts

### 4.12.4.1 *Mitigation for Impacts Associated with Electricity and Natural Gas*

If they are found to be feasible, the following measures would mitigate for the energy impacts of the proposed project related to electricity and natural gas. The applicants have not included any of these measures as part of the proposed project. However, if the City Council determines the measures to be feasible and requires them as conditions of approval, they would reduce significant impacts to a less-than-significant level. In the event the mitigation is determined to be infeasible, adoption of a statement of overriding considerations will be required.

**MM 4.12-1** The project shall incorporate principles of passive solar design. Passive solar design is the technology of heating, cooling, and lighting a building naturally with sunlight rather than with mechanical systems because the building itself is the system. Basic design principles are large south-facing windows with proper overhangs, as well as tile, brick, or other thermal mass material used in flooring or walls to store the sun's heat during the day and release it back into the building at night or when the temperature drops. Passive solar also takes advantage of energy efficient materials, improved insulation, airtight construction, natural landscaping, and proper building orientation to take advantage of the sun, shade, and wind.

**MM 4.12-2** The project shall install reflective, *EnergyStar*™ cool roofs. Cool roofs decrease roofing maintenance and replacement costs, improve building comfort, reduce impact on surrounding air temperatures, reduce peak electricity demand, and reduce waste stream of roofing debris.

**MM 4.12-3** The project shall utilize local and regional building materials in order to reduce energy consumption associated with transporting materials over long distances.

**MM 4.12-4** The project shall utilize building products that contain post-consumer recycled materials.

**MM 4.12-5** All residences shall be constructed to meet the requirements of the *EnergyStar*™ program for new homes. Such residences improve energy efficiency by a minimum of 15% as compared to residences that simply meet the Title 24 requirements. The additional efficiency is typically accomplished through the use of tight construction, energy-saving windows, improved insulation, and super-efficient heating/cooling systems. [Note: Numerous California builders (e.g., Shea Homes, Summerhill Homes, D.R. Horton, Pulte Homes, KB Homes, Avalon Bay) have been certified as *EnergyStar* partners.]

**MM 4.12-6** Although there is not a formal *EnergyStar* program for non-residential buildings, all buildings to be constructed by the project could be constructed to meet the same standards as those that apply to the residential program.

**MM 4.12-7** All new buildings shall include a photovoltaic (i.e., solar electric) system on rooftops. An average-sized residential system (2.5 kW) in California produces in excess of 4,000 kWhr annually, which equates to 62% of the average electricity demand per residential unit. Commercial systems are generally larger than residential systems and produce commensurately more electricity. [Note: The rule of thumb is that each square foot of photovoltaic cells produces 10 watts of power in bright sunlight.][100]

**MM 4.12-8** Geothermal heat pumps shall be installed to provide heating, cooling, and hot water. Geothermal heat pumps are generally more efficient and less expensive to operate and maintain than conventional systems.

#### 4.12.4.2 *Mitigation for Impacts Associated with Transportation Energy*

For Scenarios II-V, the above-described impact regarding increased use of gasoline associated with longer commute trips cannot be mitigated. The impact can, however, be avoided by the selection of either Scenario I or Scenario VI since those scenarios would retain the *Campus Industrial* land use designation on the Berg/IDS and Legacy Partners properties. In the event, however, that Scenario II, III, IV, or V is selected, adoption of a statement of overriding considerations will be required.

[100]The cost for photovoltaic systems has been decreasing in recent years, and the State of California provides rebates and tax credits to builders for such systems. In addition, some builders (e.g., Clarum Homes) are incorporating such systems into the design of their new homes.

### 4.12.5 Conclusions Regarding Energy Impacts

Given projections regarding future electricity and natural gas supplies, construction of the EEHVS under any of the scenarios addressed in this EIR will result in a significant energy impact. This EIR describes mitigation measures that could reduce this impact to a less-than-significant level, but such mitigation is not presently included in the project. **[Less-than-Significant Impact if Mitigation is Determined to be Feasible and Made a Condition of Approval] [Significant Unavoidable Impact if Mitigation is Determined to be Infeasible]**

Approval of EEHVS Scenario II, III, IV, or V will result in the construction of housing on lands that are currently designated for 4.66 million square feet of industrial uses. Such approval would reverse a 1980s decision by the City to locate jobs in Evergreen near a substantial supply of housing, a decision that was intended to reduce the environmental and energy impacts associated with longer distance commuting. **[Significant Unavoidable Impact]**

# 4.13 POPULATION, JOBS, AND HOUSING

## 4.13.1 Setting

Historically, San José has had a shortage of jobs compared to the number of employed residents living in the City, commonly referred to as a jobs/housing imbalance. A jobs/housing imbalance, especially when there is a relative deficit of jobs, can be problematic because it results in longer commutes as City residents travel to other more distant locales for employment. This same imbalance can result in financial hardships for a city due to the costs associated with providing services to residential land uses in relation to revenue generated.

In recent years, consistent with the major strategies and objectives of the adopted General Plan, the City has been attempting to correct this imbalance. Table 57 provides an overview of the historic and projected number of households, jobs, employed residents, and population in San José. The data in Table 57 indicate that the City is having success in correcting the historic imbalance. The City has recently adopted some General Plan policies that allow for increased job and housing growth that would, if implemented, improve the overall jobs/housing balance. However, near-term trends of industrial-to-residential conversions continue to undermine the existing jobs/housing balance and EEHVS Scenarios II-V would contribute to the further deterioration of the jobs/housing balance in the near-term.

## 4.13.2 Population, Jobs, and Housing Impacts

### 4.13.2.1 *Thresholds of Significance*

For this project, the threshold of significance for a population, jobs, and housing impact is defined as follows: the project will result in a substantial conflict with the City's policies regarding an overall jobs/housing balance.

### 4.13.2.2 *Impacts*

Table 58 shows the net effect of the EEHVS development scenarios on the number of jobs, housing units, and people in San José. The data in Table 58 depict the increase/decrease from existing (2005) conditions, as well as the increase/decrease from that allowed under the approved General Plan.

Under Scenario I (No Project), only a small amount of additional housing (217 units) could be constructed in the EDP area under the existing General Plan. The approved *Campus Industrial* uses on the Berg/IDS, and Legacy Partners properties could be constructed which, when compared to existing conditions, would constitute an increase of approximately 10,383 jobs in Evergreen. As noted previously, these industrial uses are approved and are included in the existing General Plan.

**T A B L E 5 7**

**ECONOMIC AND DEMOGRAPHIC DATA FOR SAN JOSÉ**

| | 1980 | 1990 | 2000 | 2004 | Buildout under the Existing General Plan |
|---|---|---|---|---|---|
| Jobs | 231,700 | 313,400 | 432,500 | 465,000 | 698,000 |
| Households | 231,400 | 263,300 | 291,400 | 295,000 | 397,600 |
| Population | 679,700 | 808,400 | 930,700 | 944,000 | 1,272,400 |
| Employed Residents | 338,400 | 427,800 | 470,000 | 442,500 | 596,400 |
| Persons per Household | 2.9 | 3.1 | 3.2 | 3.2 | 3.2 |
| Employed Residents per Household | 1.5 | 1.6 | 1.6 | 1.5 | 1.5 |
| Jobs per Employed Resident | 0.68 | 0.73 | 0.92 | 1.05 | 1.17 |

**Notes:**

- Historic data are from ABAG and are for the San José Sphere of Influence, an area slightly larger than the incorporated area of the City.
- In this table, "households" is used to represent "dwelling units". In reality, the two numbers are almost identical.
- Data for jobs, population, employed residents, and households are rounded to the nearest hundred.
- The existing San José General Plan includes amendments through June 2005. The June 2005 General Plan amendments included the North San José Development Policies (GP04-04-06), the Hitachi Campus (GP04-02-01), and the Downtown San José Strategy 2000 (GP05-03-01).

**Sources:** ABAG (*Projections '96* & *Projections 2005*), City of San José.

**T A B L E 5 8**

**IMPACTS ON POPULATION, JOBS, AND HOUSING**

| | EEHVS Development Scenario | | | | | |
|---|---|---|---|---|---|---|
| | **I** | **II** | **III** | **IV** | **V** | **VI** |
| ***Net Change from Existing (2005) Conditions*** | | | | | | |
| Households | + 217 | + 3,600 | + 4,200 | + 4,600 | + 5,700 | + 3,900 |
| Jobs | + 10,383 | 0 | 0 | 0 | 0 | + 10,383 |
| Population | + 694 | + 11,520 | + 13,440 | + 14,720 | + 18,240 | + 12,480 |
| ***Net Change from that Allowed under the Approved General Plan*** | | | | | | |
| Households | 0 | + 3,383 | + 3,983 | + 4,383 | + 5,483 | + 3,683 |
| Jobs | 0 | - 10,383 | - 10,383 | - 10,383 | - 10,383 | 0 |
| Population | 0 | + 10,826 | + 12,746 | + 14,026 | + 17,546 | + 11,786 |
| ***Jobs per Employed Resident at Buildout of the General Plan*** | | | | | | |
| | 1.17 | 1.14 | 1.14 | 1.14 | 1.14 | 1.16 |

**Notes:**

- In this table, "households" is used to represent "dwelling units". In reality, the two numbers are almost identical.
- Population is based on the assumption that there is an average of 3.2 persons in each household in San José.

**Sources:** ABAG (*Projections 2005*), City of San José.

Scenarios II-V would eliminate the future 10,383 jobs associated with *Campus Industrial* uses on the Berg/IDS and Legacy Partners properties. Housing would be constructed on these properties, as well as on the Arcadia, Pleasant Hills Golf Course, and Evergreen Valley College properties. The number of additional dwelling units would range from a low of 3,600 under Scenario II to a high of 5,700 under Scenario V. Except for 217 units, none of this housing could occur under the adopted General Plan.

Scenario VI would retain the future 10,383 jobs on the Berg/IDS and Legacy Partners properties. At the same time, Scenario VI would allow for the construction of up to 3,900 new dwelling units in the EDP area, only 217 of which could be built under the adopted General Plan.

As shown in Table 58, the effect of the EEHVS development scenarios on the City's overall job/housing balance under buildout conditions would be as follows:

- Scenario I, which would not amend the General Plan, would have no effect on the jobs/housing balance. **[No Impact]**
- Scenarios II-V, by eliminating 10,383 future jobs and adding housing, would have an adverse effect on the jobs/housing balance. **[Significant Impact]**
- Scenario VI would retain the future jobs and at the same time, add housing, the net effect of which would be minor. **[Less-than-Significant Impact]**

### 4.13.3 Mitigation and Avoidance Measures for Population, Jobs, and Housing Impacts

There are no mitigation measures that are applicable to the EEHVS under any of the development scenarios with regard to population, jobs, and housing impacts. Therefore, in light of the impact caused by Scenarios II-V on the jobs/housing balance, if one of those options is selected, adoption of a statement of overriding considerations will be required.

### 4.13.4 Conclusions Regarding Population, Jobs, and Housing Impacts

EEHVS Scenario I would have no effect on the City's jobs/housing balance at buildout of the General Plan. **[No Impact]**

EEHVS Scenarios II-V would, when compared to buildout of the existing General Plan, have an adverse effect on the City's jobs/housing balance. **[Significant Unavoidable Impact]**

EEHVS Scenario VI would, when compared to buildout of the existing General Plan, have a minor effect on the City's jobs/housing balance. **[Less-than-Significant Impact]**

# SECTION 5. AVAILABILITY OF PUBLIC SERVICES

***Introductory Note Regarding Public Services**: Unlike public facilities and utilities, public services are provided to the community as a whole, usually from a central location or from a defined set of nodes. The resource base for delivery of these services, including the physical service delivery mechanisms, is financed on a community-wide basis, usually from a unified or integrated financial system. The service delivery agency can be a city, county, service or other special district. Usually, new development will create an incremental increase in the demand for these services; the amount of demand will vary widely, depending on both the nature of the development (residential vs. commercial, for instance) and the type of services, as well as on the specific characteristics of the development (such as senior housing vs. family housing).*

*The impact of a particular project on public facility services is generally a fiscal impact. By increasing the demand for a type of service, a project could cause an eventual increase in the cost of providing the service (more personnel hours to patrol an area, additional fire equipment needed to service a tall building, etc.). That is a fiscal impact, not an environmental one. CEQA does not require an analysis of fiscal impacts.*

*However, CEQA analysis is required if the increased demand is of sufficient size to trigger the need for a new or physically altered facility (such as a school or fire station), since the new or physically altered facility would have a physical impact on the environment. CEQA requires that an EIR then identify and evaluate the physical impacts on the environment that such a facility would have. To reiterate, the impact that must be analyzed in an EIR is the impact that would result from constructing a new public facility (should one be required), not the fiscal impact of a development on the capacity of a public service system.*

## 5.1 FIRE PROTECTION[101]

### 5.1.1 Existing Setting

Fire protection for the project area is provided by the City of San José Fire Department (SJFD). The SJFD presently has 31 stations within the City and also participates in a mutual aid program with

[101]The information in this section is based on an analysis that was prepared for this EIR by the San José Fire Department.

neighboring jurisdictions. The SJFD also responds to all emergency medical services (EMS) calls in the City. In fact, roughly two-thirds of all SJFD dispatches are EMS-related.

There are five SJFD stations located within the EDP area:

- Station 11 - 2840 The Villages Parkway
- Station 16 - 2001 South King Road
- Station 21 - 1749 Mount Pleasant Road
- Station 24 - 2525 Aborn Road
- Station 31 - 3100 Ruby Avenue

Each of these stations contains an engine company and Station 16 also has an Urban Search and Rescue (USAR) company. Although not located within the boundaries of the EDP, Station 2 (2933 Alum Rock Avenue) and Station 18 (4430 Monterey Highway) are the closest stations with ladder trucks.

As part of the SJFD's long-range plans for the area, Station 21 will be relocated to a site along White Road on the Pleasant Hills Golf Course property.[102] Unrelated to the EEHVS, Station 24 will also be relocated to a site near the intersection of Yerba Buena and Old Silver Creek Roads. Although Station 24 currently consists of one engine company, the new building will be of sufficient size to house a ladder truck along with the existing engine. These new/relocated stations will be funded with Public Safety Bond proceeds.

The approved Fire Department Strategic Plan (2000) contains various goals regarding fire department levels of service. The first goal is expressed in terms of total response time[103] to an emergency call, which takes into account the time needed to dispatch, board and start the apparatus and the distance a responding unit must travel using an estimated speed based on traffic conditions. The City's total response time goals are eight minutes for the first-due engine, 80% of the time, and ten minutes for the first-due ladder truck (or USAR), 80% of the time. The second goal is expressed in terms of unit-hour-utilization (UHU), which measures the percentage of time a given company is committed to a call. The higher the UHU, the greater the probability a first-due unit will be unavailable to respond when a second request for service is received in the unit's first-due area. When first-due units are unavailable, response times increase because the call is handled by second-due units that are based at more distant stations. UHU values of greater than 35% are undesirable because they begin an exponential increase in the probability of simultaneous calls for service.

[102] As described in Section 2.1, this EIR provides the CEQA analysis of the planned relocation of Station 21.

[103] Also, as known as "total reflex time", the total response time refers to the amount of time that passes from receipt of the emergency call by the Emergency Communications Dispatching Center to the arrival of the responding unit to the emergency scene.

### 5.1.2 Impact Analysis

The City's first-due engine company total response time goal of eight minutes for 80% of responses can be met for the Arcadia, Pleasant Hills Golf Course, Berg/IDS, Legacy Partners, and Evergreen Valley College properties. The first-due truck/USAR total response time goal of ten minutes can be met at the Arcadia and Pleasant Hills Golf Course properties by USAR 16 and Truck 2, respectively. However, USAR 16, which is the closest truck/USAR to the Berg/IDS, Legacy Partners, and Evergreen Valley College properties cannot reach those sites within the 10-minute response goal. This existing deficiency would be partially remedied by locating a new ladder truck company at the to-be-relocated Station 24. No funding for a new truck company has been identified.

All of the EEHVS scenarios would increase SJFD calls for service, as compared to existing conditions. Scenario V would result in the greatest increase, with Engine 31 experiencing a 28% increase in utilization and Engine 16 experiencing a 21% increase in utilization. Even with these increases, the projected UHU for each of these engine companies would not exceed 35%. Projected increases in utilization due to increased calls for service would be less for the other EEHVS scenarios.

Scenarios II-VI would construct 6-story buildings on the Arcadia and Evergreen Valley College properties. Buildings four stories or greater require a "High-Rise Level 1" structure response in the event of a fire. This response consists of three engine companies, two truck companies (or one truck and one USAR), and two Battalion Chiefs. Truck company response becomes critical in such responses because the aerial ladders provide a stable platform for extricating entrapped victims from external windows and balconies. The closest trucks to the Arcadia and Evergreen Valley College properties which are Truck 2 and Truck 18, are too far to meet the 10-minute response goal.

The existing truck company deficiency (described above), as well as the future truck company deficiencies related to the proposed high-rises on the Arcadia and Evergreen Valley College properties, can be corrected with a new truck company at relocated Station 24. A truck dispatched from relocated Station 24 would reach the Arcadia and Evergreen Valley College properties within the 10-minute total response time goal, with arrival at the Berg/IDS and Legacy Partners properties taking slightly longer. The SJFD estimates the capital cost of a ladder truck at $1,000,000, with annual costs for personnel to staff the truck estimated at $2.1 million.

Traffic generated by new development under each of the EEHVS scenarios will have the effect of slowing SJFD emergency responses, especially during congested peak commute periods. Increased response times could be partially offset through the use of signal preemption systems at major intersections. The SJFD estimates the cost of installing such systems to be $8,000 per intersection.

### 5.1.3 Conclusion

While the proposed project would increase the need for fire services in the EDP area, it would not require the construction of new stations beyond the planned relocation and construction of Station 24. **[Less-than-Significant Impact]**

## 5.2 POLICE PROTECTION

### 5.2.1 Existing Setting

Police protection services in the project area are provided by the City of San José Police Department (SJPD). Unlike the SJFD wherein emergency equipment is dispatched from stations located throughout the City, all SJPD officers are dispatched from police headquarters (located at 201 West Mission Street) at the beginning of their shifts to patrol the City within their assigned beats. There are currently 83 police beats in the City. To improve efficiency and service, the City is planning to construct a new SJPD Substation in South San José on Great Oaks Boulevard.

### 5.2.2 Impact Analysis

The anticipated level of development that would result from this project in the EDP area would increase calls for service and might require additional staffing or other resources. However, new facilities would not need to be constructed because any additional personnel would continue to be dispatched from police headquarters or the planned substation.

### 5.2.3 Conclusion

While the proposed project would incrementally increase the need for police services in the EDP area, it would not require construction of new police facilities. **[Less -than-Significant Impact]**

## 5.3 SCHOOLS

### 5.3.1 Introduction

The greater Evergreen area of San José is served by the Alum Rock Union School District (K-8), the Evergreen Elementary School District (K-8), the Mount Pleasant Elementary School District (K-8), and the East Side Union High School District (9-12). The Pleasant Hills Golf Course property is located within the boundaries of the Mount Pleasant Elementary School District. The Arcadia, Berg/IDS, Legacy Partners, and Evergreen Valley College properties are located within the boundaries of the Evergreen Elementary School District. All of the properties are located within the boundaries of the East

**T A B L E 5 9**

**PROJECT-AREA PUBLIC SCHOOLS AND 2004-05 ENROLLMENT**

| East Side Union High School District | |
|---|---|
| **School** | **Students** |
| Evergreen Valley (9-12) | 2,124 |
| Andrew Hill (9-12) | 2,096 |
| Independence (9-12) | 4,005 |
| James Lick (9-12) | 1,123 |
| Mount Pleasant (9-12) | 2,006 |
| Oak Grove (9-12) | 2,744 |
| Overfelt (9-12) | 1,509 |
| Piedmont Hills (9-12) | 2,090 |
| Santa Teresa (9-12) | 2,181 |
| Silver Creek (9-12) | 2,347 |
| Yerba Buena (9-12) | 1,563 |

| Mt. Pleasant Elementary School District | |
|---|---|
| **School** | **Students** |
| August Boeger (7-8) | 644 |
| Ida Jew (4-6) | 923 |
| Mt. Pleasant (K-3) | 335 |
| Sanders (K-3) | 516 |
| Valle Vista (K-3) | 474 |

| Evergreen Elementary School District | |
|---|---|
| **School** | **Students** |
| Cadwallader (K-6) | 382 |
| Clark (K-6) | 701 |
| Cedar Grove (K-6) | 757 |
| Chaboya (7-8) | 1,122 |
| Dove Hill (K-6) | 758 |
| Evergreen (K-6) | 645 |
| Holly Oak (K-6) | 783 |
| Laurelwood (K-6) | 406 |
| Ley Va (6-8) | 940 |
| Matsumoto (K-6) | 814 |
| Millbrook (K-6) | 728 |
| Montgomery (K-6) | 729 |
| Norwood Creek (K-6) | 639 |
| Quimby Oak (7-8) | 1,026 |
| Silver Oak (K-6) | 833 |
| James Smith (K-6) | 588 |
| Katherine Smith (K-6) | 761 |
| Whaley (K-5) | 742 |

**Note:** In addition to the 11 schools listed above, the East Side Union High School District operates seven alternative education schools/programs.

**Source:** California Department of Education, Educational Demographics Unit, August 2005.

Side Union High School District. None of the sites that are the subject of this EIR are located within the boundaries of the Alum Rock Union School District.

### 5.3.2 Evergreen Elementary School District[104]

#### 5.3.2.1 *Existing Setting*

The Evergreen Elementary School District includes 15 elementary schools (grades K-6) and three middle schools (grades 7-8), as summarized in Table 59. Total enrollment in the district in the 2004-05 school year was 13,354 students. According to school district staff, the elementary schools in the vicinity of the Arcadia property are currently close to capacity, but the closest middle school is operating under capacity. The elementary and middle schools in the vicinity of the Berg/IDS and Legacy Partners properties are at capacity. The elementary schools in the vicinity of the Evergreen Valley College property are operating under capacity, but the middle schools are at capacity.

#### 5.3.2.2 *Impact Analysis*

Table 60 shows the number of students that would be generated by the EEHVS within the boundaries of the Evergreen Elementary School District. The data are shown for each of the development scenarios under consideration.

Under Scenarios II-VI, development of the Arcadia property would necessitate the construction of a new elementary school (K-6). This is because the surrounding K-6 schools are operating close to capacity. Under Scenario I, a new K-6 school would not be required. According to school district staff, District-owned land adjacent to Ley Va Middle School that is currently rented to the County for a special education program could partially meet the needs for a new school site. However, the staff indicated that additional acreage for the school from the Arcadia property would be needed.

A new middle school would not be required under any of the development scenarios for the Arcadia property.

Under Scenarios II-V, development of the Berg/IDS and Legacy Partners properties would necessitate the construction of a new elementary school (K-8). This is because the surrounding elementary and middle schools are operating at capacity. As noted in Section 2.1.4, under Scenarios II-V, a 5-acre area along the western border of the Berg/IDS property, which would otherwise be part of an 11-acre park,

[104]Information regarding the Evergreen Elementary School District was obtained from the district's website (http://www.esd.k12.ca.us), the California Department of Education's Educational Demographic Unit, and from district personnel (Jim Crawford, Assistant Superintendent, telephone and e-mail communications, August 2005).

**T A B L E 6 0**

**IMPACTS ON EVERGREEN ELEMENTARY SCHOOL DISTRICT**

| | | EEHVS Development Scenario | | | | | |
|---|---|---|---|---|---|---|---|
| | | **I** | **II** | **III** | **IV** | **V** | **VI** |
| Arcadia Property | Single-Family Units | 217 | 0 | 0 | 0 | 0 | 0 |
| | Multi-Family Units | 0 | 1,500 | 1,850 | 2,025 | 1,875 | 1,875 |
| | **Students** | **103** | **446** | **549** | **601** | **557** | **557** |
| | | | | | | | |
| Berg/IDS/ Legacy Properties | Single-Family Units | 0 | 815 | 900 | 985 | 1,575 | 0 |
| | Multi-Family Units | 0 | 135 | 150 | 165 | 375 | 0 |
| | **Students** | **0** | **426** | **470** | **515** | **856** | **0** |
| | | | | | | | |
| Evergreen College Property | Single-Family Units | 0 | 0 | 0 | 0 | 0 | 0 |
| | Multi-Family Units | 0 | 275 | 300 | 330 | 500 | 500 |
| | **Students** | **0** | **82** | **89** | **98** | **149** | **149** |
| | | | | | | | |
| All Sites | **Total Students** | **103** | **953** | **1,109** | **1,214** | **1,562** | **705** |

Per the Evergreen Elementary School District, the student generation rate is 0.473 students per single-family dwelling unit and 0.297 students per multi-family dwelling unit.

will be reserved for a new elementary school in the event that the Evergreen Elementary School District decides to construct a new school.[105]

Under Scenarios II-VI, development of the Evergreen Valley College property would add students to nearby Laurelwood and/or Evergreen Elementary Schools. Additional classrooms would be necessary but not to the degree to where a new school would be needed. Middle school enrollment would also

[105]Evergreen School District staff have stated that five acres is insufficient. Based on the California Department of Education's *Guide to School Site Analysis and Development*, District staff "estimate 25 acres would be a minimum for a K-8 school for this development." [E-mail to David Powers & Associates from James Crawford, Assistant Superintendent, 8/16/05]

increase and would exceed the capacity of the nearby middle schools, especially when combined with students to be generated by development on the Berg/IDS and Legacy Partners properties.

### 5.3.3 Mount Pleasant Elementary School District[106]

#### 5.3.3.1 Existing Setting

The Mount Pleasant Elementary School District includes two elementary schools (K-3), one magnet school (K-3), one intermediate school (4-6), and one junior high school (7-8), as summarized in Table 59. Total enrollment in the district in the 2004-05 school year was 2,892 students. Students generated from development on the Pleasant Hills Golf Course property would attend Valley Vista School (K-3), Ida Jew Intermediate School (4-6), and Boeger Junior High School (7-8). According to school district staff, all of these schools are operating at full capacity.

#### 5.3.3.2 Impact Analysis

Table 61 shows the number of students that would be generated by the EEHVS within the boundaries of the Mount Pleasant Elementary School District. The data are shown for each of the development scenarios under consideration.

**T A B L E 6 1**

**IMPACTS ON MOUNT PLEASANT ELEMENTARY SCHOOL DISTRICT**

| | | EEHVS Development Scenario | | | | | |
|---|---|---|---|---|---|---|---|
| | | **I** | **II** | **III** | **IV** | **V** | **VI** |
| P.H. Golf Course Property | Single-Family Units | 0 | 90 | 100 | 110 | 150 | 150 |
| | Multi-Family Units | 0 | 450 | 500 | 550 | 675 | 675 |
| | **Students** | **0** | **179** | **199** | **219** | **276** | **276** |

Per the Mount Pleasant Elementary School District, the student generation rate is 0.49 students per single-family dwelling unit and 0.3 students per multi-family dwelling unit.

[106]Information regarding the Mount Pleasant Elementary School District was obtained from the district's website (http://www.mountpleasant.k12.ca.us), the California Department of Education's Educational Demographic Unit, and from district personnel (Mike Kelly, telephone and e-mail communications, August 2005).

Under Scenarios II-VI, development of the Pleasant Hills Golf Course property would necessitate the construction of a new school. This is because the surrounding schools are operating at capacity. As noted in Section 2.1.3, under Scenarios II-VI, a 5-acre area in the southern portion of the Pleasant Hills Golf Course property, which would otherwise be part of a park, will be reserved for a school in the event that the Mount Pleasant Elementary School District decides to construct a new school.

### 5.3.4 East Side Union High School District[107]

#### 5.3.4.1 *Existing Setting*

The East Side Union High School District is comprised of 11 high schools and seven alternative education schools/programs, as summarized in Table 59. Total enrollment in the district in the 2004-05 school year was 25,496 students. The Berg/IDS, Legacy Partners, and Evergreen Valley College properties are located within the current attendance boundary for Evergreen Valley High School. The Arcadia property is located within the current attendance boundary for Silver Creek High School. The Pleasant Hills Golf Course property is located within the current attendance boundary for Mount Pleasant High School.

#### 5.3.4.2 *Impact Analysis*

Table 62 shows the number of students that would be generated by the EEHVS within the boundaries of the East Side Union High School District. The data are shown for each of the development scenarios under consideration.

According to school district staff, the East Side Union High School District has an existing capacity to accommodate an additional 4,000 students. Therefore, approval of any of the EEHVS development scenarios would not require the construction of a new school. Approval of the EEHVS would, however, require the school district to adjust the current school attendance boundaries. Adjustment of the boundaries would balance district-wide demand versus capacity by 1) preventing overcrowding at those schools that are operating at or near capacity and 2) better utilizing those schools that are operating under capacity.

[107] Information regarding the East Side Union High School District was obtained from the district's website (http://www.esuhsd.org), the California Department of Education's Educational Demographic Unit, and from district personnel (Alan Garofalo, Chief Operations Officer, ESUHSD, telephone communication, August 2005).

**T A B L E 6 2**

**IMPACTS ON EAST SIDE UNION HIGH SCHOOL DISTRICT**

| | | EEHVS Development Scenario | | | | | |
|---|---|---|---|---|---|---|---|
| | | **I** | **II** | **III** | **IV** | **V** | **VI** |
| Arcadia Property | Single-Family Units | 217 | 0 | 0 | 0 | 0 | 0 |
| | Multi-Family Units | 0 | 1,500 | 1,850 | 2,025 | 1,875 | 1,875 |
| | **Students** | **43** | **300** | **370** | **405** | **375** | **375** |
| | | | | | | | |
| P.H. Golf Course Property | Single-Family Units | 0 | 90 | 100 | 110 | 150 | 150 |
| | Multi-Family Units | 0 | 450 | 500 | 550 | 675 | 675 |
| | **Students** | **0** | **108** | **120** | **132** | **165** | **165** |
| | | | | | | | |
| Berg/IDS/ Legacy Properties | Single-Family Units | 0 | 815 | 900 | 985 | 1,575 | 0 |
| | Multi-Family Units | 0 | 135 | 150 | 165 | 375 | 0 |
| | **Students** | **0** | **190** | **210** | **230** | **390** | **0** |
| | | | | | | | |
| Evergreen College Property | Single-Family Units | 0 | 0 | 0 | 0 | 0 | 0 |
| | Multi-Family Units | 0 | 275 | 300 | 330 | 500 | 500 |
| | **Students** | **0** | **55** | **60** | **66** | **100** | **100** |
| | | | | | | | |
| All Sites | **Total Students** | **43** | **653** | **760** | **833** | **1,030** | **640** |

Per the East Side Union High School District, the student generation rate is 0.2 students per dwelling unit.

### 5.3.5 School Impact Fees

The City's ability to plan for school facilities is limited by State law in that cities can no longer require the dedication of school sites in conjunction with the planning process. State law (Government Code §65996) specifies the method of offsetting a project's effect under CEQA on the adequacy of school facilities is the payment of a school impact fee prior to issuance of the building permit. The affected school districts are responsible for implementing the specific methods for mitigating school impacts under the Government Code, including setting the school impact fee amount consistent with state law. The school impact fees and the school districts' methods of implementing measures specified by Government Code §65996 would partially offset the costs of serving project-related increases in student enrollment.

**MM 5.3-1** All residential development shall comply with state law regarding the payment of school impact fees.

### 5.3.6 Conclusion

The proposed project would increase the number of school children attending public schools in the project area, but would mitigate its impact through compliance with state law regarding school mitigation impact fees. Future development of one or more schools in the project area, if deemed necessary by the school districts, would require separate environmental review. **[Less-than-Significant Impact]**

## 5.4 PARKS AND RECREATION

### 5.4.1 Existing Setting

The City of San José Department of Parks, Recreation and Neighborhood Services operates an extensive system of parks and recreational facilities throughout the City. On a Citywide basis, there are 144 neighborhood parks, nine regional parks, and 23 community centers. There are also senior centers, youth centers, and a network of trails and pathways. These facilities are supplemented by those of local schools and the County, as well as a number of trails on lands along creeks that are owned by the Santa Clara Valley Water District.

The City's General Plan has established level of service benchmarks for parks and community centers. The City has a service level objective of 3.5 acres of neighborhood and community serving recreational lands per 1,000 residents, of which a minimum is 1.5 acres of City-owned and up to 2 acres of school playgrounds, and all of which are located within a reasonable walking distance from the surrounding residences. In addition, the City seeks to provide 7.5 acres of regional/City-wide parkland per 1,000 population and 500 square feet of community center floor area per 1,000 population.

Most of the EDP area is located within the boundaries of City Council District 8. According to the City of San José *Greenprint*, which is its 20-year strategic plan for parks and community centers, "District 8 has adequate neighborhood/community-serving parklands for the present and for 2020. There are no areas within Council District 8 that are underserved by park facilities".[108]

The northerly portion of the EDP area (i.e., north of Ocala Avenue/Marten Avenue, south of Story Road, and east of King Road) is located within the boundaries of City Council District 5. According to the *Greenprint*, District 5 exceeded the City's parkland acreage goal in 2000, but will need an additional 6.63 acres of neighborhood/community-serving parklands by 2020. There are three areas within District 5 that are underserved by park facilities, but none are in Evergreen.[109]

The westerly edge of the EDP area (i.e., the area bounded by Story Road, King Road, Capitol Expressway, and U.S. 101) is located within the boundaries of City Council District 7. According to the *Greenprint*, District 7 had 207.1 acres of neighborhood/community-serving parklands in 2000, but needed an additional 108.9 acres to meet the City's parkland acreage goal. By 2020, this need for additional parkland will grow to 179.3 acres. District 7 has one area that is underserved by park facilities, but it is not located in the Evergreen area.[110]

Existing and planned parks, trails, and community centers in the EDP area are listed in Table 63.

The City of San José has a Parkland Impact Ordinance (PIO) and a Parkland Dedication Ordinance (PDO). These ordinances require that residential development either dedicate land for public parks to serve the new residents, or to pay in-lieu fees, or both. The intent is to offset the increased costs of providing additional park facilities to serve new residential development.[111]

### 5.4.2 Impact Analysis

For comparison purposes, Table 64 shows the park acreage required under each of the EEHVS scenarios. The acreage requirements shown in Table 64 are maximums, meaning the data assume no reductions due to payment of in-lieu fees or other credits allowed under the PIO and PDO.

**MM 5.4-1** All residential development shall comply with the requirements of the City's PIO and PDO ordinances..

[108] *Greenprint: 20-Year Strategic Plan for Parks, Community Facilities and Programs*, adopted September 5, 2000.

[109] ibid.

[110] ibid.

[111] The PIO allows applicants to receive credit toward the parkland dedication requirements for private recreation improvements included as part of the project.

**T A B L E 6 3**

**EXISTING & PLANNED PARKS, TRAILS, COMMUNITY CENTERS**

| Name | Location | Status/Comments |
|---|---|---|
| ***Regional Parks*** | | |
| Lake Cunningham (8) | Tully Rd. at White Rd. | Existing 202-acre regional park |
| ***Neighborhood Parks*** | | |
| Aborn (8) | E of Renfield at Pentland | Existing 3.1-acre neighborhood park |
| Boggini (8) | Remington & Millbrook | Existing 10-acre neighborhood park |
| Brigadoon (8) | Brigadoon & Daniel Maloney | Existing 5.5-acre neighborhood park |
| Canyon Creek (8) | Larkspur Canyon & Eagle Pk | Existing 1.2-acre neighborhood park |
| Dovehill (8) | Carick & Ravens | Existing 3.9-acre neighborhood park |
| Evergreen (8) | Yerba Buena & San Felipe | Existing 16.4-acre neighborhood park |
| Evergreen Village (8) | Aborn & Ruby | Existing 0.5-acre neighborhood park |
| Falls Creek (8) | Bowery & Metropolitan | Planned 1-acre neighborhood park |
| Fernish (8) | Fernish & Rubion | Existing 6-acre neighborhood park |
| Fowler Creek (8) | Cortona & Altia | Planned 12-acre neighborhood park |
| Groesbeck Hill (8) | Klein & Norwood | Existing 26.6-acre neighborhood park |
| Hillview (5) | Adrian & Ocala | Existing 11.6-acre neighborhood park |
| Meadowfair (8) | Corda Drive | Existing 8.4-acre neighborhood park |
| Montgomery Hill (8) | Yerba Buena & Murillo | Existing 59.6-acre neighborhood park |
| Mount Pleasant (5) | Aramis & Park Pleasant | Existing 5.4-acre neighborhood park |
| Norwood (8) | Centerwood & Centerwood | Existing 5.0-acre neighborhood park |
| Silver Creek Linear (8) | Silver Creek & Yerba Buena | Existing 35-acre neighborhood park |
| Welch (8) | Clarice & Santiago | Existing 11.1-acre neighborhood park |
| ***Trails*** | | |
| Evergreen Creek (8) | San Felipe Rd. to Ridge Trail | completed west of Yerba Buena Road |
| Fowler Creek (8) | Ruby Ave. to East Foothills | 0.3-mile segment completed |
| Montgomery Hill (8) | Montgomery Hill Park area | portions completed |
| Silver Creek Valley (8) | Fontanoso to Silver Cr. Park | existing 4.2-mile paved trail |
| Thompson Creek (8) | Heartland Way to Tully Rd. | planned 6.8-mile trail along creek |
| Upper Silver Creek (8) | Upstream of Greenyard St. | portions completed |
| Yerba Buena Creek (8) | San Felipe to Villa Vista Rd. | existing 0.7-mile unpaved trail |
| ***Community Centers*** | | |
| Evergreen (8) | 4860 San Felipe Road | Existing community center |
| Hank Lopez (5) | 1694 Adrian Way | Existing community center |
| Meadowfair (8) | 2696 South King Road | Existing community center |
| Millbrook (8) | 3200 Millbrook Drive | Existing community center |

Numbers in parentheses ( ) indicates the City Council district.

**Source:** City of San José, 2005.

**T A B L E 6 4**

**PARK ACREAGE REQUIREMENTS UNDER THE PDO AND PIO**

| | | EEHVS Development Scenario | | | | | |
|---|---|---|---|---|---|---|---|
| | | **I** | **II** | **III** | **IV** | **V** | **VI** |
| Arcadia Property | Multi-Family Units | 0 | 970 | 1,200 | 1,315 | 1,675 | 1,675 |
| | Attached Units | 0 | 530 | 650 | 710 | 200 | 200 |
| | Detached Units | 217 | 0 | 0 | 0 | 0 | 0 |
| | **Acreage** | **2.2** | **11.2** | **13.9** | **15.2** | **13.2** | **13.2** |
| | | | | | | | |
| P.H. Golf Course Property | Multi-Family Units | 0 | 0 | 0 | 0 | 0 | 0 |
| | Attached Units | 0 | 90 | 100 | 110 | 150 | 150 |
| | Detached Units | 0 | 450 | 500 | 550 | 675 | 675 |
| | **Acreage** | **0** | **5.4** | **6.0** | **6.6** | **8.2** | **8.2** |
| | | | | | | | |
| Berg/IDS/ Legacy Properties | Multi-Family Units | 0 | 0 | 0 | 0 | 0 | 0 |
| | Attached Units | 0 | 135 | 150 | 165 | 375 | 0 |
| | Detached Units | 0 | 815 | 900 | 985 | 1,575 | 0 |
| | **Acreage** | **0** | **9.6** | **10.6** | **11.6** | **19.4** | **0** |
| | | | | | | | |
| Evergreen College Property | Multi-Family Units | 0 | 275 | 300 | 330 | 500 | 500 |
| | Attached Units | 0 | 0 | 0 | 0 | 0 | 0 |
| | Detached Units | 0 | 0 | 0 | 0 | 0 | 0 |
| | **Acreage** | **0** | **1.9** | **2.1** | **2.3** | **3.4** | **3.4** |

For multi-family units: number of units x 2.29 x 0.003 = acreage required.
For attached units: number of units x 2.88 x 0.003 = acreage required.
For detached units: number of units x 3.43 x 0.003 = acreage required.

All acreages shown have been rounded to the nearest tenth of an acre.

Per the PDO/PIO, these acreage requirements can be reduced through the payment of in-lieu fees.

### 5.4.3 Conclusion

The residential component of the proposed project would incrementally increase the need for parks and recreational facilities in the EDP area. This need would be met through the dedication of new parkland and/or the payment of in-lieu fees, as required by the City's PIO and PDO. **[Less-than-Significant Impact]**

## 5.5 LIBRARY SERVICES

### 5.5.1 Existing Setting

The City of San José Public Library serves the EDP area. The existing library system consists of a main library, which is located in Downtown San José, and 19 branch libraries located throughout San José.[112] The system is in the midst of adding six new branch libraries and renovating/expanding 14 branch libraries, to be funded by the San José Branch Library Bond Measure, which was approved by voters in November of 2000.

There are two existing branch libraries in the EDP area: the Hillview Branch at 2255 Ocala Avenue and the Evergreen Branch at 2635 Aborn Road. Under the above-described bond measure, the following improvements to Evergreen-area libraries are planned:

- A new Hillview Branch is being constructed to replace the existing facility. The replacement facility will be larger than the existing facility (21,035 square feet versus 7,288 square feet) and is scheduled to open in the Fall of 2006.
- A new Evergreen Branch is being constructed to replace the existing facility. The replacement facility will be larger than the existing facility (21,000 square feet versus 7,448 square feet) and is scheduled to open in the Spring of 2006.
- A third branch library, to be known as the Southeast Branch, will be constructed in Evergreen. The Southeast Branch would be 12,000 square feet in size and would be located on the Evergreen Valley College property. As described in Section 2.2.22, the size of this new branch may be increased to 23,000 square feet with approval of the EEHVS. [As noted in Section 1.5, this EIR provides project-level CEQA analysis of the Southeast Branch, up to 23,000 square feet in size.]

Although not located in Evergreen, the Seventrees Branch is used by persons residing in Evergreen.[113] The Seventrees Branch (6,769 square feet), which is located near the intersection of Capitol Expressway and Seventrees Boulevard, is planned to be replaced with a larger facility (21,600 square feet), with construction tentatively scheduled to begin in 2007.

[112] The main Dr. Martin Luther King, Jr. Library is a facility that jointly serves the City of San José and San José State University.

[113] Source: San José Public Library Branch Facilities Master Plan, 2000.

The San José General Plan includes the following level of service goals for libraries: 2.75 volumes (items) held in the San José Public Library system per capita and .59 square feet of library space per capita.

### 5.5.2 Impact Analysis

Table 65 shows the projected increase in population that would result under each of the EEHVS development scenarios. The table also shows the additional library space that would be needed, using the General Plan level of service goal of 10,000 square feet per 36,000 population. The increase in population will also increase demand for library staff services (e.g., research and reference) and usage of library collections.

**T A B L E 6 5**

**COMPARISON OF LIBRARY FACILITY REQUIREMENTS**

| | EEHVS Development Scenario | | | | | |
|---|---|---|---|---|---|---|
| | **I** | **II** | **III** | **IV** | **V** | **VI** |
| Increase in Population [a] | 694 | 11,520 | 13,440 | 14,720 | 18,240 | 12,480 |
| Library Space Needed [b] | 400 $ft^2$ | 6,800 $ft^2$ | 7,900 $ft^2$ | 8,700 $ft^2$ | 10,800 $ft^2$ | 7,400 $ft^2$ |

[a] See Section 4.13, *Population, Jobs, & Housing*, for information regarding the calculation of increases in population.

[b] Based on the San José General Plan library level of service goal of 0.59 square feet of library space per capita. Numbers are rounded to the nearest hundred.

In view of the substantial planned improvements to the San José Public Library system in the greater Evergreen area (see description, above), and in view of the project's proposal to increase the size of the planned Southeast Branch, none of the EEHVS development scenarios would result in significant impacts to library services.

### 5.5.3 Conclusion

The proposed project would increase the number of people using library facilities and services in the project area. Planned and funded improvements to the library system in the greater Evergreen area, as well as the project's proposal to increase the size of a new branch library, will accommodate this increased demand. **[Less-than-Significant Impact]**

# SECTION 6. ALTERNATIVES

## 6.1 INTRODUCTION

CEQA Guidelines Section 15126.6 states, in part, that "an EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project."

In most cases, there is a defined project that is proposed by a private applicant or a public agency. In such cases, the EIR contains detailed analyses whose purpose is the disclosure of the environmental impacts of that defined project, followed by a section that identifies and assesses alternatives.

**ALTERNATIVES**

- Purpose is to identify ways to mitigate or avoid significant effects of the project.
- Alternative(s) limited to those that would feasibly attain most of the project objectives.
- Discussion of infeasible or unreasonable alternatives is not required.
- Number of alternatives limited to a "reasonable range".
- Alternatives must include the "No Project Alternative".

For the EEHVS and this EIR, a different and more comprehensive approach to alternatives than the traditional methodology has been utilized. In this case, the City has not identified a defined project that is proposed to meet the objectives of the EEHVS. Rather, five development scenarios have been identified for study in this EIR, any of which would feasibly attain most of the EEHVS objectives, such objectives identified in Section 1.4. As noted in Section 2, *Project Description*, these scenarios encompass various land uses, as well as a range of densities, on sites located throughout the Evergreen • East Hills area. The five development scenarios, plus the no project scenario, are fully and equally evaluated throughout this EIR.

In view of the fact that six scenarios, including No Project, are fully evaluated throughout this EIR, the relevant question is as follows:

> Are there any additional alternatives that could feasibly attain most of the EEHVS objectives and, at the same time, avoid one or more significant impacts of the six scenarios already evaluated in this EIR?

The first step involved with answering this question requires a listing of the identified significant environmental effects. Section 4 of this EIR has identified the following significant unavoidable environmental impacts that would occur under one or more of the six EEHVS development scenarios:

① **Conflict with a Land Use Plan adopted for Purpose of Avoiding Environmental Impacts:** EEHVS Scenarios II-V would conflict with the San José General Plan *Campus Industrial* land use designation on the Berg/IDS and Legacy Partners properties, such designation placed on these sites in 1980 for the purpose of minimizing environmental effects. Scenarios II-V would construct housing on these sites, precluding the future creation of jobs at this location.

② **Loss of Agricultural Land:** Scenarios I-VI would result in the loss of 33 acres of Prime Farmland on the Berg/IDS Property. Scenarios II-VI would result in the loss of 17 acres of Farmland of Local Importance on the Evergreen Valley College property.

③ **Traffic Impacts**: Traffic generated under Scenarios II-VI will result in significant and unavoidable near-term impacts on segments of U.S. 101, I-680, and I-280, as well as at several intersections in the project area. Long-term/program-level impacts will also be significant.

④ **Noise Impacts along Roadways:** traffic generated by EEHVS development will, in turn, result in significant and unavoidable increases in noise on segments of Aborn Road, Nieman Boulevard, Quimby Road, San Felipe Road, Silver Creek Valley Road, and Yerba Buena Road.

⑤ **Construction-related Noise Impacts**: Construction-related noise impacts would be significant and unavoidable at residences located adjacent to the Arcadia, Pleasant Hills Golf Course, Berg/IDS, and Evergreen Valley College properties.

⑥ **Air Quality Impacts**: All of the EEHVS development scenarios will result in increases in regional pollutants (e.g., ROG, $NO_x$, and $PM_{10}$) that are in excess of CEQA thresholds. EEHVS Scenarios II through VI would conflict with current Clean Air planning efforts because they would result in an amount and intensity of growth in the EDP area that is not included in the projections used for the 2000 Bay Area Clean Air Plan.

⑦ **Biological Impacts:** All of the EEHVS development scenarios will result in a significant loss of burrowing owl habitat on the Arcadia property.

⑧ **Visual Impacts:** Under EEHVS Scenarios II-VI, building up to six stories in height on the Arcadia property could block views of the scenic Diablo Range foothills and mountains from various locations in the adjacent single-family neighborhood to the west. Under Scenarios I-VI, there would be a significant and unavoidable change in visual character on the Arcadia, Berg/IDS, and Legacy Partners properties. Under Scenarios II-VI, there would be a significant and unavoidable change in visual character on the Pleasant Hills Golf Course property.

⑨ **Energy Impacts:** EEHVS Scenarios II-V will result in the construction of housing on lands that are currently designated for 4.66 million square feet of industrial uses. Such approval would reverse a 1980s decision by the City to locate jobs in Evergreen near a substantial supply of housing, a decision that was intended to reduce the environmental and transportation energy impacts associated with longer distance commuting. In addition, Scenarios I-VI will use a significant amount of electricity and natural gas in the context of projected supplies.

⑩ **Jobs/Housing Balance Impacts:** EEHVS Scenarios II-V will result in the construction of housing on lands that are currently designated for 10,383 industrial jobs. Such approval would have an adverse effect on the City's jobs/housing balance.

The discussion that follows describes potentially feasible and reasonable alternatives, if any, that would avoid one or more of these 10 impacts, while at the same time attaining most of the objectives of the EEHVS.

## 6.2 REDUCED-SCALE ALTERNATIVE

The reduced-scale alternative would consist of lowering the amount of future development that could occur under the EEHVS, with the goal of avoiding or reducing the magnitude of significant impacts that would otherwise occur under Scenarios I-VI. For the purpose of this analysis, a level of development that would allow only 600 dwelling units was selected since, as described below, such an alternative would reduce traffic impacts to a less-than-significant level.

### 6.2.1 Traffic Impacts

It is estimated that a 600-unit alternative would avoid most, if not all, of the significant traffic impacts of Scenarios II-VI. This statement is based on a review of the data in Table 28. That table, which quantifies significant freeway impacts, shows that the largest freeway impact under Scenario II would occur on I-280 between 10th Street and McLaughlin Avenue. At that location, traffic under Scenario II would constitute roughly 6% of freeway capacity.[114] Since the threshold of significance is 1% of capacity, Scenario II would need to be downsized to approximately one-sixth of its size to reduce impacts below a level of significance. Thus, instead of 3,600 dwelling units (i.e., the current definition of Scenario II), only about 600 units could be constructed without resulting in a significant freeway impact. [Note: This same methodology can be applied to other freeway locations and for the other scenarios shown in Table 28.]

Although intersection level of service (LOS) calculations were not undertaken for a 600-unit alternative, a review of the data in Table 26 indicates that most of the identified significant impacts at intersections would likely also be avoided under this alternative.

### 6.2.2 Noise Impacts

A 600-unit alternative would avoid the significant increases in traffic noise along EDP-area roadways. This statement is based on a review of the data in Table 35. That table, which quantifies project-related increases in roadway noise, shows that the largest increase in roadway noise under Scenario II would be six decibels. Since the threshold of significance is a 3-dB increase, Scenario II would need to be downsized to less than one-half of its size to reduce impacts below a level of significance, based on

[114]Scenario II, the "Very Low" scenario, was selected for this exercise because it is the scenario that generates the least amount of new traffic.

applying the rule of thumb that a doubling of traffic yields a 3-dB noise increase. Thus, a 600-unit alternative would result in roadway noise increases of less than three decibels.

### 6.2.3 Air Quality Impacts

A 600-unit alternative would reduce the long-term air quality impacts, but not to a less-than-significant level. It would require a 400-unit alternative to reduce these impacts to a non-significant level. This conclusion is based on a review of the data in Table 38.That table, which quantifies emissions of regional pollutants, shows that the largest impact under Scenario II would be 716 pounds per day of particulate matter ($PM_{10}$). Since the threshold of significance is 80 pounds per day, Scenario II would need to be downsized to approximately one-ninth of its size to reduce impacts below a level of significance. Thus, instead of 3,600 dwelling units (i.e., the current definition of Scenario II), only about 400 units could be constructed without resulting in a significant long-term air quality impact.

### 6.2.4 Other Impacts

A 600-unit alternative would not only reduce traffic, noise, and air quality impacts, but would result in proportionately less energy consumption. In addition, an alternative with only 600 dwelling units would substantially reduce the "footprint" of development, which in turn would result in less impervious surfaces, reduced visual impacts, and a lower demand for various utilities and urban services. This alternative could avoid the development of one or more of the EEHVS "opportunity sites" which, in the case of the Arcadia property, would avoid the loss of burrowing owl habitat.

### 6.2.5 Ability to Meet Project Objectives

This alternative would be problematic with regard to meeting a key project objective, which is EEHVS funding of transportation improvements and community amenities in the project area. As an example, EEHVS Scenarios II-VI include a package of transportation improvements (see list in Table 14) that have a cost in excess of $100 million.[115] The amount of monies available for these projects will be directly related to the market value of the new development to be approved by the City in the EDP area. While there are, at this time, no data as to the amount of money that would be available to finance such projects under a 600-unit alternative, it is reasonable to conclude that such funds would be relatively limited, would be substantially less than from the identified EEHVS scenarios, and would likely be insufficient to finance the identified transportation improvements and/or community amenities.

[115] Preliminary cost estimates prepared by the City are as follows: $82 million for the U.S. 101 Operational Improvements, $8.5 million for intersection improvements, $8.9 million for White Road widening, $5.5 million for Capitol Expressway improvements, and $3.7 million for new traffic signals.

### 6.2.6 Other Issues

It is important to note that an EEHVS alternative with only about 600 dwelling units may not be considered economically feasible, especially since the Arcadia property has an existing traffic allocation for 217 dwelling units and the Berg/IDS and Legacy Partners properties have existing full entitlements for 4.66 million square feet of industrial uses.

## 6.3 UNIT REALLOCATION ALTERNATIVE

This alternative would consist of concentrating EEHVS development on several of the opportunity sites while, at the same time, limiting or avoiding development on other opportunity sites. While such an alternative would not reduce the amount of new traffic that would occur under the various EEHVS scenarios, it would avoid various localized impacts.

For example, excluding development from the Arcadia property would avoid the identified significant loss of burrowing owl habitat. Excluding development on the Pleasant Hills Golf Course property would avoid the significant change in visual character, including the loss of up to 2,500 trees, that would otherwise occur. Excluding development on some or all of the Berg/IDS property would avoid the significant loss of Prime Farmland.

Keeping the overall level of development constant, but concentrating it on fewer sites, would have certain adverse effects. For example, it would have the effect of increasing densities on the remaining sites, which would translate into increased traffic congestion and increased noise in the immediate vicinity of the sites. It would likely also result in increased visual impacts because higher buildings would be required, which could be problematic in terms of compatibility with the existing single-family neighborhoods that are adjacent to most of the opportunity sites.

To summarize, this alternative essentially "trades off" impacts. It has the benefit of avoiding certain environmental impacts at various locations, but such avoidance would simultaneously increase environmental impacts at other locations.

## 6.4 LOCATION ALTERNATIVE

Alternatives that would construct the identified land uses on sites outside of the Evergreen • East Hills area were not evaluated. This is because the EEHVS, by definition, seeks to develop a community-based vision regarding future development and the future character of the Evergreen • East Hills area of San José. Thus, alternative sites located outside the area would not meet any of the objectives for the Evergreen • East Hills area, which are listed in Section 1.4.

## 6.5 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA requires an EIR to identify the environmentally-superior alternative. For this project, this would be the Reduced-Scale Alternative. As described above in Section 6.2, the Reduced-Scale Alternative avoids and/or reduces many of the identified significant impacts of the EEHVS.

However, for the reasons discussed in Section 6.2.5, this alternative would be problematic with regard to meeting a key project objective, which is EEHVS funding of transportation improvements and community amenities in the project area.

# SECTION 7. CUMULATIVE IMPACTS

## 7.1 INTRODUCTION

Cumulative impacts, as defined by CEQA, refer to two or more individual effects, which when combined, are considerable or which compound or increase other environmental impacts. Cumulative impacts may result from individually minor, but collectively significant projects taking place over a period of time. The CEQA Guidelines state (§15130) that an EIR should discuss cumulative impacts "when the project's incremental effect is cumulatively considerable." The discussion does not need to be in as great detail as is necessary for project impacts, but is to be "guided by the standards of practicality and reasonableness." The purpose of the cumulative analysis is to allow decision-makers to better understand the potential impacts which might result from approval of past, present and reasonably foreseeable future projects, in conjunction with the proposed project addressed in this EIR.

The CEQA Guidelines advise that a discussion of cumulative impacts should reflect both their severity and the likelihood of their occurrence. To accomplish these two objectives, the analysis should include either a list of past, present and probable future projects or a summary of projections from an adopted general plan or similar document. The effects of past projects are generally reflected in the existing conditions described in the specific sections of this EIR. For instance, the traffic from recently-approved projects is reflected in the Background Conditions described in Section 4.2, *Transportation & Traffic*.

For each subject area, the discussions below addresses the following aspects of cumulative impacts:

> Would the effects of the EEHVS, when combined with the effects of all of the pending development, result in a cumulatively significant impact on the resources in question?
>
> If a cumulative impact is likely to be significant, would the contribution of the EEHVS to that impact be cumulatively considerable?

## 7.2 LIST OF CUMULATIVE PROJECTS

The proposed actions that must occur to implement the EEHVS include amendments to the adopted San José General Plan, both text amendments and changes to the Land Use/Transportation Diagram. Because the project includes amendments to the City's General Plan, the method used to prepare this Cumulative Impact analysis combines elements of both the "list" method and the adopted General Plan method.

Including the proposed EEHVS, the City of San José is currently considering three major long-term projects that propose development and/or intensified development on approximately 4,020 acres, as well as 32 other General Plan amendments that cover approximately 215 acres. The cumulative projects are summarized in Table 66, with their locations shown on Figures 22-24.

**TABLE 66**

**LIST OF CUMULATIVE PROJECTS**

| # | Project Name/Location | Acres | Project Description |
|---|---|---|---|
| 1 | Coyote Valley Specific Plan | 3,400 | plan for 25,000 du's & 50,000 jobs |
| 2 | EEHVS | 542 | see EIR Section 2 |
| 3 | iStar (Great Oaks Blvd.) (GP03-02-05) | 78 | allow for commercial/office/R&D |
| 4 | U.S. 101/Metcalf Road Interchange | n/a | delete future interchange |
| 5 | N. First St. @ Liberty St. (GP04-04-02) | 38 | industrial/commercial → residential |
| 6 | Los Gatos Rd. @ Warwick Rd. (GP04-09-01) | 1.0 | increase residential density |
| 7 | Route 85 @ Kentwood Ave. (GP05-01-01) | 4.2 | commercial → residential |
| 8 | Senter Rd. @ Coyote Rd. (GP05-02-01) | 1.4 | residential → commercial |
| 9 | Snell Ave., S of Santa Teresa (GP05-02-02) | 1.4 | commercial → residential |
| 10 | Piercy Rd. @ Tennant Ave. (GP05-02-04) | 8.3 | hillside → residential |
| 11 | Terminus of Skyway Drive (GP05-02-05) | 4.7 | increase residential density |
| 12 | Monterey Rd., N of Skyway (GP05-02-06) | 4.5 | increase residential density |
| 13 | Campbell Ave., N of Newhall (GP05-03-02) | 5.1 | industrial → residential |
| 14 | Balbach St., E of Almaden (GP05-03-03) | 0.7 | increase residential density |
| 15 | Balbach St., W of Market (GP05-03-04) | 0.8 | increase residential density |
| 16 | N. 10th St., N of Hedding (GP-05-03-05) | 23 | industrial → residential |
| 17 | Oakland Rd. @ Rock Ave. (GP05-04-01) | 4.7 | industrial → residential |
| 18 | Oakland Rd., N of Rock (GP05-04-03) | 2.6 | industrial → residential |
| 19 | Junction Ave., N of Brokaw (GP05-04-04) | 4.4 | industrial → industrial w/overlay |
| 20 | Capitol Ave. @ Grandview Dr. (GP05-04-05) | 2.0 | increase residential density |
| 21 | Rock Ave., W of Oakland (GP05-04-06) | 3.9 | industrial → residential |
| 22 | Oakland Rd., N of Rock (GP05-04-07) | 2.7 | industrial → residential |
| 23 | N. 1st St., S of Tasman (GP05-04-08) | 16 | industrial → industrial w/residential |
| 24 | King Rd., N of San Antonio (GP05-05-01) | 0.6 | residential → mixed use |
| 25 | Alum Rock Ave., E of McCreery (GP05-05-02) | 4.0 | increase residential density |
| 26 | Race St. @ Northrup St. (GP05-06-01) | 10.6 | industrial → residential |
| 27 | Race St. @ Auzerais Ave. (GP05-06-02) | 10.9 | industrial → residential |
| 28 | Campbell Ave., N of Newhall (GP05-06-03) | 7.1 | industrial → residential |
| 29 | Campbell Ave., N of Newhall (GP05-06-04) | 2.7 | industrial → residential |
| 30 | Phelan Ave. @ Lucretia Ave. (GP05-07-01) | 1.8 | increase residential density |
| 31 | Senter Rd. @ Burke St. (GP05-07-02) | 1.8 | industrial → industrial w/overlay |
| 32 | Monterey Rd., S of Umbarger (GP05-07-03) | 2.9 | industrial/commercial → residential |
| 33 | Samaritan Dr. @ Clydelle Ave. (GP05-09-01) | 13.4 | industrial → residential |
| 34 | Guadalupe Mines Rd., S of Camden (GP05-10-01) | 15.8 | office/R&D → residential |
| 35 | Tully Rd. @ South Tenth St. (GP02-07-03) | 13.9 | public → mixed use |

Project locations are shown on Figures 22-24. **Source:** City of San José

Figure 22

Figure 23

Figure 24

Most of the projects listed in Table 66 would not be considered as substantial changes to the City's General Plan. However, there are three large projects included in Table 66, including the EEHVS, and the remaining two are described below.

**Coyote Valley Specific Plan Project**

The Coyote Valley Specific Plan (CVSP) is a community-based effort to develop a long-range specific plan to guide the development of the Coyote Valley area over the next 25-30 years. The CVSP area consists of 7,000 acres of mostly undeveloped land in the southern reaches of the City of San José (see Figure 24). It is divided into three sub-areas: North, Mid (or Central) and South. The North and Mid Coyote Valley areas are within the City's Urban Growth Boundary. Mid Coyote Valley is located outside the City's Urban Service Area boundary. South Coyote Valley is located outside both the Urban Growth Boundary and the Urban Service Area.

The City Council initiated the current planning process for the CVSP in August 2002, and appointed a 20-member Task Force charged with guiding the preparation of the CVSP. The City's overall stated vision for Coyote is a unique, vibrant, mixed-use, transit-oriented and pedestrian-friendly community for the North and Mid Coyote Valley areas (3,400 acres). The South Coyote Valley area (3,600 acres) is intended to be a permanent, non-urban buffer between the cities of San José and Morgan Hill, consistent with its current designation as the Coyote Greenbelt. The CVSP will require amendments to the General Plan, and is anticipated to include Design Guidelines, Zoning and a Financing, Phasing and Implementation Plan.

The City Council has approved a document entitled Vision and Expected Outcomes for the project, which states that the CVSP should include a minimum of 50,000 industry-driving jobs and 25,000 housing units (with at least 20% affordable) and should provide for a variety of housing types, schools, parks, commercial centers, job centers, and other community services. The land use plan should be sensitive to the environment and the land uses well connected through a rich network of open spaces, trails, bicycle paths, roads and transit. The urban design approach to the CVSP is based on the guiding principles of "smart growth" and the related goal of preventing the continuation of "urban sprawl" that has typified urban growth in much of the broader region.

The development of the CVSP has involved a broad-based community outreach process including: monthly Task Force and Technical Advisory Committee (TAC) meetings, regular community meetings, numerous stakeholder and property owner meetings and a very comprehensive website. There will also be Planning Commission and City Council public hearings on the CVSP. The Plan is expected to be considered by the City Council in 2007.

For EIR purposes, the description of the CVSP included herein is intended to represent a feasible 'worst-case' scenario for that project in terms of its ability to contribute toward cumulative environmental impacts. The information included here should not be interpreted to presuppose future public processes including City Council actions on the CVSP.

**iStar Project**

The 78-acre iStar project site, which is located in South San Jose, is bounded by Great Oaks Boulevard to the north, Tucson Way to the east, State Route 85 to the east and south, and Manassas Road to the west (refer to Figure 23). The site is comprised of undeveloped, vacant land. The iStar project proposes a General Plan amendment and Planned Development (PD) zoning that will allow the development of up to 1.0 million square feet of R&D/office and up to 450,000 square feet of commercial/retail uses on the project site.

**Recently-Approved Projects**

In addition to the projects listed in Table 66, and in the context of this cumulative impacts analysis, it is important to note that the City recently (i.e., June 2005) approved three large projects. These projects are the North San José Development Policies (GP04-04-06), the Downtown San José Strategy 2000 (GP05-03-01), and Hitachi (GP04-02-01). These three projects allow for a combined increase of approximately 113,600 jobs and 37,600 dwelling units in San José, summarized as follows:

The approved North San José Development Policies Project covers the Rincon de los Esteros Redevelopment Area in North San José, a 3,900-acre area located generally south of State Route 237, east of the Guadalupe River, north and northwest of Interstate 880, and west of Coyote Creek. The project would allow for the development of approximately 26.7 million square feet of new industrial/office/R&D building space in the Rincon area beyond current entitlements. In addition, up to 24,700 new dwelling units are allowed in Rincon, at average densities of either 55 or 90 dwelling units per acre (DU/AC) depending upon their location.

The approved Downtown San José Strategy 2000 is a long-term plan for development in the greater Downtown area, which occupies approximately three square miles and extends beyond San José's traditional Downtown center to be generally bounded by Diridon Station to the west, Taylor Street to the north, San José State University to the east, and Interstate 280 to the south. Development anticipated to occur during the next 10 year period includes up to 10 million square feet of office space, up to 10,000 residential dwelling units, up to 1,200,000 square feet of retail space, and up to 2,500 hotel rooms.

The approved Hitachi project is located on a 332-acre site that is bounded generally by Monterey Highway and the Union Pacific Railroad tracks, State Route 85, and Cottle Road in South San José. The project, which is adjacent to the iStar site, allows Hitachi to consolidate their existing 3.6 million square feet of industrial and office operations on the 178-acre "central core" of the site, and to construct a mixed-use, transit-oriented development consisting of up to 2,930 residential units and 460,000 square feet of commercial uses around the perimeter of the site.

The traffic that will be generated by these approved-but-not-yet-constructed projects is accounted for in this EIR in both the project-specific traffic analysis (Section 4.2) and the cumulative traffic analysis

(Section 7.3.2). Such traffic is part of the Scenario I/No Project/Background conditions, to which traffic from the EEHVS and the other cumulative projects is added.

Similar to traffic, the noise and air quality effects of these three large projects are accounted for under Scenario I/No Project/Background conditions.

For all other impact categories, the effects of these three projects are described in the discussions that follow, as applicable.

**Pending Zoning Changes in the Evergreen • East Hills Area**

There are seven planned development (PD) rezonings currently proposed in the Evergreen • East Hills area. The combined rezonings, which would not require changes to the General Plan, could - if approved - result in the construction of approximately 100 residences in the area. The projects are summarized as follows:

- PDC01-079 Story Road, west of Beltrami Drive; up to 5 residences on a 0.9-acre site.
- PDC02-103 San Felipe Rd. at Silver Creek Rd.; up to 5 residences on a 4.9-acre site.
- PDC03-115 Chisin Street, east of Yerba Buena Rd.; up to 21 residences on a 33.4-acre site.
- PCS04-098 San Felipe Rd., south of Yerba Buena Rd.; up to 9 residences on a 0.5-acre site.
- PDC04-110 San Felipe Rd., south of Yerba Buena Rd.; up to 39 residences on a 15-acre site.
- PDC05-035 San Felipe Rd., north of Silver Creek Rd.; up to 20 residences on a 18-acre site.
- PDC05-111 Clayton Road at Story Lane; up to 2 residences on a 0.3-acre site.

The traffic from these rezonings is already included in that assumed for the buildout of the approved General Plan, and is therefore accounted for in this cumulative analysis.

For all other impact categories, the effects of these three projects are described in the discussions that follow, as applicable.

## 7.3 ANALYSIS OF CUMULATIVE IMPACTS

For the purposes of this EIR, the cumulative analysis is based on buildout of the approved San José General Plan (including the three large recently-approved North San José, Downtown San José, and Hitachi projects), in combination with all pending applications to change the City's General Plan. The minor pending zoning changes in the Evergreen • East Hills area, which are listed above, are also accounted for in the analyses.

With the exception of traffic, the thresholds of significance used throughout the analyses of cumulative impacts are the same as those listed throughout Section 4. Traffic thresholds of significance for cumulative impacted are listed in this section.

### 7.3.1 Cumulative Land Use Impacts

**Introduction**

Approval of the proposals under consideration (see list of cumulative projects in Table 66), plus the recently-approved North San José, Downtown San José, and Hitachi projects, would result in substantial development/redevelopment of over 10,350 acres of land within the City of San José, most of which is currently vacant/undeveloped land. General Plan amendments, rezonings, and (in some circumstances) annexations would be required to allow the anticipated development. Most of the sites are located within developed, urban areas; however, the Coyote Valley and the eastern edge of Evergreen are largely undeveloped and agricultural.

#### 7.3.1.1 *Cumulative Land Use Compatibility Impacts*

In terms of the cumulative analysis, land use compatibility can be divided into short-term and long-term impacts. Short-term impacts occur during construction and primarily affect existing sensitive land uses, such as hospitals, schools, and residential development near the construction sites. These impacts include the noise and dust generated by grading and excavation activities and the use of heavy machinery, and the use of hazardous materials such as solvents. These specific impacts are discussed in greater detail in the Noise, Air Quality, and Hazardous Materials subsections of this cumulative discussion.

Locating residences in close proximity to commercial and/or industrial areas creates the potential for long-term conflicts between these land uses. A residential population is more sensitive to what would otherwise be sources of annoyance or nuisance to a workplace population. Residences are more likely to include sensitive populations, including children, the elderly, and the chronically ill. Residents frequently object to nighttime noise from loading docks, truck traffic and heavy equipment, outdoor lighting, truck traffic spillover into residential neighborhoods, and the use, storage, and transport of hazardous materials. These activities may be considered unacceptable to nearby residents, even if the businesses are not located immediately adjacent to the residences. These adverse land use impacts can range from minor irritations and nuisances to potentially significant effects on human health and safety.

Complaints from residents may cause restrictions to be placed on industrial or commercial businesses that are near the residential development and could limit the types of businesses that are acceptable at these sites. These restrictions can lead to the devaluation of property and economic losses by limiting the uses of the affected industrial or commercial properties. For example, industrial uses might be restricted from using outdoor areas, such as loading docks and parking areas in the evening or nighttime hours. While such economic effects do not equate to environmental impacts, they may be considered as a measure of significance of the degree of conflict created between land uses, and eventually would degrade the viability of the industrial or commercial land use.

The projects included in the cumulative analysis would all be required to implement General Plan policies and to conform to residential, commercial, and industrial design guidelines that are intended to minimize land use conflicts. The General Plan land use designation of Heavy Industrial is intended to protect businesses having characteristics that make them incompatible with residential and other sensitive land uses. Conformance with the City's adopted Residential Design Guidelines would require that future residential development recognize the presence of potentially incompatible land uses and that the site design be appropriate for such conditions.

Implementation of setbacks, buffers, appropriate site design and building orientation, and/or soundproofing will be considered during the site and architectural review process (either as Site Development Permits or as Planned Development Permits) on a project-by-project basis. Similarly, future development and/or redevelopment of industrial sites would be reviewed for consistency with the City's adopted Industrial Design Guidelines. Project-specific construction dust control measures during construction would be implemented at each site in accordance with the City's Grading and Zoning Ordinances and BAAQMD requirements. Construction-related noise impacts would also be mitigated on a project-by-project basis depending upon distances to sensitive receptors and construction methods. It is anticipated that Construction Noise Management Plans will be implemented for most projects.

Development in accordance with the City's General Plan, Zoning and Grading Ordinances, and adopted design guidelines will reduce the likelihood that the projects considered in this cumulative scenario would result in a significant cumulative land use compatibility impact. **[Less-than-Significant Cumulative Impact]**

#### 7.3.1.2 *Cumulative Loss of Agricultural Lands*

Three of the cumulative projects would result in the loss of agricultural lands, including lands mapped as Prime Farmland by the California Department of Conservation:

- The iStar project would result in the loss of approximately 80 acres of Prime Farmland.
- The CVSP project would result in the loss of approximately 2,000 acres of Prime Farmland.
- The EEHVS project would result in the loss of approximately 33 acres of Prime Farmland and approximately 17 acres of Farmland of Local Importance.

Lands with soils that support prime agricultural uses are a finite resource. Due to development pressures, little agricultural land is left in San José or the greater Bay Area, and agricultural land is rapidly being developed statewide. Therefore, the loss of agricultural lands from the cumulative projects would be significant, and the contribution of the EEHVS to this impact would be considerable. **[Significant Cumulative Impact]**

The above conclusion notwithstanding, all of the agricultural land that is currently within the City's Urban Service Area, including the lands in Evergreen, North Coyote Valley, and the property owned by iStar, are designated for urban uses. Their conversion from agricultural use was addressed in one or

more previously-prepared EIRs, including the EIR certified for the City's General Plan in 1995, and EIRs prepared for the Edenvale Redevelopment Project and for campus industrial developments in North Coyote Valley and Evergreen. In designating these lands for urban uses, the City disclosed the impact from loss of agricultural lands and adopted findings and statements of overriding considerations, as required by CEQA. The projects that are represented by this cumulative analysis within North Coyote Valley, Evergreen, and on the iStar site, would not result in the loss of additional agricultural land beyond that disclosed in previous CEQA documents, as referenced above. These projects are the re-designation of urban-designated lands for different urban uses. Only the proposed use of lands within the mid-Coyote Valley area that would be included in the CVSP would result in loss of agricultural land not previously approved for urban development and acknowledged in an adopted EIR.

#### 7.3.1.3 *Cumulative Loss of Open Space*

The City's adopted General Plan identifies an appropriate balance of property planned for development within the urban growth boundary, and other lands designated for permanent open space, both inside and outside of the Urban Growth Boundary. Most of the cumulative projects are located on properties that are within urban, highly developed areas of San José and are already designated for urban uses in the City's General Plan. Although the Mid-Coyote Valley Urban Reserve area is not within the City's current Urban Service Area boundary, it has been designated for development in the General Plan since 1984. None of the cumulative project sites are designated as permanent open space in the General Plan. The cumulative projects, therefore, would not result in a cumulatively significant loss of lands previously designated for open space use. **[Less-than-Significant Cumulative Impact]**

#### 7.3.1.4 *Mitigation for Cumulative Land Use Impacts*

Mitigation for the cumulative loss of agricultural land is the same as that described for the loss of agricultural land due to the EEHVS. Please see the text in Section 4.1.3.3.

#### 7.3.1.5 *Conclusions regarding Cumulative Land Use Impacts*

Cumulative development would not result in significant land use compatibility impacts. **[Less-than-Significant Cumulative Impact]**

Cumulative development would not result in a significant loss of open space. **[Less-than-Significant Cumulative Impact]**

Cumulative development will result in a significant loss of agricultural lands in San José. **[Less-than-Significant Cumulative Impact if Mitigation is Determined to be Feasible and Made a Condition of Approval] [Significant Unavoidable Cumulative Impact if Mitigation is Determined to be Infeasible]**

### 7.3.2 Cumulative Transportation and Traffic Impacts

**Introduction**

Consistent with the City of San José's practice for all General Plan land use amendments, a cumulative impacts analysis was done using the TRANPLAN computer model. This computer traffic model provides projections of future traffic volumes on the planned roadway system, taking into account the traffic from future development planned for the City's own General Plan and in other adjacent jurisdictions. The model and the methodology used in evaluating the model output are both discussed in Section 4.2.4 of this EIR, and the detailed results of the cumulative analysis model run is included in Appendix E.

The cumulative traffic analysis in this section differs from the program-level traffic analysis contained in Section 4.2.4 as follows: The analysis in Section 4.2.4 focuses on the effect of the EEHVS, whereas the cumulative analysis focuses on the combined effect of the EEHVS and the cumulative projects listed in Table 66.

#### 7.3.2.1 *Thresholds of Significance*

For the purposes of this cumulative analysis, and consistent with the thresholds used by the City in evaluating cumulative transportation impacts from General Plan amendments, if one or more of these thresholds is exceeded, the proposed General Plan amendments would have cumulatively significant adverse impacts. Depending on the circumstances of each individual amendment, including size and location, the cumulative analysis may conclude that one or more individually proposed amendments would contribute substantially to significant cumulative impacts, or that none of the individually proposed amendments would make a more meaningful contribution to the cumulative impacts than any other amendment.

According to the City's thresholds, a cumulative transportation impact is considered significant if the addition of traffic generated by the combined amendments would result in one or more of the following:

- An increase in the peak direction volumes into or out of the any of the following Special Subareas by the following percentages or more:
  - North San José Subarea: 0.20%
  - Evergreen Subarea: 0.10%
  - South San José Subarea: 0.20%

or

- total vehicle miles traveled (VMT) and vehicle hours traveled (VHT) both increase by 0.20 percent for all roadways in the San José Sphere of Influence; or
- a roadway link that operates at an acceptable LOS of D or better under baseline conditions would fall to LOS E or F; or

- the peak direction volume of LOS E/F links increases by 1.50 percent or more on any of the congested link sets analyzed for each proposed land use amendment.

#### 7.3.2.2 *Cumulative Screenline Analysis*

As described in Section 4.2.4, a screenline analysis is one of the tools used by the City of San José to evaluate the effects of General Plan amendments, both individually and cumulatively. The screenline analysis evaluates overall changes in traffic volumes at the boundaries of the three special subareas in San José, such subareas are delineated by the City in its traffic impact procedures (see Appendix E). The results of the cumulative screenline analysis are summarized in Table 67. The data indicate that the thresholds of significance at the Evergreen and South San José screenlines, which are 0.10% and 0.20%, respectively, would be substantially exceeded under cumulative conditions. This conclusion would be true under EEHVS Scenarios II-VI.[116]. **[Significant Cumulative Impact]**

#### 7.3.2.3 *Cumulative VHT and VMT Analysis*

Part of the cumulative traffic analysis included the effect of all of the projects listed in Table 66 on VMT and VHT on all roadways with the City's Sphere of Influence. The results of that analysis are shown in Table 68. The data indicate that full implementation of all of the currently proposed General Plan amendments during the General Plan horizon would result in significant increases in VMT and VHT within the City's Sphere of Influence. This would be a significant impact. This conclusion would be true under EEHVS Scenarios II-VI. **[Significant Cumulative Impact]**

#### 7.3.2.4 *Cumulative LOS E/F Link Analysis*

This LOS E/F link analysis is similar to that done for the project impacts, as described in Section 4.2.4 of this EIR. The cumulative impact analysis, however, looks at the combined effects of all of the proposed General Plan amendments, including network changes, on all of the link sets identified for all of the individual amendments.

The information summarized in Table 69 indicates that approval and full implementation of all of the General Plan amendments proposed, within the current General Plan horizon, would result in significant increases in peak hour congestion in the current peak travel direction. Impacts would include significant increases in peak hour volumes in the prevailing peak hour directions on 11 of 17 congested (i.e., LOS E/F) roadway link sets. This would be a significant impact. This conclusion would be true under EEHVS Scenarios II-VI. **[Significant Cumulative Impact]**

[116]Although EEHVS Scenarios III and IV are not shown in Table 67, their impacts would be significant since they fall between Scenario II and Scenario V in terms of development intensity.

**T A B L E 6 7**

**CUMULATIVE SCREENLINE ANALYSIS**

**[Expressed as Percentage Change in Peak Direction Volumes]**

| Subarea | EEHVS Scenario II | EEHVS Scenario V | EEHVS Scenario VI |
|---|---|---|---|
| North San José | -0.07% | 0.04% | -0.25% |
| Evergreen | **7.31%** | **11.34%** | **2.88%** |
| South San José | **15.63%** | **15.73%** | **16.01%** |

Scenario I/No Project represents the approved General Plan. Percentages shown for Scenarios II, V, and VI represent the changes from Scenario I.

Bold Type/Underlining indicates significant impact.

**Sources:** City of San José and Hexagon Transportation Consultants, 2005

**T A B L E 6 8**

**CUMULATIVE VMT and VHT ANALYSIS**

**[Expressed as Percentage Change]**

| | EEHVS Scenario II | EEHVS Scenario V | EEHVS Scenario VI |
|---|---|---|---|
| Vehicle-Hours-Traveled (VHT) | **3.76%** | **4.55%** | **3.69%** |
| Vehicle-Miles-Traveled (VMT) | **2.59%** | **3.07%** | **2.62%** |

Scenario I/No Project represents the approved General Plan. Percentages shown for Scenarios II, V, and VI represent the changes from Scenario I.

Bold Type/Underlining indicates significant impact, which is defined as increases ≥0.20%.

**Sources:** City of San José and Hexagon Transportation Consultants, 2005

**T A B L E 6 9**

**LOS E/F LINK SET ANALYSIS FOR CUMULATIVE CONDITIONS**

| Link Set (GPA Number) | % Change in Link Set Volume | | |
|---|---|---|---|
| | Scenario II | Scenario V | Scenario VI |
| South of I-280 (GP02-07-03a) | **24.44 %** | **29.70 %** | **22.23 %** |
| North of Hamilton Avenue (GP02-07-03b) | **22.90 %** | **26.58 %** | **20.67 %** |
| South of Capitol Expressway (GP03-02-05a) | **2.12 %** | **2.54 %** | **2.92 %** |
| South of State Route 85 (GP03-02-05b) | -7.88 % | -6.55 % | -8.42 % |
| East of U.S. 101 (GP03-02-05c) | -2.75 % | 0.64 % | -0.51 % |
| East of Monterey Road (GP03-02-05d) | 0.96 % | -0.56 % | 1.03 % |
| South of Naglee/Taylor Street (GP05-06-01a) | **3.69 %** | **6.68 %** | **4.89 %** |
| South of I-880 (GP05-06-01b) | **3.72 %** | **6.11 %** | **3.57 %** |
| South of I-280 (GP05-06-01c) | **9.19 %** | **9.39 %** | **9.90 %** |
| South of Naglee/Taylor Street (GP05-06-03a) | **3.74 %** | **6.84 %** | **4.61 %** |
| South of I-880 (GP05-06-03b) | **3.94 %** | **6.71 %** | **3.78 %** |
| North of I-880 (GP05-06-03c) | **8.43 %** | **10.49 %** | **6.27 %** |
| South of U.S. 101 (GP05-06-03d) | -0.91 % | -2.81 % | -0.11 % |
| South of Tully Road (GP05-08-01a) | **5.38 %** | **2.38 %** | **1.66 %** |
| North of Aborn Road (GP05-08-01b) | -86.94 % | -85.39 % | -88.55 % |
| West of White Road (GP05-08-01c) | **3.19 %** | **17.97 %** | -19.10 % |
| North of Delta Road (GP05-08-01d) | -81.16 % | -72.13 % | -1.58 % |

Scenario I/No Project represents the approved General Plan. Percentages shown for Scenarios II, V, and VI represent the changes from Scenario I.

Bold Type/Underlining indicates significant impact, which is defined as increases ≥1.5%.

While each of the link sets in this table is identified by one or more General Plan amendment file numbers, the percentage increases in this table represent the cumulative condition, not the impacts of just that individual project. The file number refers to one or more pending General Plan amendments for whose impact analysis the same link set was used.

**Sources:** City of San José and Hexagon Transportation Consultants, 2005.

### 7.3.2.5 *Mitigation for Cumulative Transportation and Traffic Impacts*

**Overview of Traffic Mitigation at the Cumulative Level**

Mitigation for cumulative traffic impacts of a widespread nature, such as that described above, requires a comprehensive approach that addresses both "demand" and "capacity".

Demand, defined as the number of vehicles desiring to use the roadway system at a given time, can be greatly affected by a variety of factors, including the following:

Land Use Factors: This consists of planning for growth in a manner that reduces the number and length of single-occupancy vehicle trips. Specific measures include locating employment and retail uses near residential uses, encouraging infill development and discouraging sprawl through tools such as urban growth boundaries, and adopting policies that encourage higher density development along transit corridors.

Policy Factors: This consists of adopting policies that provide incentives for commuters to switch from single-occupancy vehicles to alternative forms of transportation. Such measures can include tax benefits for employer-subsidized transit passes, preferential or free parking for carpools, and designated travel lanes for carpools and buses. In some cases, large developments can be required to fund and operate shuttles that provide connections to nearby public transit systems. Policies that reduce level of service standards for peak hour traffic operations can also reduce demand because the resulting increased congestion becomes a disincentive to solo driving when compared to alternative modes.

Design Factors: This category consists of incorporating features into the design of a project that facilitate the use of alternative transportation. Examples include providing showers and storage lockers at employment centers to facilitate bicycling, constructing transit shelters or other amenities for transit users, and constructing attractive pedestrian facilities such as sidewalks and appropriately lit pathways.

Capacity is defined as the ability of the transportation system to accommodate demand. Increases in capacity can take the form of physical improvements, operational improvements, or both:

Physical Improvements: These can include new/wider highways or other roadways, new interchanges and grade separations, widened intersections, new/extended rail lines, and new/expanded transit centers.

Operational Improvements: These can include the interconnection/coordination of traffic signals, new or expanded bus routes, new rail service on existing lines, and increasing the frequency of transit service.

Depending on the nature and complexity of the improvement, an increase in transportation capacity can require participation by governmental agencies at the federal, state, regional, and/or local levels. At the federal level, participation is usually limited to funding. At the state level, participation involves funding and, in the case of Caltrans, implementation of improvements to freeways and state highways. At the

regional level (e.g., Metropolitan Transportation Commission), participation involves establishment of priorities for the funding of highway and transit improvements in the San Francisco Bay Area. At the local level, the VTA (acting as the County Congestion Management Agency) sets the goals and priorities for improvements to the Santa Clara County transportation system, as embodied in the Valley Transportation Plan 2030 (VTP 2030). The City of San José and neighboring cities implement improvements to local roadways and, through the development review/approval process, require new development to fund/implement transportation system improvements.

VTP 2030, which was adopted by the VTA Board of Directors in February 2005, notes that projected growth in Santa Clara County over the next 25 years will be substantially greater than planned increases in roadway capacity. For example, the Plan notes that the projected 36 percent increase in jobs and 27 percent increase in population will far exceed the estimated 5.6 percent increase in freeway capacity from planned projects. The Plan states that "the ability to expand the roadway system to accommodate more vehicles is approaching practical limits."

Recognizing that increases in highway capacity will be inadequate to accommodate projected growth, VTP 2030 includes major expansions of both rail (e.g., LRT, BART, Caltrain, ACE, and Capitol Corridor) and bus transit systems. The ability of the VTA to construct and operate these expanded systems will depend on a number of factors, not the least of which will be financial viability. A key component of financial viability will center on the degree to which people utilize the transit systems, instead of driving their cars. To the extent that the significant traffic congestion that is described in this EIR becomes an incentive for persons to utilize public transit, such increased ridership will, in turn, improve the ability of the VTA to implement further improvements over the long term.

**Cumulative Traffic Mitigation**

Given the magnitude of the cumulative traffic impacts that are described above, no feasible mitigation beyond that already included in each project, was identified that would reduce the impacts to a less-than-significant level. This conclusion notwithstanding, it is important to summarize the mitigation/avoidance measures that are included in the projects under consideration in this cumulative scenario:

- Consistent with the policies and strategies of the General Plan, all of the projects are infill development.

- Consistent with adopted City policies and policies embodied in various regional transportation and clean air plans, each of the large cumulative projects (i.e., North San José, Downtown, Evergreen, Coyote Valley, Hitachi, and iStar) include a proposed intensification of development along existing/planned rail corridors.

- Four of the large cumulative projects (North San José, Downtown, Coyote Valley, and Hitachi) include new residential land uses proximate to existing/planned job centers.

- As applicable, each project will be required to include facilities (e.g., showers, bike lockers, transit amenities, pedestrian pathways, etc.) that facilitate use of alternative modes of transportation.

- The approved North San José Development Policies project includes a comprehensive package of roadway improvements (including upgrades to freeway, expressway, and local street facilities), and a financing plan for their funding. The North San José project is also proposing improvements to the transit system.

- The approved Downtown Strategy 2000 project includes a comprehensive package of roadway improvements, including upgrades to U.S. 101, I-280, and State Route 87 freeway ramps, and local street facilities such as the new Autumn Street connection and Coleman Avenue widening.

- The proposed EEHVS contains a comprehensive package of highway improvements, including upgrades to U.S. 101, White Road, and local intersections.

- The CVSP project will include improvements to interchanges on U.S. 101, new/widened roadways in Coyote Valley, and the widening of Bailey Avenue between Coyote Valley and Almaden Valley. The CVSP is also envisioned to include a fixed guideway transit system.

These measures will have the effect of reducing cumulative traffic impacts, compared to that which would occur in the absence of such measures. The measures would not, however, be sufficient to reduce impacts to a less-than-significant level. Given the practical limitations on future roadway expansions, further reductions in cumulative traffic impacts will be largely dependent upon long term changes in the behavior of commuters. Changes in commute behavior (i.e., relying less on single occupant automobile transportation) may, over time, reduce the significant traffic congestion identified in this cumulative impacts analysis. Government actions that encourage use of alternative transportation and discourage reliance on single occupant automobiles, consistent with the City's General Plan and the Countywide Congestion Management Plan, are specific actions that also might be taken to reduce the significant traffic impacts. Such changes will be necessary in order to reduce the overwhelming dependence on single occupant automobile transportation that is the basis of both the project specific and cumulative traffic impact analyses. However, a significant reduction in cumulative traffic congestion is unlikely to occur during the current General Plan horizon.

#### 7.3.2.6 *Conclusion regarding Cumulative Transportation & Traffic Impacts*

Traffic generated by proposed and recently-approved projects will result in significant cumulative transportation and traffic impacts. Based on the analysis in Section 4.2.4, the contribution of the EEHVS to this significant cumulative impact will be considerable. There is no feasible mitigation for this impact beyond that already included in the project. Therefore a statement of overriding considerations will be considered. **[Significant Unavoidable Cumulative Transportation & Traffic Impacts]**

### 7.3.3 Cumulative Noise Impacts

**Introduction**

As described at the beginning of this section, the cumulative project sites are located throughout the urbanized area of San José. The existing noise environment of the Greater San José area is defined by typical urban activities, with transportation activities being the single greatest contributor to overall noise. Transportation noise sources include vehicular noise along freeways and arterial streets, rail noise from trains and light rail, and aircraft noise. Noise from aircraft overflights associated with the Mineta San José International Airport affects a large area, extending both to the north and to the south of the airport. The affected area extends from the airport to the south over Downtown San José and to the north over both north San José and portions of the City of Santa Clara. Noise from aircraft overflights associated with Reid-Hillview Airport affects a much smaller area, generally limited to portions of the Evergreen area.

Noise levels along freeways, expressways, arterials and other streets result from a combination of traffic volumes, speed of the vehicles, and type of vehicles (i.e., percentage of heavy trucks). These variables have differing effects upon sound levels; for example, sound levels may actually be lower with higher volumes of traffic if the traffic is moving slowly in heavily congested conditions. A 26% increase in traffic volume will increase sound levels by one decibel if the speed remains constant. An increase of three decibels or greater is required to be perceived by the human ear; traffic volumes on a given roadway must double to cause a three decibel increase in noise levels, assuming speeds remain constant.

#### 7.3.3.1 *Impacts to Cumulative Projects from Ambient Noise Levels*

At various locations, it is proposed that noise-sensitive land uses (e.g., residences, schools, etc.) would be constructed on sites where existing noise levels exceed the noise/land use compatibility guidelines in the San José General Plan. Such locations are typically those adjacent to railroads or LRT lines, arterials, expressways, and freeways, beneath or near aircraft flight paths, as well as in the Downtown Core Area.

Where noise-sensitive uses are proposed at locations with elevated ambient noise levels, such impacts are typically mitigated through the use of noise-reducing building materials (e.g., noise-rated windows, insulation, etc.) and through site design (e.g., setbacks, soundwalls, placing outdoor use areas in areas that are shielded from roadway noise, etc.). The City's adopted Residential Design Guidelines and existing General Plan policies require that the need for specific mitigation measures be identified during the design review process. The design and inclusion of the mitigation measures for attached residential uses is also verified in conformance with state law prior to issuance of building permits.

Existing laws and policies will ensure that interior noise levels meet relevant standards. For many sites, especially those located along major roadways, the existing and anticipated noise levels from traffic will make achieving exterior noise standards difficult. However, General Plan policies require that

residential development only be located in high noise locations if outdoor activity areas can be protected, consistent with relevant standards. **[Less-than-Significant Cumulative Impact]**

#### 7.3.3.2 *Impacts to Nearby Uses from Cumulative Project Traffic*

Traffic associated with cumulative development will increase noise along many roadways in the greater San José area. Given the high existing traffic volumes, the noise increase resulting from dispersal of these trips would not be significant along roadways where existing volumes are high (e.g., freeways, expressways, and most existing arterials).

The noise increase associated with increased traffic trips on the roadways would, however, be significant at locations where 1) new roadways would be constructed; or 2) roadway widening would move traffic closer to adjacent receptors; or 3) traffic volumes would substantially increase in relation to existing volumes. Examples of locations where roadways will be constructed or widened include Yerba Buena Road/Murillo Avenue in Evergreen and Coyote Valley Parkway and Bailey Avenue/McKean Road in Coyote Valley and Almaden Valley. Examples of locations where increases in traffic volumes will significantly increase noise include segments of Evergreen-area roadways that are listed in Table 35. **[Significant Cumulative Impact]**

#### 7.3.3.3 *Cumulative Construction Noise*

The construction of these cumulative projects would result in short-term noise and disturbance at various locations throughout the City. There are factors that both exacerbate and mitigate the significance of cumulative construction noise. Factors that tend to spread out and diffuse the effects of construction noise include the following: 1) these cumulative project sites are scattered throughout the City; 2) their schedules for construction are different and are likely to occur over the timeframe of the next 25 years; 3) construction noise mitigation is typically included as part of each project, especially major development projects; and 4) all construction projects are temporary; even with multiple projects, the area of greatest impact changes and the types of noise wax and wane as construction proceeds.

Conversely, because of the substantial amount of construction that will need to occur in order to implement the significant amount of proposed development (as well as approved but-not-yet-constructed development), and due to the presence of many of these sites (particularly iStar and Evergreen) in or adjacent to existing neighborhoods and businesses, there will be a great deal of disturbance occurring over a long period of time very near existing residences and businesses. Such construction will include major upgrades to public infrastructure such as roadways, bridges, utility lines, etc. It is possible that construction may be ongoing in some areas for years, with the effects of construction noise from demolition, grading, power tools, heavy truck traffic, piledriving, etc., creating impacts on some neighborhoods for extended and/or repeated periods of time. The close proximity of some of the projects to each other, such as iStar and the recently-approved Hitachi project, would exacerbate some of the impacts, especially projects that involve substantial demolition, grading of large areas, and/or pile driving. **[Significant Cumulative Impact]**

#### 7.3.3.4 *Mitigation for Cumulative Noise Impacts*

Mitigation for noise impacts at existing receptors along roadways frequently consists of the construction of soundwalls along the roadway right-of-way. Soundwalls are effective, however, only where the noise-sensitive land use does not front onto the roadway. At locations where land uses front onto the roadway, soundwalls become impractical due to the gaps are needed for driveways and because the aesthetic properties of front yard walls are adverse. In such cases, mitigation often takes the form of installing upgraded windows, doors, and ventilation to reduce interior noise levels.

Exterior noise impacts may be unavoidable; the San José General Plan acknowledges this situation by stating that the City's noise goals can often not be achieved along major roadways.

It is important to note that, while it is technically feasible - as described in the preceding paragraphs - to mitigate many noise impacts along roadways, such mitigation is frequently not required at the project level because its cost renders it economically infeasible. In addition, since increases in traffic noise are often incremental and are not attributable to just one project, there is no nexus for requiring noise mitigation from a single source. In those circumstances, there is no existing mechanism for mitigating cumulative noise impacts.

Given the extent and variety of projects and the multiple sources of noise, it is unlikely that any mitigation program can reduce the cumulative noise impacts to less-than-significant.

While noise impacts of many individual construction projects can be minimized or reduced to less-than-significant, the cumulative impacts of construction noise in areas planned for multiple or very large developments would be significant and unavoidable.

#### 7.3.3.5 *Conclusion regarding Cumulative Noise Impacts*

Based on the above discussion, it is concluded that cumulative long-term noise impacts would be significant and unavoidable. Approval of all of the cumulative projects would result in a substantial increase in ambient noise levels, or expose people to noise levels in excess of established City or state standards. In addition the amount of construction proposed in areas that are near enough to each other that some construction noise will spill over, will result in cumulatively considerable temporary construction noise impacts. The contribution of the EEHVS to these impacts would be considerable. Therefore, adoption of a statement of overriding considerations will be considered. **[Significant Unavoidable Cumulative Noise Impacts]**

### 7.3.4 Cumulative Air Quality Impacts

**Introduction**

In order to satisfy the requirements of both State and Federal legislation, the Bay Area Air Quality Management District (BAAQMD) prepared a Clean Air Plan (CAP) that is based on quantified analysis. This analysis includes an estimate of the amount of air pollution that will be generated by various sources, especially vehicular traffic. The estimates of traffic are based on the General Plans for all of the jurisdictions within BAAQMD's air basin.

The CAP also identifies what measures will be implemented to reduce the pollution to levels that are consistent with the state and federal laws during the mandatory time frames (i.e., by the designated target date). The mitigations include upgraded engines and fuels, along with the planning policies required to be in cities' general plans to achieve CAP conformance.

As discussed in Section 4.4.3 of this EIR, BAAQMD identifies thresholds of significance to be used in evaluating the likely air quality impacts from proposed general plan amendments. If a project is consistent with the population projections in the version of the General Plan that was used to prepare the CAP, then it can be assumed that the project will not result in long term air quality impacts that cannot be mitigated through implementation of the mitigation measures that are in the CAP and in the General Plan.

If growth in population is greater than assumed in the CAP emission inventory, then population-based emissions also are likely to be greater than assumed in the CAP and the analysis done for the CAP is not relevant. Consequently, if attainment of the State air quality standards could be delayed, the project is inconsistent with air quality planning for the region, and will have a significant air quality impact.

#### 7.3.4.1 *Cumulative Air Quality Impacts*

As described previously in Section 4.4.3.2, all of the EEHVS development scenarios (except Scenario I/No Project) will result in population growth that will exceed that projected by the current General Plan for the Evergreen • East Hills area. Depending upon which scenario is approved, increases in population associated with the EEHVS would range from approximately 10,800 - 17,500 (see Table 58). In addition, a review of the cumulative projects listed in Table 66 indicates that the vast majority would increase residential densities or change existing land use designations from non-residential to residential. If approved, these General Plan amendments would further increase San José's population beyond that projected in the current General Plan.

It is also important to note that the City recently amended its General Plan (in June 2005) to allow a future increase of approximately 37,600 dwelling units and 113,600 jobs in San José. This growth would be located in North San José, Downtown San José, and on the Hitachi property in South San José. The population that would result from the new dwelling units is not accounted for in the current CAP.

As discussed elsewhere in this EIR, much of the existing traffic congestion in Santa Clara County and the region is the result of the concentration of jobs in northwestern Santa Clara County and the existence of substantial quantities of housing in the eastern and southeastern areas of the County. Air pollution in the region is primarily the result of vehicular traffic, so land use planning that increases the length and number of vehicle trips and the amount of traffic congestion would add to air pollution; land use planning that reduces numbers of trips and/or trip lengths, and/or that reduces existing congestion, would reduce air pollution.

Many of the new dwelling units and many of the new employment uses included in this cumulative scenario are proposed on infill sites, meaning locations that are within the existing built urban area and are served by existing infrastructure. Further, consistent with the objectives of the CAP and the City's General Plan, a number of the projects being considered under the cumulative scenario is, to varying degrees, intensifying development along existing and planned rail transit corridors. The recently-approved North San José project is served by the Guadalupe, Tasman, and Capitol LRT lines. The recently-approved Downtown San José project is served by LRT and Caltrain, and is proposed to be served by the planned extension of BART. One of the Evergreen opportunity sites, the Arcadia property, is located adjacent to the planned Capitol Corridor LRT extension. The Hitachi and iStar sites are adjacent to two LRT stations and a Caltrain station. A Caltrain station is planned for Coyote Valley.

Some of the projects are proposed as redevelopment, the replacement of existing urban uses with newer, more intensive urban development. This is particularly true of the intensified development proposed for North San José and on the Hitachi property. The iStar site is immediately adjacent to Hitachi and is at an infill location, but is vacant and therefore not a redevelopment opportunity.

Depending on the numbers and specific location (including access to transit and proximity to employment), placing housing in the northern parts of the County will create fewer and shorter peak hour commute trips and less resultant air pollution. Similarly, locating jobs in the southern part of the County will generally create shorter commute trips. There would still be increased traffic with any new development, but to the extent that new housing is located proximate to both jobs and support uses (such as commercial development), the new traffic and air pollution created, especially peak hour traffic, is less than would be the case otherwise.

The approved North San José and Downtown projects allow a substantial increase in the number of jobs planned in those locales, as well as an increase in the number of dwelling units near those jobs. The land use designations also allow commercial development to support both the employment and residential uses. The location of these complementary land uses will generate substantially less traffic and air pollution than would occur if the uses were located at separate locations, but there will still be some increased peak hour traffic and increased air pollution that will occur.

The approved Hitachi project will locate housing and commercial uses near the existing and planned employment of the Edenvale Redevelopment Area, but the traffic from that new residential development

will contribute to the peak travel direction in the region and will increase both peak hour congestion and air pollution.

EEHVS Scenarios II-V would replace the previously planned industrial uses on the Berg/IDS and Legacy Partners properties, which will significantly exacerbate existing patterns of congestion, both adding residential trips to peak directions and removing the possibility of future jobs that could reduce peak traffic, and contributing to traffic-generated air pollution.

The addition of substantial quantities of housing in mid-Coyote Valley, while proximate to the planned jobs in the same area, will also contribute significant quantities of new residential traffic to existing peak traffic movements and the generation of regional air pollution.

The proposed General Plan amendment for the iStar property will introduce a substantial amount of commercial development on land previously designated for primary employment uses. The employment represented by these commercial uses would not contribute to the primary peak hour movements, but will generate increases in traffic overall, and will contribute incrementally to peak hour congestion and associated air pollution.

The City's adopted General Plan includes all of the Transportation Control Measures identified in the BAAQMD Guidelines that can be implemented by a local government.

The cumulative effect of implementing all of the proposed projects, as well as those recently approved, would be to substantially increase the population of the City of San José beyond the numbers projected in the CAP. As discussed in Section 7.3.2, *Cumulative Traffic Impacts*, there would be substantial increases in traffic congestion and in VMT and VHT in the San José Sphere of Influence. While the effect of increasing the population within San José will be to increase the air pollution generated in the Bay Area, it should be kept in mind that housing the County work force within the County is ultimately more beneficial than encouraging residential development at more distant locations, particularly through the development of agricultural land in San Benito, Santa Cruz, and Monterey Counties and in the San Joaquin Valley. Nevertheless, the effect of implementing all of these projects would be a lack of conformance with the CAP and a cumulatively significant increase in air pollution. **[Significant Cumulative Impact]**

#### 7.3.4.2 *Mitigation for Cumulative Air Quality Impacts*

The City's adopted General Plan includes all of the Transportation Control Measures identified in the BAAQMD Guidelines that can be implemented by a local government. Goals and objectives for all of the major projects evaluated in this cumulative section include designing for transit access where such design is feasible. As development is proposed, the City evaluates specific development design for consistency with the General Plan policies.

EEHVS Scenarios II-VI would include higher density development adjacent to the planned Nieman LRT Station. EEHVS Scenarios II-VI include bus stops, sidewalks, bike racks, pathways, etc. that are compatible with alternative transportation modes (including walking and bicycling). EEHVS Scenarios I and VI include shuttle bus service between the industrial development and regional transit centers. All of these measures are consistent with the BAAQMD Guidelines for reducing long term air quality impacts, and with the provisions of the CAP.

While there are no specific measures identified that would reduce air quality impacts to a less-than-significant level, the EEHVS includes all feasible measures to reduce long term air quality impacts. While the cumulative projects would not be consistent with the population projections in the current CAP, the inclusion of TCMs and design measures to support alternative transportation modes and the provision for improvements to the existing transit system are consistent with CAP policies. The project's contribution to the cumulatively significant air quality impacts will remain significant and unavoidable.

#### 7.3.4.3 *Conclusion regarding Cumulative Air Quality Impacts*

The cumulative projects, which include the EEHVS, will increase the City's population beyond that anticipated in General Plan. This growth would not be consistent with the assumptions of the CAP, which will result in a significant impact on regional air quality in the Bay Area. There is no feasible mitigation beyond that already incorporated into each project. Therefore, a statement of overriding considerations will be considered. **[Significant Unavoidable Cumulative Air Quality Impact]**

### 7.3.5 Cumulative Cultural Resources Impacts

#### 7.3.5.1 *Cumulative Effects on Archaeological Resources*

The entire San José area has a potential for containing subsurface prehistoric and historic archaeological resources, particularly near the channels of the Guadalupe River, Coyote Creek, and their tributaries. While a portion of the cumulative project area has already undergone some type of development, impacts to subsurface cultural resources could still occur during ground disturbing and excavation for future development of vacant sites as well as during redevelopment of urban sites.

Prehistoric archaeological sites have been recorded within the northern and mid-Coyote Valley areas, which contains Coyote and Fisher Creeks. These recorded sites include pre-historic and American Period (post-1850) archaeological resources, some of which have been found to be eligible for inclusion on the National Register of Historic Places (NRHP) and California Register of Historic Resources (CRHR). Native American resources include a former major village site and other habitation locations.

There are no recorded archaeological sites or reported cultural resources located within or adjacent to the iStar project site. However, as described in Section 4.5.2., archaeological resources are present - or could be present - in the Evergreen area on portions of each of the opportunity sites.

Many of the cumulative project sites listed in Table 66 are located near the Guadalupe River, Coyote Creek, or their tributaries. These sites are considered to have a moderate to high potential for subsurface archaeological resources.

The recently-approved North San José Development Policy Project area is bordered by the Guadalupe River and Coyote Creek. Eighteen prehistoric archaeological sites, one isolated prehistoric find, two reported but unrecorded prehistoric resources and two Native American ethnographic villages/settlements are known to be present in that area. Prehistoric archaeological resources in North San José are generally classified as midden sites formed through extensive and intensive human occupation which modified the natural soil. Native American burials are often present in these deposits. These sites include former mounds now straddling the Guadalupe River, as well as sites covered with up to four feet of sediments. There are also several unrecorded locations of reburied skeletal remains.

The recently-approved Downtown San José Strategy Project area contains the Guadalupe River and is considered to have a moderate-to-high likelihood of containing prehistoric archaeological deposits, as well as a high likelihood of containing historic archaeological deposits. The Downtown Area as a whole also has a high likelihood of prehistoric and historic archaeological resources.

When an archaeological resource is listed in, or eligible to be listed in, the CRHR, Public Resources Code §210874.1 requires that any substantial adverse effect to that resource be considered a significant environmental effect.

If prehistoric or historic archaeological sites are encountered during any of the cumulative project's construction and proper mitigating procedures are not implemented, a significant impact to the resource will result. However, the City of San José General Plan's Goals and Policies for Archaeological and Cultural Resources recognize the irreplaceable nature of cultural resources, and require that preservation should be a key consideration in the development review process. Each of the cumulative projects will include the City's standard mitigation measures for reporting and evaluating cultural resources, in the event such resources are found during project construction.

Reporting and evaluation requirements would be in accordance with current archaeological standards (e.g., Archaeological Resource Management Reports: Recommended Contents and Format, California Office of Historic Preservation, Preservation Planning Bulletin 4(a); any internal City of San José reporting standards for cultural resources reports including Guidelines for Historic Reports) and evaluation criteria (e.g., NRHP, CRHR, City of San José Historic Resources Inventory guidelines).

In light of the above-described state law, as well as the policies of the City of San José for mitigation of archaeological resource impacts, it is concluded that the cumulative development will not result in a cumulatively significant impact to archaeological resources. **[Less-than-Significant Cumulative Impact]**

#### 7.3.5.2 *Cumulative Effects on Historic Resources*

As described in Section 4.5.3, the proposed EEHVS will have no impact on any resources of historical or architectural significance. Therefore, in accordance with CEQA Guidelines §15130(a)(1), there would be no cumulative impacts to historic resources, as it relates to the EEHVS. **[No Cumulative Impact]**

#### 7.3.5.3 *Conclusion*

The cumulative projects would not result in significant impacts to archaeological resources. There would be no cumulative impacts associated with the EEHVS on historic resources. **[Less-than-Significant Cumulative Cultural Resources Impact]**

### 7.3.6 Cumulative Biological Resources Impacts

**Introduction**

Approval and implementation of the cumulative projects listed in Table 66 would directly affect development on over 4,200 acres of land of the City of San José. The cumulative project sites are shown on Figures 22-24. Of the overall cumulative development area, approximately 4,000 acres are currently undeveloped; that is, they are either in agricultural production, fallow, vacant lots, or are in a natural state and provide a higher level of biological habitat than urbanized property. Approximately 114 acres of the 4,000 undeveloped acres are currently a golf course.

Impacts to biological resources will result from the cumulative development of virtually all vacant land within the City limits that is not specifically designated for an open space use.

In addition to the cumulative projects listed in Table 66, another project/activity that should be noted in this discussion of cumulative biological resource impacts is the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP). The City of San José, County of Santa Clara, Santa Clara Valley Transportation Authority (VTA), and Santa Clara Valley Water District (SCVWD) have initiated a collaborative process to prepare and implement a countywide HCP/NCCP. These Local Partners, in partnership with the U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Game (CDFG), National Oceanic and Atmospheric Administration (NOAA Fisheries) and other resource agencies and stakeholder groups will develop a long-range plan in specified areas of the County where land development activities and the continued survival of endangered, threatened, or other species of concern are in conflict. The goal of this plan is to provide the means for conservation of these species, thereby contributing to their recovery while, at the same time, allowing for compatible and appropriate development to occur. At this time, the complete list of projects ("covered activities") to be covered by the HCP/NCCP is not known. The SCVWD may use the HCP to cover on-going flood control maintenance activities in various waterways. No large-scale

water storage or flood control projects are being considered at this time. The HCP may also include consideration of the VTA's Highways 152/156 interchange improvements project. City projects would generally include various public and private activities to implement the San José 2020 General Plan.

#### 7.3.6.1 *Cumulative Impacts to Sensitive Plant and Animal Species*

Sensitive plant species are not present on any of the EEHVS opportunity sites. In addition, none of the EEHVS opportunity sites contain habitat of importance to any special status animal species (other than the Burrowing Owl, described below). Therefore, in accordance with CEQA Guidelines §15130(a)(1), there would be no cumulative impacts to sensitive plant and animal species (other than the Burrowing Owl, described below), as it relates to the EEHVS. **[No Cumulative Impact]**

#### 7.3.6.2 *Cumulative Impacts to Burrowing Owl and Its Habitat*

Development of the cumulative projects, as well as the recently-approved North San José Development Policies and Hitachi projects, will result in the loss of native and non-native grassland habitat and active and fallow agricultural land throughout the City, some of which is either occupied or potential burrowing owl breeding and foraging habitat. Development of the cumulative projects would result in the loss of a total of approximately 731 acres of burrowing owl habitat, including the North San José Development Policies Project (650 acres) and the EEHVS (81 acres). In addition, potential habitat exists and Burrowing Owls may be found within the CVSP and iStar project areas, and on approximately 100 acres of the Hitachi project site. The development of virtually all large pieces of vacant land in the City, as proposed by the cumulative projects, will result in significant cumulative impacts to burrowing owls and their habitat. **[Significant Cumulative Impact]**

#### 7.3.6.3 *Cumulative Impacts to Wetlands and Riparian Habitat*

Wetlands provide critical habitat for a variety of endangered plant and animal species. They also serve a fundamental role in mitigating urban runoff by filtering out pollution before it runs into the ocean and streams and by buffering rising waters due to floods or high tides. Riparian areas in central California support rich and diverse wildlife habitat, including breeding, nesting and foraging habitat for endangered and more common animal and bird species. Riparian corridors that connect natural areas such as the Baylands and the hillsides surrounding Santa Clara County are also wildlife corridors.

Potential impacts to wetlands and riparian habitat from the cumulative projects include direct impacts and indirect impacts, as described below.

**Direct Impacts**

Direct impacts fill or remove wetland habitat, and typically occur from filling of wetlands to create more developable area, and construction of bridges, stormwater outfalls, and other infrastructure

improvements, or in the case of CVSP proposals to create new habitat with enhanced functions and values

Buildout of the CVSP is estimated to result in permanent impacts to approximately 90 acres of wetland and riparian habitat through the realignment of Fisher Creek, filling of individual development sites, and construction of bridges and storm drain outfalls. With the exception of the CVSP project, development of the cumulative projects may require construction of bridges, storm drain outfalls, or other infrastructure that may result in minor filling of wetlands; but no other major filling of wetlands is anticipated to result from the cumulative projects.

Direct impacts to wetlands are regulated by law, as each project complies with a host of federal, state and regional permit requirements, including requirements of the U.S. Army Corps of Engineers, CDFG, and the Regional Water Quality Control Boards (RWQCBs). Each of these permitting authorities requires mitigation for the loss of wetland habitat. Mitigation for filling of wetlands typically requires provision of replacement wetland habitat at between a 1:1 (mitigation acreage: impact acreage) to a 3:1 ratio, depending upon the habitat value of the lost wetland acreage. RWQCB also requires mitigation, based upon the stream length impacted by a project. Mitigation is generally provided on-site or the project is redesigned to avoid impacts.

For sites with wetland habitat, compliance with permitting requirements and implementation of mitigation measures, such as those described above, would be required on a project-by-project basis to avoid or reduce wetlands impacts to a less than significant level. Therefore, the projects considered in this cumulative scenario would not result in a significant cumulative direct impact to wetlands and riparian habitat, and the proposed project would not contribute towards a significant cumulative impact. **[Less-than-Significant Cumulative Impact]**

**Indirect Impacts**

The use of wetland and riparian habitats is adversely affected by the close proximity of human activity and the placement of structures. The quality of the riparian habitat and type of structures or activities adjacent to it determines the overall effect on wildlife use. In general, the greater the amount of human activity and the closer that activity occurs to riparian areas, the greater the potential for negative impacts to wildlife use. Indirect impacts can result from siting urban development too close to wetlands or a riparian corridor, where human activity creates light, noise, or other disturbances (e.g., introduction of predatory domestic pets or people into the creek or wetland) that disturb animals or birds such that their breeding or nesting is adversely affected.

It is generally desirable, therefore, to minimize human activities adjacent to riparian habitats. This need to reduce human use has led to the development of the setback or buffer concept along riparian areas as an attempt to reduce impacts to riparian areas. While empirical evidence exists to support the concept that wildlife values of the riparian corridor can be compromised by adjacent human activity, little empirical data presently exists for the establishment of a precise setback area.

Nevertheless, riparian setbacks of up to 100 feet are often recommended by CDFG as appropriate for streams with high quality riparian habitat. These setbacks are typically measured from either the top of the bank or the outer edge of riparian vegetation, whichever is greater. In addition, the City's Riparian Corridor Policy Study indicates that "development adjacent to riparian habitats should be set back 100 feet from the outside edge of the riparian habitat (or top of bank), whichever is greater."

Many of the cumulative projects include large setback buffers that will avoid and/or reduce impacts to riparian habitat and the wildlife that uses such habitat. The North San José Development Policies Project EIR assumes that future development will observe riparian setbacks of at least 100 feet along the Guadalupe River and Coyote Creek, within which minimal human use and disturbance will be allowed. Any development proposal that encroaches within the 100-foot riparian setback will require additional CEQA review. Similarly, all EEHVS development will observe a 100-foot riparian setback from Evergreen Creek and a 50-foot setback from Fowler Creek. The reach of Fowler Creek that crosses the Berg/IDS property is devoid of riparian habitat and the 50-foot setback is considered sufficient to avoid impacts.

The City's Riparian Corridor Policy will guide the provision of setbacks for any Downtown Strategy Plan redevelopment along the Guadalupe River or its tributaries, as well as future development allowed by the remaining General Plan amendments included in this cumulative analysis. Through conformance with the Riparian Corridor Policy, these projects would not result in significant impacts to riparian habitat.

As described above, if the cumulative projects conform to the City's Riparian Corridor Policy by providing 100-foot riparian setbacks to avoid and reduce indirect impacts to riparian habitat and wildlife, then cumulative indirect impacts to wetland and riparian habitat can be avoided or reduced to less than significant levels. **[Less-than-Significant Cumulative Impact]**

#### 7.3.6.4 *Cumulative Impacts to Trees*

The City of San José promotes the health, safety, and welfare of the City, by regulating the removal of ordinance trees on private property. Ordinance-size trees are defined as trees over 56 inches in circumference at a height of 24 inches above natural grade. The removal of mature trees detracts from the scenic beauty of the City; reduces the biological diversity of species living within the City's Urban Service Area; causes erosion of topsoil and degradation of water quality in the creeks and Bay; creates flood hazards; increases the risk of landslides; reduces property values; increases the cost of construction and maintenance of drainage systems through the increased flow and diversion of surface waters; and eliminates one of the prime oxygen producers and prime air purification systems in this area. The City also recognizes Heritage Trees if they meet certain age, size, species or historic criterion.

Development of the cumulative projects, as well as the recently-approved Hitachi, North San José, and Downtown San José projects, will result in the loss of thousands of mature trees, including native trees, orchard trees, and landscape trees. Buildout of the Hitachi project alone is expected to remove

approximately 1,023 ordinance-size trees (approximately half of which are native species) and 4,514 non-ordinance-size trees from the site. Most of the trees on the iStar property, which contains 2,330 trees, 55 of which are ordinance-sized, may be removed by future development. Implementation and development of the EEHVS may result in the loss of over 3,000 trees if the trees cannot be retained.

The redevelopment of North San José and the development of Coyote Valley with high intensity, transit-oriented development will require removal of most of the trees on individual sites. Underground parking, very high residential densities, convenient access for pedestrians and transit frequently includes very high site coverage, and reduces the flexibility of site design. Coyote Valley still contains substantial numbers of native trees. Most of the trees in North San José, however, are non-native landscape trees, which provide generally lower habitat values. The substantial number of trees in North San José do contribute to improved air quality and they do provide some habitat value, especially for migratory birds.

The approved North San José Development Policies project assumes retention of a small remnant sycamore riparian woodland, but most other trees (not yet surveyed) would be removed. Similarly, existing trees within the 3,500-acre CVSP project area have not been surveyed, but it is expected that most trees would be removed through buildout of the CVSP project. The previously approved 688-acre Coyote Valley Research Park project in North Coyote Valley, that represents less than one-fifth of the total CVSP project area, would result in the loss of approximately 131 trees, 81 of which are ordinance-sized. As individual properties in these two project areas are proposed for development, applicants would be required to apply to the City of San José for tree removal permits.

Any proposal to remove trees for a development project would be evaluated, taking into consideration the number, age, size, condition and species of the trees as well as the feasibility of retaining or relocating the trees. The loss of a large number of these trees would be a significant impact. Individually significant trees, whose loss could not be mitigated by replacement planting, may be required to be moved. Most of the major projects proposed will have significant tree impacts. The cumulative effect of the removal of thousands of existing mature trees, many of which are native species, will be cumulatively significant. **[Significant Cumulative Impact]**

#### 7.3.6.5 *Cumulative Disturbance to Active Raptor Nests and Occupied Owl Burrows during Project Construction*

As described in Section 4.6, raptors (e.g., eagles, hawks, and owls) and their nests are protected under both federal and state regulations. Construction disturbance of active raptor nests during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered a "taking" by the CDFG. Furthermore, the destruction of occupied Burrowing Owl burrows is also considered a taking. Any loss of fertile eggs, nesting raptors, any activities resulting in nest abandonment, or the destruction of occupied Burrowing Owl burrows would constitute a significant impact. This significance criteria would apply to White-tailed Kites, Cooper's Hawks, Red-Shouldered Hawks, Red-Tailed Hawks, Loggerhead Shrikes, Burrowing Owls, and other birds of prey, many of

which are known to nest within the cumulative projects' areas. Construction activities such as tree removal and site grading that disturb a nesting raptor on a specific site or immediately adjacent to the specific site would constitute a significant impact.

Raptors are known to nest in mature trees and sometimes on buildings. Mature trees are present on developed and vacant properties on the cumulative project sites. Since development and redevelopment at the levels of intensity proposed by the cumulative development projects will leave very little of these sites in a natural state, it is likely that a number of trees harboring raptors and their nests will be removed. The destruction of occupied raptors' nests in the trees would be a significant impact. The magnitude of this impact would vary on a project-by-project basis, dependent on the number of trees present on the various sites. See the above discussion regarding the number of trees on the cumulative project sites.

Likewise, destruction of a burrow occupied by a Burrowing Owl, whether during the nesting season or otherwise, would constitute a violation of the Migratory Bird Treaty Act and the Fish and Game Code. As the remaining viable habitat has diminished, Burrowing Owls have been found in marginal habitat locations, including landscape islands and in parking strips. The destruction of an occupied nest or of an individual bird, no matter where the nest is located, would be a significant impact. **[Significant Cumulative Impact]**

### 7.3.6.6 *Mitigation for Cumulative Biological Resources Impacts*

**Mitigation for Cumulative Impacts to Individual Nesting Raptors and Burrowing Owls**

The following mitigation for cumulative impacts to resting raptors and owls is the same as that included as part of the EEHVS (see Section 4.6). So as to comply with federal and state laws, these measures are part of all projects approved in San José on sites where these resources could be present.

In conformance with federal and state regulations regarding protection of raptors, appropriate surveys for Burrowing Owls following CDFG protocols will be completed prior to any development occurring on sites with foraging or nesting habitat for Burrowing Owls, or prior to redevelopment occurring on sites identified as having potential burrowing owl habitat. Likewise, preconstruction surveys for nesting raptors will be conducted on proposed development or redevelopment sites with mature trees.

If surveys confirm that a site is occupied habitat, or that a nest exists that could be disturbed by proposed development, then additional mitigation measures to minimize or avoid impacts to the individual raptors, their occupied burrows or nests, would be identified and implemented. Implementation of pre-construction surveys and establishment of construction-free buffers, in the event raptors or active owl nests are present, will avoid project impacts and avoid a significant cumulative impact to raptors. **[Less-than-Significant Cumulative Impact with Mitigation]**

**Mitigation for Cumulative Impacts to Trees**

On a cumulative basis, the loss of mature, native trees cannot, in the short-term, be mitigated to a less-than-significant level by replacing them with new trees. Native tree species have a higher biological value than non-native trees, because they are adapted for long-term survival in California's soils and climate, are more resistant to insects and disease than are non-native tree species, and provide superior habitat for a wide range of wildlife. In the circumstances that would result from simultaneous and ongoing implementation of all of the recently-approved and proposed projects, thousands of native and non-native trees would be removed citywide - literally from one end of the City to the other.

While replacement planting would be included in the future development and redevelopment projects to reduce the long-term effects of habitat loss from tree removal, the loss of mature trees, particularly native trees, resulting from development of all of the cumulative projects would result in a cumulatively significant biological impact for which there is no effective mitigation in the short-term. **[Significant Unavoidable Cumulative Impact]**

**Mitigation for Cumulative Impacts to Burrowing Owl Habitat**

Mitigation for the cumulative loss of Burrowing Owl habitat could include the establishment of a County-wide program to set aside one or more large area(s) of publicly owned, permanent open space and improve this habitat for use by Burrowing Owls, as described in Section 4.6.4. Each individual project resulting in a loss of Burrowing Owl habitat could contribute to the improvement and maintenance of this permanent habitat through the payment of an impact fee. The level of required participation by each new development project could be assessed, based on a reasonable relationship to the individual development's contribution to the cumulative loss of Burrowing Owl habitat. Through such a mitigation program, permanent, good quality habitat for Burrowing Owls could be retained in perpetuity at locations deemed appropriate by biologists. There is currently no established program.

In the absence of replacement habitat to offset the loss of the remaining Burrowing Owl habitat in the area, the development proposed in Evergreen in combination with the other cumulative projects would result in a cumulatively significant, unavoidable loss of Burrowing Owl habitat. **[Significant Unavoidable Cumulative Impact]**

### 7.3.6.7 *Conclusion regarding Cumulative Biological Resources Impacts*

Significant cumulative impacts to nesting raptors and nesting owls will be mitigated by measures to be undertaken by each project, such measures required by federal and state law. **[Less-than-Significant Cumulative Impact with Mitigation]**

Significant cumulative impacts to Burrowing Owl habitat, as well as the loss of mature trees, will occur as a result of recently-approved and proposed development in San José. The proposed EEHVS's impacts in these areas will contribute to these cumulatively significant impacts. Mitigation to reduce these

impacts to a less-than-significant level is infeasible. Therefore, a statement of overriding considerations will be considered. **[Significant Unavoidable Cumulative Biological Resources Impact]**

### 7.3.7 Cumulative Geology Impacts

**Introduction**

San José is part of the seismically-active coastal area of California. The area is classified as Seismic Zone 4, the most seismically-active in the United States. Resulting from earthquakes occurring along the San Andreas Fault system, which includes the Hayward Fault and Calaveras Fault zones, the region is subject to strong ground shaking. The most recent large earthquake to affect the area was the 1989 Loma Prieta Earthquake, which measured 6.9 on the Richter Scale. The Working Group on California Earthquake Probabilities has estimated that there is a 62% probability of a large (i.e., Richter Magnitude $\geq$6.7) earthquake in the San Francisco Bay region in the next 30 years.

Much of San José includes soils that have moderate to high shrink/swell potential. In addition, portions of the City are underlain by soils that are susceptible to seismically-induced liquefaction. [Note: For a discussion of these terms, please refer to Section 4.7.]

#### 7.3.7.1 *Cumulative Seismic Impacts*

Owing to the fact that the region is seismically-active, all structures in the Bay Area and their occupants are at risk of damage or injury from ground shaking in the event of an earthquake. The amount of ground shaking would depend on the magnitude of the earthquake, the distance from the epicenter, and the type of earth materials in between. Very strong-to-violent ground shaking will occur in the project area during expected earthquakes on the San Andreas, Hayward, Calaveras and other regional faults. This level of seismic shaking could cause extensive structural and non-structural damage in buildings throughout San José.

Due to the risks associated with exposure to geologic hazards, all future development addressed by this EIR, as well as all future development at any location in San José, would be subject to the General Plan's geologic and earthquake policies, which include those listed at the beginning of Section 4.7.

New construction proposed by the cumulative projects 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 and seismic-related hazards, including liquefaction, on the various project sites. Therefore, potential impacts associated with future exposure to the proposed projects would be reduced or avoided by conformance to the standards specified in the Uniform Building Code for Seismic Zone 4 and with the recommendations of the structural analysis required for future development proposed on liquefaction-susceptible soils. For this reason, the projects would not be subject to significant impacts from seismic-related hazards.

It is acknowledged that seismic hazards cannot be completely eliminated even with site-specific geotechnical investigation and advanced building practices. However, exposure to seismic hazards is a generally accepted part of living in the San Francisco Bay Area and therefore the measures described above reduce the potential hazards associated with seismic activity to a less-than-significant level. **[Less-than-Significant Cumulative Impact]**

#### 7.3.7.2 *Other Cumulative Geologic Impacts*

Development of the proposed cumulative projects would not be affected by slope instability or volcanic hazards. The projects would not be expected to contribute to regional subsidence or long-term erosion hazards. Implementation of standard design measures, such as those described above, would be required on a project-by-project basis to avoid or reduce geologic hazards impacts associated with liquefiable or shrink/swell soils to a less-than-significant level. Therefore, the projects considered in this cumulative scenario would not result in a significant cumulative geologic hazards impact and the proposed project would not contribute towards a significant cumulative impact. **[Less-than-Significant Cumulative Impact]**

#### 7.3.7.3 *Conclusions regarding Cumulative Geology Impacts*

Significant cumulative seismic and other geologic impacts will be avoided because all of the cumulative development will be required to comply with mandatory construction and design practices that will reduce such risks to an acceptable level. **[Less-than-Significant Cumulative Geologic Impact]**

### 7.3.8 Cumulative Hydrology and Water Quality Impacts

#### 7.3.8.2 *Analysis*

Approval and construction of the projects listed in Table 66, as well as construction of the recently-approved North San José, Downtown San José. and Hitachi projects, will result in the development or redevelopment of thousands of acres of land in San José. For the reasons described in Section 4.8.1, such development has the potential to result in significant drainage, flooding, and/or water quality impacts. However, in recent years, various federal, state, and local laws have been enacted for the purpose of minimizing the risks associated with flooding, as well as for the purpose of improving/maintaining the quality of surface waters. Such legislation includes, but is not limited to, the National Flood Insurance Program, the federal Clean Water Act, the California Porter-Cologne Water Quality Control Act, and the San José Floodplain Management Ordinance.

As a direct result of such legislation, development projects in San José are now required to undertake steps to avoid, minimize, and/or mitigate flooding and water quality impacts. These steps can include 1) modifying site designs to reduce impervious surfaces; 2) constructing on-site stormwater detention facilities; 3) constructing off-site improvements to stormwater and flood control facilities; 4) maintaining

open areas to preclude the blockage of flood flows; 5) constructing finished floors of buildings above base flood elevations; and 6) incorporating Best Management Practices (BMPs) into the construction and post-construction phases of development. In addition, these requirements are now applied to projects that seek to redevelop areas that were previously urbanized, the result of which optimally is a reduction in impervious surfaces on such sites.

#### 7.3.8.2 *Conclusion regarding Hydrology and Water Quality Impacts*

In view of the applicability of ordinances, laws and regulations that would avoid the occurrence of significant hydrological and water quality impacts, it is concluded that cumulative hydrology and water quality impacts will not be significant. **[Less-than-Significant Cumulative Hydrology and Water Quality Impact]**

### 7.3.9 Cumulative Hazards and Hazardous Materials Impacts

#### Introduction

Most of the projects included in this cumulative analysis are proposed on properties that were previously developed with industrial or agricultural uses. It is likely that hazardous materials may have been stored and used on, and/or transported to and from some of these properties as part of industrial or agricultural activities on the sites. These hazardous materials (such as gasoline, oil, propane, and various chemicals used in manufacturing and agriculture) may have been stored on these sites in above-ground or underground tanks. Storage tanks can leak, often resulting in soil and/or groundwater contamination. If groundwater is affected, it can impact properties downgradient of the spill. The use of pesticides and fertilizers on agricultural properties can result in widespread residual soil contamination, sometimes in concentrations that exceed regulatory thresholds.

In addition, development/redevelopment of some of the sites would require demolition of existing buildings that may contain asbestos-containing materials (ACMs) and/or lead paint. Demolition of these structures could expose construction workers or other persons in the vicinity to harmful levels of asbestos or lead. Similarly, some of the properties may be located on asbestos-containing serpentine rock soils or fill. When this rock, which is naturally-occurring, is disturbed during construction and grading activities, there is a potential for release of asbestos fibers, which could also affect construction workers and/or persons residing downwind.

#### 7.3.9.1 *Cumulative Hazardous Materials Impacts*

Based on the above-described conditions, which are present on most project sites to varying degrees, potentially significant environmental impacts can occur under the cumulative development scenario since such conditions can lead to the exposure of residents and/or workers to substances that have been shown to adversely affect health.

Due to the risks associated with exposure to hazardous materials, for each of the projects that are under consideration, various mitigation measures will be implemented as a condition of development. Measures would include incorporating the requirements of various existing local, state, and federal laws, regulations, and agencies such as the State Department of Toxic Substances (DTSC) and the California Occupational Safety and Health Administration (Cal/OSHA), during all phases of project construction. Depending upon the extent of the chemical release, contaminated soils could be excavated and transported to appropriate landfills, or treated on-site. If groundwater is affected, remediation and on-going groundwater sampling both on the site and on surrounding downgradient properties could be warranted. Finally, determining the extent of asbestos and lead paint contamination would also be required prior to building demolition and site grading and, if present, such substances would handled and disposed of in a manner that minimizes human exposure.

For sites with hazardous materials contamination, implementation of mitigation and avoidance measures, such as those described above, would be required on a project-by-project basis to avoid or reduce hazardous materials impacts to a less than significant level. As an example, such measures are part of the EEHVS (see Section 4.9.4).

#### 7.3.9.2 *Conclusion regarding Hazards and Hazardous Materials*

Based upon the above analysis, the projects considered in this cumulative scenario would not result in individual significant unmitigated cumulative hazardous materials impacts and the proposed project would not contribute towards a significant cumulative impact. **[Less-than-Significant Cumulative Hazards and Hazardous Materials Impact]**

### 7.3.10 Cumulative Visual and Aesthetic Impacts

#### 7.3.10.1 *Analysis*

Each of the major projects being evaluated in San José, as well as the recently-approved North San José, Downtown San José, and Hitachi projects, would result in a visual/aesthetic impact since, to varying degrees, the proposed developments would block existing views of the scenic hillsides and mountains that ring three sides of the Santa Clara Valley. Such views are important since they essentially define the "sense of place" that is associated with living and working in a valley.

For example, while not significant by itself, new multi-story buildings associated with the planned intensification of development in North and Downtown San José will obscure views from various vantage points from both within and adjacent to the project areas themselves.

In Evergreen and Coyote Valley, each of the proposed developments will convert large areas of open space, which is a scenic resource, to a developed environment.

For each project, visual and aesthetic effects would be lessened by implementing various mitigation measures. Such measures include incorporating parks and open space areas into specific plan and/or site designs, the use of aesthetically-pleasing architectural features in building designs, and the installation of landscaping. The substantial combined visual impacts of these significant projects cannot, however, be mitigated to a less-than-significant level by these measures.

Each project's visual and aesthetic impacts would contribute to such impacts on a Citywide basis. Coupled with the substantial development of the greater San José area that has occurred in recent decades, recently-approved and proposed projects under consideration will result in the following:

- A cumulatively significant loss of visual open space in San José, estimated to be in the range of 2,000 to 3,000 acres; and
- A cumulatively significant loss of unobstructed views of the scenic hillsides and mountains that form the perimeter of the Santa Clara Valley. **[Significant Cumulative Impact]**

The above discussion and conclusion notwithstanding, it is important to note that none of the recently-approved or proposed projects would occur on lands that are designated as permanent open space.[117] Open space areas designated in the General Plan to remain as rural/open space (e.g., neighborhood and regional parks, the Baylands, and the South Coyote Greenbelt) would not be reduced by any of the projects that are under consideration in this cumulative analysis.

#### 7.3.10.2 *Mitigation for Cumulative Visual and Aesthetic Impacts*

Available mitigation measures to reduce the visual impacts associated with change in character and the loss of visual corridors and open space (including planning for permanently protected open space and inclusion of landscaping with development project) are assumed to be in place and/or included in all of the cumulative projects. The significant unavoidable visual impacts that would result from approval and implementation of all identified projects are therefore significant and unavoidable.

#### 7.3.10.3 *Conclusion regarding Cumulative Visual and Aesthetic Impacts*

Recently-approved and proposed development would result in cumulatively significant visual and aesthetic impacts. Such impacts would include the obstruction of scenic views and a significant change in the visual character of thousands of acres of land in San José. The contribution of the EEHVS to this impact would be considerable. There is no feasible mitigation to reduce this impact to a less-than-significant level. Therefore, adoption of a statement of overriding considerations will be considered. **[Significant Unavoidable Cumulative Visual & Aesthetic Impact]**

[117] The City's adopted General Plan identifies substantial areas of San José's Sphere of Influence as permanent open space for a variety of reasons, including the need to protect the quality of life for all of the people who live and work in the City.

### 7.3.11 Cumulative Utilities Impacts

**Introduction**

Approval and full implementation of the cumulative projects listed in Table 66, in conjunction with the buildout of the City's current General Plan (which includes the recently-approved North San José, Downtown San José, and Hitachi projects), would result in the construction of large amounts of new industrial, commercial and residential development. Each of these uses would have different potential impacts upon the City's utility and service systems. Utility and service providers maintain long term projections for demand for their services within the City based on the City's General Plan, and in many cases have developed strategies to meet the anticipated demand levels. Typically, the timeframe for their demand/supply analysis is comparable to the timeframes of projects addressed here.

In the case of the CVSP project, the amount of development in the proposed project is already in the City's General Plan and may have been anticipated by utility providers. Because the Mid-Coyote area is not within the City's Urban Service Area (USA), however, the urbanization in the Coyote Valley Urban Reserve has not been planned within the current General Plan horizon. Implementation of the CVSP would require an expansion of the USA boundaries. In the cases of the EEHVS and iStar projects, the proposed developments would likely have similar demand upon the utility and service systems than the land uses currently shown in the City's General Plan for those respective sites. The North San José and Downtown San José projects will each increase development beyond that allowed under the adopted General Plan.

#### 7.3.11.1 *Cumulative Impacts to Sanitary Sewer/Wastewater Treatment Facilities*

The City's sanitary sewer/wastewater treatment system has two distinct components: 1) a network of sewer mains/pipes that conveys effluent from its source to a treatment plant, and 2) the water pollution control plant that treats the effluent, including a system of mains/pipes that recycles a portion of the treated wastewater for non-potable uses (e.g., irrigation of landscaping, agricultural irrigation, dust suppression during construction, etc.).

**Sanitary Sewer System**

The City of San José has adopted a level of service (LOS) policy for design of sanitary sewer mains. The levels of service range from "A" to "F," with LOS A defined as unrestricted flow and LOS F defined as being inadequate to convey existing sewer flow. To meet the City's guidelines, new developments must meet LOS D or above. LOS D is defined as restricted sewage flow during peak flow conditions.

Apart from the Coyote Valley, the City of San José currently has wastewater collection infrastructure in place in all of the cumulative project areas. Generally this consists of varying levels of local connectors, laterals that range from six to eight inches in diameter, and sewer mains ranging in size from

10 to 36 inches. The network primarily relies upon gravity flow, supplemented by sewer lift stations and force mains at specific locations. The City is responsible for maintenance of the entire system.

The cumulative projects, as well as future development allowed under the adopted General Plan, will contribute wastewater to the existing system. As part of each project's approval process, the City will require appropriate upgrades and extensions to the existing system. The largest expansion of the sanitary sewer system would occur in the Coyote Valley. In addition, through its Capital Improvement Program, the City undertakes upgrades to the existing system, consistent with its policy objective of maintaining LOS D in the City's sanitary sewer mains. **[Less-than-Significant Cumulative Impact]**

**Water Pollution Control Plant (WPCP)**

San José's WPCP, which is located at the northerly end of the City, provides wastewater treatment for the Cities of San José, Santa Clara, and Milpitas, as well as five other sanitary districts in Santa Clara County. The WPCP has an existing capacity to treat 167 million gallons per day (mgd) of effluent. Of this total amount, the capacity allocated to San José is roughly 106 mgd.

In 1998, the WPCP was treating an average of 142 mgd (dry weather peak), of which 94 mgd was from San José. In 2000, the WPCP was treating an average of 135 mgd. In 2002 and 2004, the plant was treating an average of 118 mgd and 114 mgd, respectively. San José's portion of the 114 mgd is approximately 73 mgd. The decline in discharge from 142 mgd to 114 mgd can be attributed, at least in part, to a decline in manufacturing uses in Santa Clara County, a general decline in industrial activity, and continuing implementation of water conservation measures through new construction. At least part of the reduction in activity is due to the economic conditions which resulted in high vacancy rates in the industrial areas of Santa Clara County.

For the reasons discussed previously in Section 4.11.1.1 of this EIR, while the capacity of the WPCP is 167 mgd, the amount of treated wastewater that can be discharged to San Francisco Bay is limited to 120 mgd (dry weather peak). This limitation has led to the development of programs to reduce the volume of wastewater generated at the source, as well as a system that recycles some of the wastewater for non-potable uses.

The recycling of wastewater occurs through the South Bay Water Recycling (SBWR) program. The SBWR system includes over 100 miles of pipes that convey treated wastewater to portions of San José, Santa Clara, and Milpitas. The SBWR program is currently recycling approximately 10-16 mgd of treated wastewater to over 500 customers in the three cities.

Cumulative implementation of the recently-approved and proposed projects identified in this document is conservatively projected to result in a total net increase in sewer/wastewater discharge of approximately 21 mgd. Factoring in buildout of the City's current General Plan raises the projected increase in discharge by 12 mgd to a total increase of 33 mgd. This estimate does not reflect possible advances in water conservation, expanded use of recycled water or other measures that could reduce the

total potential impact upon sewer and wastewater facilities. Additionally, the discharge assumed for buildout of the City's General Plan does not account for off setting reductions in discharge as existing uses are displaced by future development.

The estimated total increase in wastewater discharge from buildout in San José (including the cumulative projects) of 33 mgd could be treated by WPCP only if the existing flow from San José of 73 mgd does not increase. This statement is based on the fact that an increase of 33 mgd would not cause San José to go above its current WPCP treatment allocation of 106 mgd. If however, due to the re-occupancy of currently vacant buildings, discharge levels return to those that occurred in 2000, there would be insufficient capacity at the existing WPCP to treat the additional volume of wastewater. In any case, the 33 mgd increase in wastewater would cause the discharge from the WPCP to the Bay to exceed the 120 mgd limitation. Exceeding the treatment capacity of the WPCP could result in significant impacts to the physical environment and to human health and safety. Neither this scenario nor a situation in which the flow cap restriction of 120 mgd would be allowed to occur, based on the requirements of Chapter 15.12 of the Municipal Code (see discussion below).

In order to accommodate treatment of all of this sewage, the WPCP may need to be expanded or satellite facilities might need to be built. Any proposal to increase WPCP capacity would require separate CEQA review and would be subject to a separate permitting process. There is at present no specific proposal to expand WPCP capacity, and to identify at this time the location or the impacts of doing so would be speculative.

The City may pursue several strategies to address demand upon the WPCP. Programs to reduce water usage will also reduce sewer/wastewater discharge, which reduce the demand for treatment capacity. The City has in recent years successfully reduced discharge to the WPCP through the ongoing implementation of water conservation programs and programs to reduce sewage generation.

Increased use of recycled water will reduce the amount of discharge from the WPCP to the Bay. All of the major projects considered in this cumulative analysis are located adjacent to existing SBWR pipelines (North San José, Downtown, and Evergreen) or adjacent to planned extensions of the SBWR pipelines (Coyote Valley, Hitachi and iStar), providing extensive opportunities for additional use of recycled water, including the possibility of double plumbing (interior uses) for recycled water use in new buildings. Active implementation of aggressive strategies to facilitate use of recycled water could reduce the actual amount of discharge from the WPCP to the Bay to acceptable levels. Under the worst case conditions used for this analysis, the City would need to increase use of recycled water by approximately 33 mgd in order to remain under the 120 mgd dry weather flow trigger.

While the impacts from increased flow to the WPCP could be significant, this impact is avoidable through increased use of recycled water, expansion of WPCP treatment capacity, and/or limitations on new development such that full buildout of the cumulative projects could not occur until capacity is available. The City may choose to not approve some of the proposed cumulative development assumed in this analysis, or development could be delayed until a later date.

Ultimately, the capacity of the WPCP to treat sewage and discharge effluent is a potential infrastructure capacity issue that could constrain full implementation of the cumulative projects, but the capacity constraint would not result in an environmental impact since the City of San José would not entitle development that would exceed the 120 mgd flow trigger discharge to impact the Bay. Every land use permit issued by the City of San José includes this standard permit condition:

> *Sewage Treatment Demand.* Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.

As noted above, unless the City is able to substantially increase the use of recycled water, the proposed amount of development, including buildout of the current General Plan, could cause the WPCP to exceed the discharge flow limit. The City will not however issue any entitlement for development beyond the WPCP capacity including the flow trigger cap or other WPCP capacity limitations. The City will continue to monitor WPCP capacity, pursue strategies for reducing water usage and discharge to the WPCP, and increase the use of recycled water. The proposed EEHVS would increase the amount of sewage sent to the WPCP for treatment, but would not contribute to a cumulatively significant impact. **[Less-than-Significant Cumulative Impact]**

#### 7.3.11.2 *Cumulative Impacts to Water Service*

The City of San José has three water service providers (retailers) who each serve different regions of the City that would be affected by the cumulative impacts addressed here. The San José Water Company (SJWC) serves the Downtown and a portion of the North San José area. The San José Municipal Water System (SJMWS) serves the remainder of North San José and most of the Evergreen area. The Great Oaks Water Company (GOWC) serves the Hitachi and iStar properties. The water service provider for Coyote Valley has not yet been determined. The water systems for each of these retailers are independent of each another, although they all potentially draw upon groundwater and surface water resources administered by the Santa Clara Valley Water District (SCVWD).

Based on a conservative estimate of the likely water demand for the pending projects under consideration and buildout of the City's current General Plan, the projected cumulative increase in demand is approximately 39 mgd. The water retailers draw upon various sources for their water supply, including local groundwater and surface water supplies and importation of water from outside of San José's jurisdiction. While some growth in imported water supply is expected (and currently under

negotiation), the predominant source of additional water supply is local groundwater. The SCVWD is in the process of modeling their long term ability to provide groundwater to the three retailers, but their preliminary analysis suggests that they have adequate capacity to address the cumulative demand of the projects under consideration here.

The SJMWS has identified the need to construct some additional facilities as part of their conveyance system to serve the North San José project. Additional facility improvements may be necessary for the other suppliers or for the SJMWS in other parts of the City, but these have not yet been identified. Such improvements will be identified and implemented as development occurs as part of the entitlement review process. Some facilities may also be constructed by the providers themselves through their typical business operations.

Based upon the information available at this time, it appears that the existing sources and infrastructure for water supply are adequate to address the cumulative increase in demand. The proposed increased level of development associated with the EEHVS would increase water demand over existing conditions, but would not contribute to a cumulatively significant impact.

Approval and implementation of all of the cumulative projects as proposed would increase demand for water supply, but would not result in significant cumulative environmental impacts as a result of exceeding the identified water supply, such supply which includes the use of recycled water through the SBWR system. **[Less-than-Significant Cumulative Impact]**

#### 7.3.11.3 *Cumulative Impacts to Storm Drainage System*

The City of San José owns and maintains the existing public storm drainage system throughout the City's USA. The underground drainage system is composed of storm lines which range in size from 12 inches to 144 inches in diameter. Flows from individual sites and surface streets are conveyed by gravity flow to storm laterals and storm mains. In most cases drainage to the Guadalupe River, Coyote Creek or other tributary streams is by gravity flow through the system or by direct outflow, but in some areas water is pumped from storm mains into the stream system.

The City's standard is to provide adequate storm drainage to convey up to a 10 year storm event. In some areas of the City, notably including the North San José area, the current storm drainage system does not provide this capacity. The City maintains a long term plan to build out the storm drainage system to meet the 10 year standard throughout the City.

The cumulative projects analyzed in this section include both redevelopment and/or intensification of existing areas (e.g. North San José, Downtown) or new development on largely vacant sites (e.g. Evergreen, Coyote Valley), as well as a number of smaller infill project sites. While intensification of already developed areas will likely result in minimal increases in storm water amounts which can be largely accommodated by the existing storm drainage network, development in new areas will require the construction of new storm drainage systems.

Downtown San José is fully developed, except for small vacant lots that are mostly paved. North San José will include expansion and improvement of the existing storm system as new development occur under the proposed plans for intensification. In the case of the EEHVS and CVSP projects, the large scale and master planning approaches underway allow for the comprehensive design, funding, and construction of storm water facilities as needed to serve the new development. Evergreen and Coyote Valley are also subject to the most stringent requirements of the City to minimize stormwater runoff, consistent with policies implemented by the RWQCB (see Section 4.8). As a result of compliance with these policies, these projects are not expected to result in any significant impacts upon the nearby stream systems or from exceeding the capacity of downstream storm drainage systems.

Cumulative development would in some cases generate stormwater flows in excess of the capacity of existing stormwater collection systems. Construction of the planned stormwater collection systems in conjunction with planned development and consistent with RWQCB policies, would not result in new significant environmental impacts. **[Less-than-Significant Cumulative Impact]**

#### 7.3.11.4 *Cumulative Impacts to Electricity and Natural Gas Systems*

PG&E supplies electricity and natural gas to the City of San José. Distribution of electric power is accomplished primarily through underground systems extending from various high voltage transmission lines in the area. Natural gas is distributed through a series of gas distribution lines located within street right of ways. Electric and gas utilities are available in the vicinity of the respective project areas and can be extended onto developments in the project areas. PG&E has projected that planned development of the Coyote Valley will require construction of an additional electric distribution substation to provide adequate power. Additional substations may also need to be constructed in other parts of San José to serve new development. [Note: See also the discussion of Cumulative Energy Impacts below.]

Development allowed under the EEHVS would not result in any identified significant impact related to the provision of electricity and natural gas. Construction of planned electric distributions substations would not result in new significant environmental impacts substantially greater or different than the individual developments they are built to serve. **[Less-than-Significant Cumulative Impact]**

#### 7.3.11.5 *Cumulative Impacts to Solid Waste Systems*

Commercial solid waste collection in San José is provided by a number of non exclusive service providers and the waste may be disposed of at any of the four privately owned landfills in San José. Collection of residential waste occurs under exclusive franchise agreements between the City and two service providers, Norcal of San José and Green Team. According to the Source Reduction and Recycling Element of the General Plan prepared for the City of San José and the County wide Integrated Waste Management Plan, there is sufficient landfill capacity for Santa Clara County's projected needs for at least 30 more years.

Recycling collection and processing services, including yard waste recycling, are provided to both single family and multi-family residences by Norcal of San José, Green Team, and Green Waste, Inc. Recycling services are available to most businesses from private recyclers. The City of San José Environmental Services Department also offers information and assistance to businesses wishing to recycle, or to expand their recycling activities.

Cumulative development would not result in an exceedance of system capacity or any other significant impacts to the solid waste system. **[Less-than-Significant Cumulative Impact]**

#### 7.3.11.6 *Conclusion regarding Cumulative Utility Impacts*

Development of the cumulative projects, including the EEHVS, would not result in significant cumulative impacts on utilities. **[Less-than-Significant Cumulative Utilities Impact]**

### 7.3.12 Cumulative Energy Impacts

#### 7.3.12.1 *Analysis*

To provide information regarding the magnitude of cumulative energy impacts, the estimated annual energy usage of the six largest recently-approved/proposed projects is quantified in Table 70. To put the data of Table 70 into context, the cumulative increase in electricity, 1,503 million kWhr, is eight percent of the total amount of electricity used in Santa Clara County in the year 2000.[118] Similarly, the cumulative increase in gasoline, 80 million gallons, is approximately ten percent of the total amount of gasoline used in Santa Clara County in 2003.[119]

More important, as discussed in Section 4.12, *Energy*, the California Energy Commission is projecting future shortages of electricity, natural gas, and gasoline during periods of peak demand. In the context of these projected shortages, the increase in energy usage that is shown in Table 70 would constitute a significant cumulative energy impact. This conclusion is consistent with the thresholds of significance used for energy impacts, which state that energy usage needs to be evaluated in the context of projected supplies.

There are many measures available to reduce energy consumption in both residences and businesses, as listed in Section 4.12. Each of the projects being considered will, to varying degrees, incorporate such measures into the design of all new buildings.

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[118]Total electricity usage for year 2000 in Santa Clara County was 17,843 million kWhr. (Source: California Energy Commission, www.energy.ca.gov/electricity/electricity_by_county_2000.html)

[119]In 2003, Santa Clara County highway gasoline consumption was estimated to be 813,222,000 gallons. (Source: Caltrans, Office of Transportation Economics, 2004)

**T A B L E 7 0**

**ESTIMATED CUMULATIVE ENERGY USAGE**

| | Natural Gas (cubic feet/year) | Electricity (kWh/year) | Gasoline (gallons/year) |
|---|---|---|---|
| **North San José** [a] | | | |
| 32,000 residences | 1,440 million | 208 million | |
| 26,700,000 ft$^2$ office/R&D | 774 million | 481 million | |
| 622,000 daily trips | | | 33 million |
| Subtotal: | 2,214 million | 689 million | |
| **Downtown San José** [a] | | | |
| 10,000 residences | 450 million | 65 million | |
| 10,000,000 ft$^2$ office/R&D | 290 million | 180 million | |
| 1,200,000 ft$^2$ commercial | 44 million | 16 million | |
| 196,690 daily trips | | | 10 million |
| Subtotal: | 784 million | 261 million | |
| **Evergreen • East Hills** [c] | | | |
| 3,900 residences | 176 million | 25 million | |
| 4,735,000 ft$^2$ office/R&D | 137 million | 85 million | |
| 500,000 ft$^2$ commercial | 19 million | 7 million | |
| 115,900 daily trips | | | 6 million |
| Subtotal: | 331 million | 117 million | |
| **Coyote Valley** [a] | | | |
| 25,000 residences | 1,125 million | 163 million | |
| 12,500,000 ft$^2$ office/R&D | 363 million | 225 million | |
| 520,489 daily trips | | | 27 million |
| Subtotal: | 1,488 million | 388 million | |
| **Hitachi** [a, b] | | | |
| 2,930 residences | 132 million | 19 million | |
| 460,000 ft$^2$ commercial | 17 million | 6 million | |
| 34,488 daily trips | | | 2 million |
| Subtotal: | 149 million | 25 million | |
| **iStar** [a] | | | |
| 1,000,000 ft$^2$ office/R&D | 29 million | 18 million | |
| 450,000 ft$^2$ commercial | 17 million | 6 million | |
| 29,352 daily trips | | | 2 million |
| Subtotal: | 46 million | 24 million | |
| **Totals:** | **5,012 million** | **1,503 million** | **80 million** |

[a] Proposed land uses are estimated maximums, based on preliminary information available at the time this EIR was prepared.

[b] Project includes 3.6 million ft$^2$ of office/r&d uses, but those uses are not included in this table because the Hitachi site presently includes 3.6 million ft$^2$ of office/r&d uses.

[c] For this table, EEHVS Scenario VI was used since it would utilize the most energy of the six scenarios being evaluated (see Table 56).

It is also important to note that several of the large projects (e.g., North San José, Downtown, Coyote Valley, and Hitachi) would construct residences in the vicinity of job centers. Further, all of the large projects listed in Table 70 are, to varying degrees, located along existing or planned rail corridors (LRT, CalTrain, BART, Altamont Commuter Express). Proximity of jobs to housing and the availability of efficient public transit are important goals of land use planning, as embodied in the policies of San José's General Plan, because they can substantially reduce the adverse effects of automobile usage (i.e., energy consumption, congestion, and air pollution).

One of the cumulative projects, the EEHVS, would reverse a 1980s decision to designate 320 acres of land in Evergreen for roughly 4.6 million square feet of *Campus Industrial* uses. The 1980s decision was made for the purpose of locating jobs near the substantial supply of housing in Evergreen. The current proposal would redesignate these lands for housing which would result in longer commutes. From a transportation energy perspective, this would be an adverse impact.

#### 7.3.12.2 *Mitigation for Cumulative Energy Impacts*

There are many measures available to reduce energy consumption in both residences and businesses, as listed in Section 4.12. Each of the projects being considered will, to varying degrees, incorporate such measures into the design of all new buildings. Section 4.12 identifies a number of measures (e.g., installation of photovoltaic systems on rooftops) that could further reduce increased energy use from the proposed EEHVS, which would in turn lessen the project's contribution to the cumulatively significant increased use of energy. However, the degree to which such measures will be incorporated into the EEHVS or other cumulative projects is not presently known

.

#### 7.3.12.3 *Conclusion regarding Cumulative Energy Impacts*

On the basis of the above discussion, including the fact that the extent to which each project will incorporate energy-conserving measures into its design is presently unknown, it is concluded that cumulative energy impacts will be significant and unavoidable. Therefore, adoption of a statement of overriding considerations will be considered. **[Significant Unavoidable Cumulative Energy Impact]**

### 7.3.13 Cumulative Population, Jobs, and Housing Impacts

#### Introduction

Historically, San José has had a shortage of jobs compared to the number of employed residents living in the City, commonly referred to as a jobs/housing imbalance. A jobs/housing imbalance, especially when there is a relative deficit of jobs, can be problematic because it results in longer commutes as City residents travel to other locales for employment. This same imbalance can result in financial hardships for a city due to the costs associated with providing services to residential land uses in relation to revenue generated.

In recent years, consistent with the major strategies and objectives of the adopted General Plan, the City has been attempting to correct this imbalance. Table 71 provides an overview of the historic and projected number of households, jobs, employed residents, and population in San José.

#### 7.3.13.1 *Cumulative Impacts*

Table 72 provides a breakdown of projected jobs and households in San José under buildout of the General Plan, both with and without the cumulative projects. The data in Table 71 can be summarized as follows:

- The City's historic jobs/housing imbalance has been decreasing, as planned.
- When compared to existing (2004) conditions, buildout under the approved General Plan will increase the number of jobs and households in San José by 233,000 (50%) and 102,600 (35%), respectively.
- When compared to existing (2004) conditions, buildout assuming approval and construction of the cumulative projects would increase the number of jobs and households in San José by 221,500 (48%) and 108,100 (37%), respectively.
- When compared to buildout under the approved General Plan, approval and construction of the cumulative projects would decrease the number of jobs in San José by 11,500 (1.6%) and increase the number of households in San José by 5,500 (1.4%).
- The overall jobs/housing ratio under future buildout conditions will remain essentially unchanged if the City were to approve all of the cumulative projects.

#### 7.3.13.2 *Conclusion regarding Cumulative Population, Jobs, & Housing Impacts*

Based on the above analysis, it is concluded that the cumulative projects would not substantially impact the projected balance between jobs and housing that is identified in the approved San José General Plan. **[Less-than-Significant Cumulative Population, Jobs & Housing Impact]**

### 7.3.14 Cumulative Impacts on the Availability of Public Services

#### Introduction

As described in Section 5, public facilities and services are provided to the community as a whole, usually from a central location or from a defined set of nodes. The resource base for delivery of these services, including the physical service delivery mechanisms, is financed on a community-wide basis, usually from a unified or integrated financial system. The service delivery agency can be a city, county, service or other special district. Usually, new development will create an incremental increase in the demand for these services; the amount of demand will vary widely, depending on both the nature of the development (residential vs. commercial, for instance) and the type of services, as well as on the specific characteristics of the development (such as senior housing vs. family housing).

**T A B L E 7 1**

**CUMULATIVE ECONOMIC AND DEMOGRAPHIC DATA FOR SAN JOSÉ**

| | | | | | Projected Buildout | |
|---|---|---|---|---|---|---|
| | **1980** | **1990** | **2000** | **2004** | **Existing General Plan** | **With Cumulative Projects** |
| Jobs | 231,700 | 313,400 | 432,500 | 465,000 | 698,000 | 686,500 |
| Households | 231,400 | 263,300 | 291,400 | 295,000 | 397,600 | 403,100 |
| Population | 679,700 | 808,400 | 930,700 | 944,000 | 1,272,400 | 1,294,700 |
| Employed Residents | 338,400 | 427,800 | 470,000 | 442,500 | 596,400 | 604,600 |
| Persons per Household | 2.9 | 3.1 | 3.2 | 3.2 | 3.2 | 3.2 |
| Employed Residents per Household | 1.5 | 1.6 | 1.6 | 1.5 | 1.5 | 1.5 |
| Jobs per Employed Resident | 0.68 | 0.73 | 0.92 | 1.05 | 1.17 | 1.14 |

**Notes:**

- Historic data are from ABAG and are for the San José Sphere of Influence, an area slightly larger than the incorporated area of the City.
- In this table, "households" is used to represent "dwelling units". In reality, the two numbers are almost identical.
- Data for jobs, population, employed residents, and households are rounded to the nearest hundred.
- The existing San José General Plan includes amendments through June 2005. The June 2005 General Plan amendments included the North San José Development Policies (GP04-04-06), the Hitachi Campus (GP04-02-01), and the Downtown San José Strategy 2000 (GP05-03-01).

**Sources:** ABAG (Projections '96 & Projections 2005), City of San José.

**T A B L E 7 2**

**BREAKDOWN OF PROJECTED JOBS AND HOUSING IN SAN JOSÉ**

| | Jobs | Households/DU's |
|---|---|---|
| Existing (2004) | 465,000 | 295,000 |
| Unbuilt Entitlement (includes 20,000 jobs in Coyote Valley) | 52,000 | 0 |
| Vacant Land Capacity under Existing General Plan (excluding Coyote Valley) | 37,400 | 40,000 |
| Coyote Valley (unentitled, but in Existing General Plan) | 30,000 | 25,000 |
| North San José (approved June 2005) | 68,000 | 24,700 |
| Downtown San José Strategy 2000 (approved June 2005) | 45,000 | 10,000 |
| Hitachi [Cottle Road property] (approved June 2005) | 575 | 2,930 |
| **Subtotal: Buildout under Existing General Plan (rounded)** | **698,000** | **397,600** |
| | | |
| Effect of Major Cumulative Projects | | |
| iStar | - 1,156 | --- |
| Evergreen • East Hills [a] | - 10,383 | + 5,483 |
| **Subtotal (rounded):** | **- 11,500** | **+ 5,500** |
| | | |
| **Total: Buildout under Cumulative Scenario** | **686,500** | **403,100** |

[a] Worst-case jobs loss/housing gain numbers used, as per Table 58.

**Source:** City of San José, 2005.

The cumulative impact of a group of projects, as with a particular project, on public facility services is generally a fiscal impact. By increasing the demand for a type of service, a group of projects could cause an eventual increase in the cost of providing the service (more personnel hours to patrol an area, additional fire equipment needed to service a tall building, etc.). That is a fiscal impact, not an environmental one. CEQA does not require an analysis of fiscal impacts.

CEQA analysis is, however, required if the increased cumulative demand is of sufficient size to trigger the need for a new facility (such as a school or fire station), since the new facility would have a physical impact on the environment. CEQA requires that an EIR then identify and evaluate the physical impacts on the environment that such a facility would have. To reiterate, the impact that must be analyzed in an EIR is the impact that would result from constructing a new or expanded public facility (should one be required), not the fiscal impact of a development on the capacity of a public service system.

#### 7.3.14.1 *Fire and Police Protection Cumulative Impacts*

Fire protection for the project area is provided by the City of San José Fire Department (SJFD). The SJFD presently has 31 stations within the City and also participates in a mutual aid program with neighboring jurisdictions. The SJFD also responds to all emergency medical services (EMS) calls in the City. In fact, roughly two-thirds of all SJFD dispatches are EMS-related.

Police protection services in the project area are provided by the City of San José Police Department (SJPD). Unlike the SJFD wherein emergency equipment is dispatched from stations located throughout the City, all SJPD officers are dispatched from police headquarters (located at 201 West Mission Street) at the beginning of their shifts to patrol the City within their assigned beats.

The $159 million Public Safety Bond Program approved by voters in March 2002, funds capital projects for the Fire and Police Departments and includes: a public safety driver training facility, new and upgraded 911 communications facilities, an improved training center, a new police substation, new and upgraded fire stations, fire stations to be relocated, and new community policing centers. These public safety projects are intended to be implemented over the next decade and would be available to serve the population produced by the cumulative group of projects. Increased public safety staffing and purchase of equipment is evaluated by the City during the normal budget process, based on then current conditions.

The new construction that would occur as a result of the cumulative projects includes the redevelopment of older commercial and industrial buildings that may use hazardous materials as well as construction on parcels that are currently vacant. New buildings would replace aging buildings with structures built to current fire code standards.

The net increase in the amount of development that would exist in the City by the cumulative scenario, particularly the increased residential development, will increase calls for fire and police services. As described above, the City is undertaking a capital improvement program that includes the anticipated development of new fire stations, fire stations to be relocated, and upgrades to existing fire stations. However, there is currently no specific proposal to build a new fire station(s) or new or expanded police facilities as a result of the additional demands that would arise from development of the cumulative projects. **[Less-than-Significant Cumulative Impact]**

Increased demands for service may be offset by expansion of existing stations, including additional staffing. In the event that future development patterns (including the specific location of new development) and/or service demands indicate that a new fire station is needed in a given area of San José, a suitable location for construction of a station would be identified and provided within the project area. Increased demand for services is not necessarily an environmental impact. The environmental impact, if it does occur, generally results from the impacts on the physical environment that result from the physical changes made in order to meet the demand.

Construction of a new fire station or police facility, if required, would require environmental review. Since specific sites for such construction cannot be identified at this time, it cannot be stated conclusively that significant environmental impacts would or would not occur. The construction of a local fire station in San José would contribute incrementally to the impacts of development, but is not anticipated by itself to have new or substantially different significant adverse environmental impacts. Further discussion at this time of the impacts that might result from building an additional public safety facility would be speculative.

#### 7.3.14.2 *Parks and Recreation Cumulative Impacts*

The City operates an extensive system of parks and recreational facilities throughout the City. On a Citywide basis, there are 144 neighborhood parks, nine regional parks, and 23 community centers. There are also senior centers, youth centers, and a network of trails and pathways. These facilities are supplemented by those of local schools and the County, as well as a number of trails on lands along creeks that are owned by the SCVWD.

The City's General Plan has established level of service benchmarks for parks and community centers. The City has a service level objective of 3.5 acres of neighborhood and community serving recreational lands per 1,000 residents, of which a minimum is 1.5 acres of City-owned and up to 2 acres of school playgrounds, and all of which are located within a reasonable walking distance from the surrounding residences. In addition, the City seeks to provide 7.5 acres of regional/City-wide parkland per 1,000 population and 500 square feet of community center floor area per 1,000 population.

In November of 2000, the voters of San José overwhelmingly approved the passage of two general obligation bond measures. Seventy-five (75) of the 96 Park Bond projects have been delivered to residents of San José as part of the Safe Neighborhood Parks and Recreation Bond.

Assuming 3.2 persons per household, the 44,000+ dwelling units associated with the recently-approved and proposed projects would result in approximately 140,800 residents and a corresponding cumulative demand for approximately 500 acres of neighborhood serving parks, 1,100 acres of regional parkland, and 70,400 square feet of community center space. The projects proposing higher density residential development will produce fewer residents, typically 2.29 for high density housing, than the Citywide average noted above, and so the actual cumulative demand for parkland is likely to be less than described above.

Implementation of the cumulative projects would result in a substantial increase in San José residents. The City has adopted the Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) that require residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. The PIO allows applicants to receive credit towards the parkland dedication requirements for private recreation improvements included as part of the project. Additionally, residential developments are required to provide on-site private and common open space in conformance with City's Residential Land Use Policy 11.

While the increased population associated with the implementation of the cumulative projects would result in increased use of existing parks and trails, such use is not expected to be substantial enough to cause these facilities to deteriorate and no significant adverse physical impact would result. Therefore, while cumulative projects will result in an increase in demand for parks and recreation, they will offset this increased demand through the provision of new and improved parks and open space opportunities. New parks facilities would be developed in the project area concurrent with the proposed residential development. New parks and recreation facilities would contribute incrementally to the impacts of development identified for each of the cumulative projects as a whole, but would not be anticipated to have new or substantially different significant adverse environmental impacts. **[Less-than-Significant Cumulative Impact]**

#### 7.3.14.3 *Library Service Cumulative Impacts*

The City of San José Public Library system consists of a main library, which is located in Downtown San José, and 19 branch libraries located throughout San José. The system is in the midst of adding six new branch libraries and renovating/expanding 14 branch libraries, to be funded by the San José Branch Library Bond Measure, which was approved by voters in November of 2000.

The San José General Plan includes the following level of service goals for libraries: 2.75 volumes (items) held in the San José Public Library system per capita and .59 square feet of library space per capita.

The additional demand for library service resulting from growth allowed by the cumulative projects will impact individual neighborhood branches in the areas where growth would occur, and the Martin Luther King, Jr. Main Library. As population grows and service demands increase, additional library services would be required, which could include some or all of the following:

- expanding the physical size of branches and main library;
- adding new branches;
- enlarging materials collections;
- expanding/redefining collections to accommodate changing technologies;
- increasing staff; and
- providing additional services not currently provided.

Developing new housing in North San José, Evergreen, and Coyote Valley would create a significant new demand that would exceed the resources and service capacity of existing and nearby libraries, and could trigger the need for new libraries in each of the major project areas. The ultimate buildout of these projects is likely, therefore, to include a new branch library or substantial expansion of existing libraries in these areas of San José. The cumulative projects are planned in geographically distinct areas of the City, and would be served by branch libraries located within their respective project area and not contribute to cumulative impacts on branch libraries in other areas of San José.

As described in Section 5.5., the City is planning substantial improvements to the branch libraries in the Evergreen • East Hills area. Further, the EEHVS includes a proposal to increase the size of the planned Southeast Branch. In view of these facts, the contribution of the EEHVS to the cumulative increase in demand for library services would be minor. **[Less-than-Significant Cumulative Impact]**

#### 7.3.14.4 *Cumulative Impacts on Schools*

Santa Clara County has 33 public school districts and 345 schools. The major cumulative projects are located in areas of San José serviced by eight school districts:

- San José Unified School District
- East Side Union High School District
- Orchard School District
- Santa Clara Unified School District
- Oak Grove School District
- Evergreen School District
- Mount Pleasant School District
- Morgan Hill Unified School District

The purpose of this cumulative analysis is to forecast the combined effect of the major cumulative projects on school districts where a school district serves more than one of the cumulative projects.

The Orchard School District and Santa Clara Unified School District would be impacted by the recently-approved North San José project. The other major cumulative projects would not contribute students to these districts.

The Oak Grove School District would be impacted by the recently-approved Hitachi project. The other major cumulative projects would not contribute students to this district.

The Evergreen School District and the Mount Pleasant School District would be impacted by the EEHVS, as described in Section 5.3. The other major cumulative projects would not contribute students to these districts.

The Morgan Hill Unified School District may accommodate the students generated by the CVSP, or potentially a new school district could be formed. The other cumulative projects would not contribute students to the Morgan Hill School District or a new school district. Additionally, the students generated by the dwelling units to be built under the CVSP are not anticipated to be accommodated by other Santa Clara County school district(s), so the CVSP is not expected to contribute to a cumulative impact to schools.

The iStar project is located within the service area boundaries of East Side Union and Oak Grove School Districts, but proposes no residential development, and thus, no students would be generated.

Two of the eight school districts would be impacted by more than one of the major cumulative projects. The anticipated cumulative impacts on these school districts are described below.

**San José Unified School District**

The San José Unified School District (SJUSD) is located in central San José and includes land in the North San José and Downtown project areas. The SJUSD served 32,351 students from Kindergarten to Grade 12 in 2002-2003, and is comprised of 54 schools consisting of 31 elementary schools, seven middle schools, seven high schools, seven continuation schools, one charter school and one alternative school. Within the SJUSD boundary, the North San José project could generate approximately 383 elementary students, 184 middle school students, and 240 high school students. The 10,000 multi-family dwelling units approved with the Downtown project will generate an estimated 2,000 to 5,000 students, depending upon the unit types and sizes ultimately developed.

The SJUSD is in the process of closing schools through its School Closure and Transition Plan. Due to the presence of surplus schools within the SJUSD, the recently-approved North San José and Downtown projects may not require construction of new facilities.

**East Side Union High School District**

The East Side Union High School District (ESUHSD) is located in the eastern portion of San José and includes land in the North San José, Hitachi and Evergreen • East Hills project areas. The ESUHSD is comprised of 11 high schools and seven alternative education schools/programs. During the 2004-05 school year, the ESUHSD had a total of 25,496 students enrolled in grades 9-12. The North San José project could generate approximately 566 high school students that would attend schools in the ESUHSD. The Hitachi project could generate approximately 586 new high school students. The EEHVS project could generate between 640 and 1,030 new high school students (see Table 62). None of the other major cumulative projects are anticipated to generate students in the ESUHSD.

Based on the above-described estimates, the cumulative student generation within this school district by the projects under review is anticipated between 1,792 and 2,182 high school students. According to school district staff (Garofalo, 2005), the ESUHSD has an existing capacity to accommodate an

additional 4,000 students. The ESUHSD is anticipated to accommodate these additional students by adjusting their school attendance boundaries to enroll project-generated high school students at schools within the district that are under capacity.

**School Impact Fees**

The City's ability to plan for school facilities is limited by State law in that cities can no longer require the dedication of school sites in conjunction with the planning process. State law (Government Code §65996) specifies the method of offsetting a project's effect under CEQA on the adequacy of school facilities is the payment of a school impact fee prior to issuance of the building permit. The affected school districts are responsible for implementing the specific methods for mitigating school impacts under the Government Code, including setting the school impact fee amount consistent with state law. The school impact fees and the school districts' methods of implementing measures specified by Government Code §65996 would partially offset the costs of serving project-related increases in student enrollment. **[Less-than-Significant Cumulative Impact]**

In the event a school district decides construction of a new facility is warranted to accommodate the new students, future development of one or more schools in one of the cumulative project areas would require supplemental environmental review. There are also specific requirements set by the state for constructing a new school that would have to be met. Since a specific site for such construction cannot be identified at this time, it cannot be stated conclusively that significant environmental impacts would or would not occur. The construction of one or more schools on land in a given project area would contribute incrementally to the impacts of development identified for the project as a whole, but is not anticipated by itself to have new or substantially different significant adverse environmental impacts. Further discussion at this time of the impacts that might result from building one or more schools in a given project area would be speculative.

### 7.3.14.5 *Conclusion regarding Cumulative Impacts on the Availability of Urban Services*

The cumulative demands upon urban services are collectively substantial, but would not necessarily constitute a significant impact. Impacts on city services, including police protection, fire protection, libraries, parks and recreation, can be mitigated to a less-than-significant level by permitting the approval only of development that does not exceed the City's adopted level of service standards. Under State law, impacts on schools will be mitigated through the payment of school impact fees. New development approvals are required to comply with general plan services and facilities policies. **[Less-than-Significant Cumulative Public Services Impact]**

# SECTION 8. GROWTH-INDUCING IMPACTS

## 8.1 INTRODUCTION

The purpose of this section of an EIR is to disclose whether or not the construction of a project is likely to foster additional growth, either directly or indirectly. This information can be an important factor in a decision to approve a project because such approval can, in turn, lead to additional projects that may have environmental consequences.

The fact that a project may result in additional growth does not imply that such growth is either detrimental or beneficial. For example, a project that furthers growth consistent with the adopted goals and policies of a city's General Plan would likely be considered as beneficial. Conversely, a project that fosters growth that would conflict with such goals and policies would likely be considered as detrimental.

Finally, projects can induce growth directly or indirectly or both. A direct growth-inducing impact occurs when the construction of one or more projects is "conditioned on"[120] the construction of another project. An indirect growth-inducing impact occurs when a project fosters such growth but there is not direct linkage to future projects.

## 8.2 GROWTH-INDUCING IMPACTS OF THE EEHVS

Under EEHVS Scenario I, which is the No Project Alternative, the current EDP would remain in effect and none of the existing General Plan land use designations and zonings would be changed. The Arcadia property could be developed with 217 residential dwelling units and the Berg/IDS and Legacy Partners properties could be developed with up to 4.66 million square feet of *Campus Industrial* uses.

EEHVS Scenarios II-VI would revise the EDP, as well as the General Plan land use designations and zonings on the opportunity sites. This would have the direct effect of allowing more growth in the Evergreen • East Hills area than that which could occur under Scenario I/No Project. Such growth, however, would not be "induced" by the EEHVS - it <u>is</u> the EEHVS.

There would be little or no growth-inducement due to approval of the EEHVS beyond that proposed by the project itself. This statement is based on the following:

[120]Cities and counties frequently place conditions on a project at the time it is approved. These conditions can take the form of restrictions, project modifications, and/or prerequisites to construction. An example of a prerequisite would be where the construction of a shopping center cannot proceed until the local wastewater treatment plant has been expanded to accommodate the wastewater to be generated by that facility.

- The project is infill and is located in an area of San José where growth is planned (i.e., within the City's Urban Service Area).

- The project will not induce growth outside of San José's Greenline/Urban Growth Boundary because it will not extend infrastructure into such areas.

- The project does not include expansion of infrastructure beyond that needed to serve the proposed development.

- The proposed revised EDP limits the development of the area to that which would be allowed under the EEHVS.

# SECTION 9. SIGNIFICANT UNAVOIDABLE IMPACTS

This EIR has identified the following significant unavoidable environmental impacts that would occur under one or more of the six EEHVS development scenarios. A statement of overriding considerations will be adopted for all significant unavoidable impacts.

① **Conflict with a Land Use Plan adopted for Purpose of Avoiding Environmental Impacts:** EEHVS Scenarios II-V would conflict with the San José General Plan *Campus Industrial* land use designation on the Berg/IDS and Legacy Partners properties, such designation placed on these sites in 1980 for the purpose of minimizing environmental effects. Scenarios II-V would construct housing on these sites, precluding the future creation of jobs at this location.

② **Loss of Agricultural Land:** Scenarios I-VI would result in the loss of 33 acres of Prime Farmland on the Berg/IDS Property. Scenarios II-VI would result in the loss of 17 acres of Farmland of Local Importance on the Evergreen Valley College property.

③ **Traffic Impacts**: Traffic generated under Scenarios II-VI will result in significant and unavoidable near-term impacts on segments of U.S. 101, I-680, and I-280, as well as at several intersections in the project area. Long-term/program-level impacts will also be significant.

④ **Noise Impacts along Roadways:** traffic generated by EEHVS development will, in turn, result in significant and unavoidable increases in noise on segments of Aborn Road, Nieman Boulevard, Quimby Road, San Felipe Road, Silver Creek Valley Road, and Yerba Buena Road.

⑤ **Construction-related Noise Impacts**: Construction-related noise impacts would be significant and unavoidable at residences located adjacent to the Arcadia, Pleasant Hills Golf Course, Berg/IDS, and Evergreen Valley College properties.

⑥ **Air Quality Impacts**: All of the EEHVS development scenarios will result in increases in regional pollutants (e.g., ROG, $NO_x$, and $PM_{10}$) that are in excess of CEQA thresholds. EEHVS Scenarios II through VI would conflict with current Clean Air planning efforts because they would result in an amount and intensity of growth in the EDP area that is not included in the projections used for the 2000 Bay Area Clean Air Plan.

⑦ **Biological Impacts:** All of the EEHVS development scenarios will result in a significant loss of burrowing owl habitat on the Arcadia property.

⑧ **Visual Impacts:** Under EEHVS Scenarios II-VI, building up to six stories in height on the Arcadia property could block views of the scenic Diablo Range foothills and mountains from various locations in the adjacent single-family neighborhood to the west. Under Scenarios I-VI, there would be a significant and unavoidable change in visual character on the Arcadia, Berg/IDS, and Legacy Partners properties. Under Scenarios II-VI, there would be a significant and unavoidable change in visual character on the Pleasant Hills Golf Course property.

⑨ **Energy Impacts:** EEHVS Scenarios II-V will result in the construction of housing on lands that are currently designated for 4.66 million square feet of industrial uses. Such approval would reverse a 1980s decision by the City to locate jobs in Evergreen near a substantial supply of housing, a decision that was intended to reduce the environmental and transportation energy impacts associated with longer distance commuting. In addition, Scenarios I-VI will use a significant amount of electricity and natural gas in the context of projected supplies.

⑩ **Jobs/Housing Balance Impacts:** EEHVS Scenarios II-V will result in the construction of housing on lands that are currently designated for 10,383 industrial jobs. Such approval would have an adverse effect on the City's jobs/housing balance.

# SECTION 10. SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

This section was prepared pursuant to CEQA Guidelines Section 15126.2(c), which requires a discussion of the significant irreversible changes that would result from the implementation of a proposed project. Significant irreversible changes include the use of nonrenewable resources, the commitment of future generations to similar use, irreversible damage resulting from environmental accidents associated with the project, and irretrievable commitments of resources.

## 10.1 USE OF NONRENEWABLE RESOURCES

During demolition, construction, and operation, development allowed under each of the EEHVS scenarios will require the use and consumption of nonrenewable resources. Renewable resources, such as lumber and other wood byproducts, will also be used. Unlike renewable resources, nonrenewable resources cannot be regenerated over time. Nonrenewable resources include fossil fuels and metals.

As discussed in Section 4.12, *Energy*, energy will be consumed during both the construction and operational phases of the project. The construction phase will require the use of nonrenewable construction material, such as concrete, metals, and plastics. Nonrenewable resources and energy would also be consumed during the manufacturing and transportation of buildings materials, preparation of the site, and construction of the buildings. The operational phase will consume energy for multiple purposes including, building heating and cooling, lighting, appliances, electronics, and commercial machinery. Energy, in the form of fossil fuels, will be used to fuel vehicles traveling to and from the area.

The EEHVS would result in substantial increase in demand upon nonrenewable resources. EEHVS Scenarios II-V will result in the construction of housing on lands that are currently designated for 4.66 million square feet of industrial uses. Such approval would reverse a 1980s decision by the City to locate jobs in Evergreen near a substantial supply of housing, a decision that was intended to reduce the environmental and energy impacts associated with longer distance commuting.

## 10.2 COMMITMENT OF FUTURE GENERATIONS TO SIMILAR USE

Depending upon which of the EEHVS development scenarios is approved, new residential, commercial, office, public, and/or industrial uses will be constructed at multiple locations in the Evergreen • East Hills area of San José. Such development will largely occur on lands that are currently vacant/undeveloped. The transformation of these lands from an undeveloped/open space character to a suburban/urban environment would, from a practical perspective, be an irreversible change.

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## ***PERSONS CONTACTED***

Cady, Geoff, City of San José, Fire Department
Crawford, Jim, Evergreen Elementary School District
Crowley, Jim, Santa Clara Valley Water District
Dunbar, Nicole, San José Water Company
Garofalo, Alan, East Side Union High School District
Hartsell, Brian, City of San José, Department of Parks, Recreation & Neighborhood Services
Kelly, Mike, Mount Pleasant Elementary School District
Lynch, Gary, City of San José, Environmental Services Department
Mitchell, Dave, City of San José, Department of Parks, Recreation & Neighborhood Services
Nasser, Mansour, City of San José, Environmental Services Department
O'Brien, James, Santa Clara Valley Water District
Pagan, Winnie, City of San José, Department of Public Works
Pineda, Manuel, City of San José, Department of Transportation
Render, Julie, Santa Clara Valley Transportation Authority, Transportation Planning
Tuttle, Bill, San José Water Company
Vong, Luke, City of San José, Department of Transportation

# SECTION 12. EIR AUTHORS AND CONSULTANTS

## *EIR AUTHOR*

**City of San José, Department of Planning, Building & Code Enforcement**

Stephen M. Haase, Director
Laurel Prevetti, Deputy Director
Andrew Crabtree, Senior Planner
John Baty, Planner
Joseph Horwedel, Deputy Director
Akoni Danielsen, Principal Planner
Jodie Clark, Senior Planner

## *EIR CONSULTANTS*

**David J. Powers & Associates, Inc.** [EIR Author]
Environmental Consultants & Planners
San José, California

John M. Hesler, Senior Environmental Specialist
Stephanie Francis, Graphic Artist

**Hexagon Transportation Consultants** [Transportation & Traffic Report]
Transportation Planning & Traffic Engineering
San José, California

Michelle Hunt, Principal Associate

**Illingworth & Rodkin, Inc.** [Noise & Air Quality Reports]
Acoustical & Air Quality Consulting
Petaluma, California

Richard B. Rodkin, Principal
James A. Reyff, Project Manager/Air Quality
Michael S. Thill, Project Manager/Noise

**Live Oak Associates, Inc.** [Biology Reports]
Ecological Consultants
San José, California

Rick A. Hopkins, Ph.D., Principal/Senior Biologist
Melissa Denena, Wildlife/Wetland/Plant Ecologist
Pamela Peterson, Plant & Wetland Ecologist
Davinna Ohlson, Wildlife Biologist

**WRA, Inc.** [Biology Report]
Environmental Consultants
San Rafael, California

Michael N. Josselyn, Ph.D., Principal
Jeffrey S. Dreier, Senior Wildlife Biologist

**HortScience, Inc.** [Tree Surveys]
Horticultural Consulting Services
Pleasanton, California

James R. Clark, Ph.D., Principal
Jane Whitcomb, Arborist

**Schaaf & Wheeler** [Hydrology Report]
Consulting Civil Engineers/Hydrologists
Santa Clara, California

Jim Schaaf, PE, Principal

**Holman & Associates** [Cultural Resources Assessments]
Cultural Resources Consultants
San Francisco, California

Miley P. Holman, Archaeologist
Randy S. Wiberg, Archaeologist
Charlene Duval, Historian

**Basin Research Associates** [Cultural Resources Assessments]
Cultural Resources Consultants
San Leandro, California

Colin I. Busby, Archaeologist

**Lowney & Associates, Inc.** [Geotechnical & Phase I/II Assessments]
Environmental/Geotechnical/Engineering Services
Mountain View, California

Thomas McCloskey, RG, CHG, Prin. Geologist
Jerrold Hanson, PE, Sr. Project Engineer
Leonardo Alvarez, RG, CEG, Sr. Project Geologist
John Dye, PE, GE, Sr. Project Engineer
Christopher Vertin, Staff Environmental Engineer
Travis Hinman, Staff Environmental Geologist

**Todd Engineers** [San José Municipal Water Supply Assessment]
Consulting Engineers
Emeryville, California

Iris Priestaf, Ph.D., President
Maureen K. Reilly, PE, Senior Engineer

**HMH Engineers, Inc.** [Utilities & Water Quality Reports]
Consulting Civil Engineers, Planners & Surveyors
San José, California

Ron Conn, PE, Senior Engineer
Mike Campbell, Senior Planner
Mike Keaney, Senior Planner

**Kleinfelder, Inc.** [Geotechnical & Phase I/II Assessments]
Environmental & Geotechnical Engineering
San José, California

James Lehrman, PG, CHG, REA, Environ. Mgr.
Gregorio Ramirez, Staff Engineer
Stephen Korbay, CEG, Sr. Engineering Geologist
Stephen B. Quayle, PG, Project Geologist
Michael Clark, CEG, Sr. Engineering Geologist
Mark Swank, Staff Geologist

**Engeo, Inc.** [Geotechnical Assessment]
Environmental, Water Resources & Geotechnical Engineering
San Ramon, California

Micah B. Silvey
Paul C. Guerin, GE
Matthew R. Harrell
Raymond P. Skinner, CEG

**Terrasearch, Inc.** [Geotechnical Assessment]
Environmental & Geotechnical Engineering
San José, California

George Makdissy, PE, Vice President
Robert J. Pollak, PE, Senior Engineer

**Aqua Science Engineers, Inc.** [Phase I/II Assessments]
Consulting Environmental Engineering
Danville, California

Christopher M. Palmer, REA, Project Manager
David Allen, REA, Senior Project Manager
Gerald W. Sasse, REA, Vice President
Robert Kitay, RG, REA, Senior Geologist

**Tetra Tech EM, Inc.** [Phase I/II Assessments]
Environmental Consulting Services
Rancho Cordova, California

David Foley, Project Manager
Tim Adair, PG, Senior Geologist

**PES Environmental, Inc.** [Phase I/II Assessments]
Engineering & Environmental Services
Novato, California

Carl J. Michelsen, RG, CHG, Principal Geochemist
Mark B. Winters, RG, Senior Geologist

# SECTION 13. ACRONYMS AND ABBREVIATIONS

| | |
|---|---|
| ACE | Altamont Commuter Express |
| ALUC | Airport Land Use Commission |
| APN | assessor's parcel number |
| ATCM | airborne toxic control measure |
| BAAQMD | Bay Area Air Quality Management District |
| BART | Bay Area Rapid Transit District |
| BMP | best management practice |
| Btu | British thermal unit |
| CAP | Clean Air Plan |
| CARB | California Air Resources Board |
| CDFG | California Department of Fish & Game |
| CEQA | California Environmental Quality Act |
| CFD | community facilities district |
| CHHSL | California Human Health Screening Level |
| CMP | Congestion Management Program |
| CNEL | community noise equivalent level |
| CNPS | California Native Plant Society |
| CO | carbon monoxide |
| CRHR | California Register of Historic Resources |
| CSSC | California Species of Special Concern |
| CVSP | Coyote Valley Specific Plan |
| dB | decibel |
| dBA | A-weighted decibel |
| EDP | Evergreen Development Policy |
| EEHVS | Evergreen • East Hills Vision Strategy |
| EIR | Environmental Impact Report |
| EPA | Environmental Protection Agency |
| ESL | environmental screening level |
| ESUHSD | East Side Union High School District |
| FEMA | Federal Emergency Management Agency |
| GP | General Plan |
| HCP/NCCP | Habitat Conservation Plan/Natural Community Conservation Plan |
| HMP | Hydromodification Management Plan |
| HOV | high occupancy vehicle |
| kWhr | kilowatt-hour |
| LAFCO | Local Agency Formation Commission |
| Ldn | day-night noise level |
| Leq | equivalent noise level |

| | |
|---|---|
| LOS | level of service |
| LRT | light rail transit |
| MACT | maximum available control technology |
| mgd | million gallons per day |
| mg/kg | milligrams per kilogram |
| mpg | miles per gallon |
| msl | mean sea level |
| $NO_x$ | oxides of nitrogen |
| NOAA | National Oceanic and Atmospheric Administration |
| NPDES | National Pollutant Discharge Elimination System |
| OSHA | Occupational Safety and Health Administration |
| PD | planned development |
| PDO | Parkland Dedication Ordinance |
| PIO | Parkland Impact Ordinance |
| $PM_{10}$ | particulate matter, 10 microns in size |
| ppm | parts per million |
| PRG | preliminary remediation goal |
| R&D | research and development |
| ROG | reactive organic gas |
| RWQCB | Regional Water Quality Control Board |
| SBWR | South Bay Water Recycling Program |
| SCVWD | Santa Clara Valley Water District |
| SJC | Norman Y. Mineta San José International Airport |
| SJFD | San José Fire Department |
| SJMWS | San José Municipal Water System |
| SJPD | San José Police Department |
| SJUSD | San José Unified School District |
| SJWC | San José Water Company |
| SNI | Strong Neighborhoods Initiative |
| SWPPP | Stormwater Pollution Prevention Plan |
| TMDL | total maximum daily load |
| µg/l | micrograms per liter |
| UHU | unit hour utilization |
| USA | Urban Service Area |
| USFWS | United States Fish & Wildlife Service |
| VMT | vehicle miles traveled |
| VTA | Santa Clara Valley Transportation Authority |
| WPCP | San José / Santa Clara Water Pollution Control Plant |