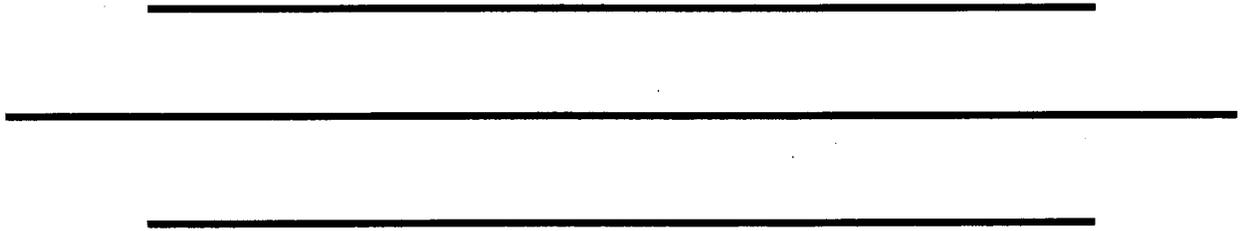


Appendix

A



Copies of Comments

Received on the

Draft EIR

Memorandum

COMMENT # 1

Date: March 10, 2006

To: State Clearing House
1400 Tenth Street, Room 121
Sacramento, CA 95814



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3-20-06
e

From: DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
San Jose Area

File No.: 340.8232

Subject: EVERGREEN – EASTHILLS VISION STRATEGY PROJECT SAN JOSE,
CALIFORNIA- EIR SCH#2005102007

Thank you for the opportunity to review the "Notice of Completion" environmental document from the State Clearinghouse regarding the proposed Evergreen * Easthills Vision Strategy Project in San Jose SCH#2005102007. The California Highway Patrol (CHP) is not the primary agency for traffic law enforcement, safety, and traffic management in the immediate area surrounding the proposed development within the city limits of San Jose. The San Jose Area is responsible for traffic enforcement on the adjoining major freeways surrounding the area in question and will be affected by the implementation of this project.

Our major concern relates to the traffic flow patterns that will flow into and out of the proposed area that is to be developed. The proposed site is located in the eastern foothills of San Jose. The added traffic congestion from the approximately 5,700 housing units that are scheduled to be built in the area will have a major impact on congestion on those freeways adjacent to the development and tax the resources available to the San Jose Area. We would request if this project is allowed to proceed that additional personnel be assigned to the San Jose Area.

If you have any questions regarding these comments, please contact myself or Lieutenant Spencer Boyce at (408) 467-5400.

Sincerely,

M. D. MARLATT, Captain
Commander

cc: Golden Gate Division
Special Projects Section

Safety, Service, and Security



Alan C. Lloyd, Ph.D.
Agency Secretary
Cal/EPA

 COMMENT # 2

Department of Toxic Substances Control

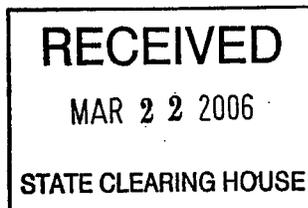
Maureen F. Gorsen, Director
700 Heinz Avenue, Suite 200
Berkeley, California 94710-2721



Arnold Schwarzenegger
Governor

March 20, 2006

Mr John W. Baty
City of San Jose
200 East Santa Clara Street
San Jose, California 94503



*Clear
3/20/06
wte e*

Dear Mr Baty:

Thank you for the opportunity to comment on the Evergreen-East Hills Vision Strategy (SCH # 2005102007) draft Environmental Impact Report (EIR). As you may be aware, the California Department of Toxic Substances Control (DTSC) oversees the cleanup of sites where hazardous substances have been released pursuant to the California Health and Safety Code, Division 20, Chapter 6.8. As a Responsible Agency, DTSC is submitting comments to ensure that the environmental documentation prepared for this project to address the California Environmental Quality Act (CEQA) adequately addresses any remediation of hazardous substance releases that may be necessary.

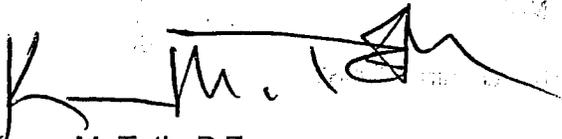
In the Hazards/Hazardous Materials section, you identified several potential contaminated sites and discussed remedial action that would be addressed during the implementation of the draft Environmental Impact Report. DTSC recommends that the following impacts associated with the soil excavation be discussed in the EIR: (1) an assessment of potential air impacts and health impacts associated with the excavation activities; (2) identification of any applicable local standards which may be exceeded by the excavation activities, including dust levels and noise; (3) transportation impacts from the removal or remedial activities; and (4) risk of upset should there be an accident at the Site during implementation of cleanup activities.

DTSC can assist your agency in overseeing characterization and cleanup activities through our Voluntary Cleanup Program. A fact sheet describing this program is enclosed. We are aware that projects such as this one are typically on a compressed schedule, and in an effort to use the available review time efficiently, we request that DTSC be included in any meetings where issues relevant to our statutory authority are discussed.

Mr. John W. Baty
March 20, 2006
Page 2

Please contact Claude Jemison of my staff at (510) 540-3803 if you have any questions or would like to schedule a meeting. Thank you in advance for your cooperation in this matter.

Sincerely,



Karen M. Toth, P.E.
Unit Chief
Northern California
Coastal Cleanup Operations Branch

Enclosure

cc: without enclosure

Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044

Guenther Moskat
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806



Alan C. Lloyd, Ph.D.
Agency Secretary

California Regional Water Quality Control Board San Francisco Bay Region

Internet Address: <http://www.waterboards.ca.gov>
1515 Clay Street, Suite 1400, Oakland, California 94612
Phone (510) 622-2300 FAX (510) 622-2460



COMMENT # 3

Date: FEB 2 2006
File No. 2188.05 (BKW)

John W. Baty
Department of Planning, Building and Code Enforcement
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113-1905

**Re: Draft Environmental Impact Report for the Evergreen - East Hills Vision Strategy Project, San Jose, California
SCH # 2005102007**

Dear Mr. Baty:

Regional Water Quality Control Board (Water Board) staff have reviewed the *Draft Environmental Impact Report (DEIR) for the Evergreen - East Hills Vision Strategy Project, San Jose*. The DEIR evaluates the potential environmental impacts of various actions which, when taken together, will fulfill the City of San Jose's (City's) vision for development of five areas within the Evergreen - East Hills area of the City. Water Board staff have the following comments on the IS/EA.

Comment 1

Section 4.6, Biological Resources, pages 198 - 223.

The discussions of wetlands and waterways in Section 4.6 should be expanded to clarify that the Water Board has regulatory authority over wetlands and waterways under both the federal Clean Water Act (CWA) and the State of California's Porter-Cologne Water Quality Control Act (California Water Code, Division 7). Under the CWA, the Water Board has regulatory authority over actions in waters of the United States, through the issuance of water quality certifications (certifications) under Section 401 of the CWA, which are issued in conjunction with permits issued by the Army Corps of Engineers (ACOE), under Section 404 of the CWA. When the Water Board issues Section 401 certifications, it simultaneously issues general Waste Discharge Requirements for the project, under the Porter-Cologne Water Quality Control Act. Activities in areas that are outside of the jurisdiction of the ACOE (e.g., isolated wetlands, vernal pools, or stream banks above the ordinary high water mark) are regulated by the Water Board, under the authority of the Porter-Cologne Water Quality Control Act. Activities that lie outside of ACOE jurisdiction may require the issuance of either individual or general waste discharge requirements (WDRs).

Comment 2***Section 4.6.2.1, Existing Biological Resources on Arcadia Property, Wetlands and Waterways, page 200.***

Text in this paragraph refers to a potential 0.1-acre, isolated wetland on the Arcadia Property. According to the text, the potential wetland is not subject to ACOE regulation under Section 404 of the CWA. However the text does not explain if this is because the area does not meet the three-parameter definition of wetlands or if this is because the wetland is an “isolated” wetland that is not subject to ACOE jurisdiction subsequent to the SWANCC decision. This paragraph should be revised to clarify that isolated wetlands continue to be regulated by the Water Board under the Porter-Cologne Act. Due to the relatively small size of this isolated wetland, activities in this wetland may qualify for coverage under the *State Water Resources Control Board’s General Waste Discharge Requirements for Dredged or Fill Discharges to Waters Deemed by the U.S. Army Corps of Engineers to be Outside of Federal Jurisdiction (GWDRs)*. Any fill of such a wetland will require mitigation to compensate for the fill.

Comment 3***Section 4.6.2.2, Existing Biological Resources on Pleasant Hills Golf Course Property, Wetlands and Waterways, page 205.***

Text in this paragraph refers to small wetlands and a seasonal swale on the property. These features appear to be jurisdictional features under the Porter-Cologne Act. Any activities impacting these features will be required to obtain WDRs from the Water Board. These WDRs will specify mitigation for impacts to these waters of the State.

Comment 4***Section 4.6.2.3, Existing Biological Resources on Berg/IDS Property, Wetlands and Waterways, page 206.***

Text in this paragraph states that Fowler Creek, “consists solely of a ditch that is completely dry with only minimal evidence of seasonal flows.” This feature is still a water of the State, and is also likely to be an ACOE jurisdictional feature, since it is a continuation of a feature with a defined bed and bank. Any activities that impact Fowler Creek are likely to require permits from the Water Board and the ACOE.

Comment 5***Section 4.6.2.4, Existing Biological Resources on Legacy Partners Property, Wetlands and Waterways, pages 207 - 208.***

Text in this paragraph refers to seasonal wetlands, with a combined surface area on the order of 0.01 acre. According to the text, the seasonal wetlands are not subject to ACOE regulation under Section 404 of the CWA. However the text does not explain if this is because the features do not meet the three-parameter definition of wetlands or if this is

because the wetlands are “isolated” wetlands that are not subject to ACOE jurisdiction subsequent to the SWANCC decision. This paragraph should be revised to clarify that isolated wetlands continue to be regulated by the Water Board under the Porter-Cologne Act. Due to the relatively small size of these seasonal wetlands, activities in these wetlands may qualify for coverage under the GWDRs described above under comment 2. Any fill of such wetlands will require mitigation to compensate for the fill.

Comment 6

Section 4.6.3, Biological Resources Impacts, pages 211 - 208.

In Sections 4.6.3.1, 4.6.3.2, 4.6.3.3, 4.6.3.4, and 4.6.3.5, impacts to wetlands and creeks are described as “Less than Significant Impacts”. Since the DEIR fails to note that these features are subject to the jurisdiction of the Water Board, these impacts should be revised to “Less than Significant Impact with Mitigation.”

Comment 7

Section 4.6.4, Mitigation and Avoidance Measures for Impacts to Biological Resources, pages 216 - 223.

In Sections 4.6.4.1, 4.6.4.2, 4.6.4.3, 4.6.4.4, and 4.6.4.5, mitigation measures should be provided for impacts to wetlands and creeks.

If you have any questions, please contact me at (510) 622-5680 or e-mail bwines@waterboards.ca.gov.

Sincerely,



Brian Wines
Water Resources Control Engineer

cc: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044
USACE, San Francisco District, Attn: Regulatory Branch, 333 Market Street, San Francisco, CA 94105 –2197
Santa Clara Valley Water Control District, Attn: Sue Tippets, Community Projects Review Unit 5750 Almaden Expressway, San Jose, Ca 95118-3686
CDFG, Central Coast Region, Attn: Robert Floerke, Regional Manager, P.O. Box 47, Yountville CA 94599

DEPARTMENT OF TRANSPORTATION

P. O. BOX 23660
OAKLAND, CA 94623-0660
(510) 286-4444
(510) 286-4454 TDD



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COMMENT #4

March 20, 2006

SCL-101-30.90
SCL101805
SCH 2005102007

Mr. John W. Baty
City of San José
200 East Santa Clara Street
San José, CA 95113-1905

Dear Mr. Baty:

Evergreen · East Hills Vision Strategy – Draft Environmental Impact Report (DEIR)

Thank you for including the California Department of Transportation (Department) in the environmental review process for the proposed project. We have reviewed the DEIR and have the following comments to offer.

Forecasting

Pass-by and Diverted Trip Reduction

Table 12, Project Trip Generation Estimates, applies 12% pass-by trip reduction and 44% diverted trip reduction, totaled as 56% trip reduction to several land uses such as: Community Center, Adult Sports Complex, Swimming Pool, and Branch Library (BL). However, both the pass-by and diverted trip reductions for these land uses are not mentioned in the 2004 *Institute of Transportation Engineers (ITE) Trip Generation Handbook*. While the Department can only acknowledge the trip reductions for BL as referenced in the *San Diego Traffic Generators (SDTG)* manual used in the report, the Department would like to know if the trip reductions for BL in Evergreen Valley College are similar to the SDTG. If not, then the SDTG can not be used. If they are similar then the SDTG is appropriately used. Please Clarify. If the trip reductions are similar to the SDTG, please submit the access site plan so that we can visualize and ascertain whether the 44% diverted trips to adjacent streets are justified. Also, high trip reductions of 56% for other remaining land uses in similar sites should have supporting studies to validate them.

Total Project Trips per Scenario

Tables 2 and 12 are confusing as they show that the Total Project Trips per Scenario II through VI are subtracted from the Total Project Trips per Scenario I and referred to as No Project and traffic generated from existing land uses. It is not clear whether the existing land uses would be replaced by the proposed ones as it appears that the traffic under Project Conditions (Scenario II –VI) is estimated by adding existing trips to traffic generated from approved project as well as project per scenario land use. The Total Project Trips per scenario should not include subtractions of Total Project Trips per No Project scenario and traffic generated from existing land use. Please clarify.

Internal Trip Reduction

The internal trip reductions are used twice in Table 12. In the Arcadia site, the first 5% internal reduction is for non-residential internal trips, while the other 5% internal reduction is used again for residential internal trips. The total internal trip reductions are doubled to 10% daily in the AM and PM peak hour trips. This 10% trip reduction is high and further study should be done in order to justify it.

Highway Operations

EIR Volume I-V

Improvements to U.S. 101, page S-2: Missing from this list is a new southbound auxiliary lane between Capitol Expressway and Yerba Buena Road.

Operational Improvements on U.S. 101, pages 15 and 16: The document states (page 15)... "a 2005 Initial Study entitled U.S. 101 Operational Improvements from I-280/I-680 to Yerba Buena Road, which was prepared by Caltrans", and (Page 16) ... "evaluated in the Initial Study by Caltrans." This Initial Study was prepared by the Valley Transportation Authority (VTA), so please correct this statement.

Table 14, page 58: This list of improvements does not match the intersection improvements on Figure 13. Also, page S-6 lists mitigation on Tully Rd. /McLaughlin Ave. intersection which is not included in Table 14 or Figure 13. Please revise this.

Operational Improvements on U.S. 101, page 61: An auxiliary lane in the southbound direction between Capitol Expressway and Yerba Buena Road is missing from this bulleted list.

Footnote 15, page 61: Auxiliary lanes do not improve weaving as stated in this footnote; they create weaving.

Figure 15: A southbound auxiliary lane between Capitol Expressway and Yerba Buena Road is missing from this figure.

Figure 20: Not all of the future signalized intersections are shown here as listed in Table 14.

U.S. 101, page 118: Blossom Hill interchange is missing from this list of interchanges in the Evergreen area.

Effect of Scenarios II-VI on Wait Times at Freeway On-Ramps, page 141, 2nd bullet: 1) this is highly unlikely as there are no improvements recommended to northbound US 101, which is currently experiencing congested conditions. Under No Project 2030 conditions this congestion will increase and no additional on-ramp traffic (beyond existing metering rates) will be able to enter the freeway.

Table 31 and 32, page 148: The footnotes on these tables state...*"see Table 11 for a list of the roadways that are proposed to be downgraded."* Table 11 does not show a list of roadways to be downgraded.

Transportation Impact Analysis

Table ES 3, page xiv: San Felipe Road and Yerba Buena Road (S) would experience a significant impact in the P.M. peak hour. Need to include mitigation for this significant impact.

Queuing at Freeway Ramp Meters, page xxii, 1st and 3rd paragraphs: The document states (1st paragraph)...*"Due to the projected increase in freeway ramp volumes, it is assumed that the ramp meter rates would increase..."* and (2nd paragraph) *"Although the project would cause an increase in traffic volumes on these ramps, it is anticipated that the metering rates would increase..."* Northbound US 101 is already at capacity and the freeway sections within the Evergreen area are congested. There are no proposed improvements on northbound US 101 and the freeway can not handle any additional traffic in the peak hour. The assumption that the ramp metering rates will be increased is wrong. The analysis in this document that assumed this ramp meter rate increase needs to be re-calculated using the existing metering rates.

Queuing at Freeway Ramp Meters, page xxii, 4th paragraph: The document states...*"the proposed new connection from Yerba Buena Road to northbound U.S. 101 would substantially reduce the queue length and delay at this location to levels that are below existing.* This is not necessarily true; currently Yerba Buena Road is metered at the Capitol Expressway CD road. In the future Yerba Buena Road will be metered at the Yerba Buena on-ramp. As no additional traffic beyond existing metering rates will be allowed to enter northbound US 101 due to the current and future congestion on northbound US 101, the delay for Yerba Buena Road traffic would be similar to No Project traffic delay.

Table 18-22: Tully Rd. to Story Rd. with project-sponsored improvements for all scenarios would also have a significant adverse impact. In addition, capacity of a High Occupancy Vehicle (HOV) lane is 1650 vph. Recalculate the significant impacts in the HOV lane on these tables using this capacity.

Project Freeway Segment Analysis, page 96: Need to recalculate the HOV lane impacts and include segments with significant impacts in this list.

Project Freeway Segment Analysis, page 96: For the proposed freeway improvements funded by the project which would improve traffic operations, why are not the following freeway sections included? U.S. 101 southbound between Tully Rd. and Capitol Expressway and between Capitol Expressway and Yerba Buena Road.

Queuing at Freeway Ramp Meters, page 97: Per previous comment do not assume that the ramp metering rate will increase by 1000 vehicles in the build scenarios as northbound US 101 will not be able to handle this additional traffic. Re-analyze ramp queuing and delay without this assumption.

Freeway Impacts, page 145: The document indicates that the project would cause a significant impact to US 101 southbound between Story Rd. and I-280 (all Project Scenarios). However, Table 18-22 indicates that the significant impacts will be between Story Rd. and Tully Rd.

Intersection Level of Service Calculations

The traffic data and calculations used to determine the results of the Transportation Impact Analysis were not submitted for review. At this time, we have no way of independently verifying the results and conclusions of the Transportation Impact Analysis and can only assume they are correct. Please submit this information for our review and comment.

Community Planning

Walking and bicycling should be made a practical travel option. The Department suggests that residential site plans with cul-de-sacs incorporate pedestrian and bike cut-through paths from the end of the cul-de-sac to adjacent streets. Without such a provision, pedestrians and bicyclists have to make long, circuitous trips to access streets that are a short air distance away. This would apply to the Arcadia property, the Pleasant Hills Golf Course property, and the Legacy Partners property.

As a general approach to limit vehicle traffic growth in the redevelopment area, we suggest that accommodations to support pedestrian and bicycle travel be specifically incorporated into the mitigation measures for traffic impacts on local streets and roads, including arterials.

Transit Coordination

Page 61, section 2.2.1, both interchange reconfigurations for US 101/Tully Road and US 101/Capitol Expressway from a full cloverleaf design to a partial cloverleaf design could vacate one to two quadrants of each interchange. In total, up to four quadrants could be vacated. These quadrants should be considered potential new sites for Park & Ride facilities. Both interchanges are located within the HOV lane network and should attract solo drivers to car pools and help reduce the overall number of vehicles on the system during the morning commute period. According to the 2004 American Community Survey, 70% of Bay Area commuters are solo drivers.

Office of System & Regional Planning (OSRP)

US-101 is considered a Primary Travel Corridor and is within the Department's Transportation Corridor Concept Report (TCCR) # 14 from State Route (SR) 85 in Santa Clara County to SR 156 in San Benito County. Current Corridor studies underway include the Department's Partnership Transportation Studies Branch and VTA's South County Circulation Study (SCCS) from SR 85 to the San Benito County Line.

Volume II Appendix B, Section V, page 15, Transportation Improvements: The Department suggests adding the following bold text to the document:

The Interregional Road System (IRRS) used by the Department (Caltrans), identifies US-101 as a "Focus Route" and a major north-south connector within the Santa Clara Valley and the San Francisco Bay Area. This route is vital for goods movement, regional and local traffic.

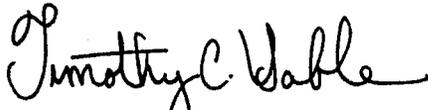
- *US 101 Corridor Project:* This improvement is identified in the US 101 Corridor Study completed by the Valley Transportation Authority (VTA) in 2004. The improvement includes increased mainline and ramp capacity and the conversion of the full cloverleaf interchanges at Tully Road and Capitol Expressway to partial cloverleaf designs. In the northbound direction the design includes adding an HOV lane to the Tully Road on-ramp, adding a mixed-flow lane to the Capitol Expressway on-ramp, and providing two mixed-flow on-ramps from Yerba Buena Road (separating Yerba Buena from Capitol). In the southbound direction, the design includes an auxiliary lane from Tully Road to Capitol Expressway and a mainline lane from I-280 to Capitol.

Additional comments, if any, from our Environmental Engineering, Project Management, Design and Traffic Systems functional review branches will be forwarded to you as soon as they are received.

Mr. John W. Baty
March 20, 2006
Page 6

Should you require further information or have any questions regarding this letter, please call José L. Olveda of my staff at (510) 286-5535.

Sincerely,

Handwritten signature of Timothy C. Sable in cursive script.

TIMOTHY C. SABLE
District Branch Chief
IGR/CEQA

c: Scott Morgan, State Clearinghouse

DEPARTMENT OF TRANSPORTATION

P. O. BOX 23660
OAKLAND, CA 94623-0660
(510) 286-4444
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March 30, 2006

SCL-101-30.90
SCL101805
SCH 2005102007

Mr. John W. Baty
City of San José
200 East Santa Clara Street
San José, CA 95113-1905

Dear Mr. Baty:

**Evergreen · East Hills Vision Strategy – Draft Environmental Impact Report
(DEIR)**

Thank you for continuing to include the California Department of Transportation (Department) in the environmental review process for the proposed project. We have reviewed the DEIR and have the following additional comments to offer.

Traffic Systems

The DEIR summary of significant environmental impacts on page S-6 states, “Scenarios II-VI will result in significant traffic impacts on up to 15 segments of the US-101, I-280, and I-680 freeway.” Furthermore, the DEIR asserts, “there is no feasible mitigation for these impacts.”

However, the Department commonly employs freeway Traffic Operating Systems (TOS's) and Ramp Metering Systems (RMS's) to mitigate the impacts of increased traffic. The potential advantages of adding TOS/RMS elements are congestion relief, decreased delays, protection of the level of service (LOS) and response to freeway incidents. Currently the Department has some freeway TOS/RMS control elements on US-101, I-280, and I-680.

Contrary to the DEIR conclusions, the expansion and update of the existing ramp metering systems can mitigate the impact of the increased traffic generation from the proposed development. Performance of the existing ramp metering systems can be improved by increasing vehicle storage and/or adding preferential high occupancy vehicle lanes (HOV's) at the on-ramps. Storage can be increased by adding additional ramp lanes, increasing ramp lengths, and constructing additional storage pockets on local roads.

“Caltrans improves mobility across California”

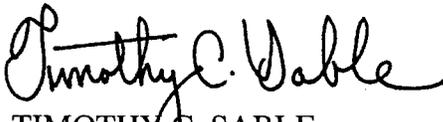
More TOS equipment may be needed in addition to the proposed US-101 physical improvements. Traffic monitoring stations (TMS), closed circuit television (CCTV) cameras, and other TOS elements currently exist on this segment of freeway for monitoring and incident response. When more detailed project information is available, the Department's Office of Traffic Systems will look at this project for the opportunities to improve the traffic management system in this area by requesting more TOS/RMS elements.

Please contact Mr. Lester Lee at (510) 286-4528 or Phillip W. Kriegh at (510) 622-0797 with any questions on ramp metering and Mark S. Powers at (510) 286-4529 for questions concerning TOS elements.

Additional comments, if any, from our Environmental Engineering, Project Management, and Design functional review branches will be forwarded to you as soon as they are received.

Should you require further information or have any questions regarding this letter, please call José L. Olveda of my staff at (510) 286-5535.

Sincerely,



TIMOTHY C. SABLE
District Branch Chief
IGR/CEQA

c: Scott Morgan, State Clearinghouse



BAY AREA
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MANAGEMENT
DISTRICT



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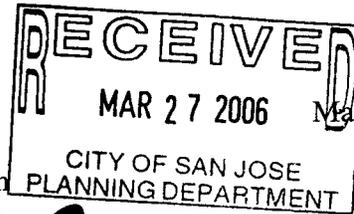
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Jerry Hill
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Liz Kniss
Patrick Kwok

SOLANO COUNTY
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Tim Smith
Pamela Torliatt

Jack P. Broadbent
EXECUTIVE OFFICER/APCO



March 22, 2006

John Baty
City of San Jose Planning Division
200 East Santa Clara St., 3rd Floor
San Jose, CA 95113-1905

COMMENT #5

Subject: Evergreen-East Hills Vision Strategy

Dear Mr. Baty:

Bay Area Air Quality Management District (District) staff have reviewed your agency's Draft Environmental Impact Report (DEIR) for the Evergreen-East Hills Vision Strategy (plan). The plan proposes to adopt development policies, zoning changes and land use designations that will affect development on approximately 542 acres in San Jose. The plan provides six scenarios that outline development intensities for the planning area, ranging from as few as 217 residential units up to 5,700 residential units. All scenarios except the "no project" include 575,000 square feet of commercial/office uses and two scenarios (including the "no project") include 4,660,000 square feet of industrial uses. Scenario VI includes the largest amount of development with 3,900 residential units, 575,000 square feet of commercial/office uses and 4,660,000 square feet of industrial uses. The DEIR identifies significant unavoidable impacts on air quality from all scenarios in the plan.

The District encourages the City to implement all feasible mitigation measures or project alternatives that will reduce this potential impact consistent with CEQA requirements. The District adopted the Bay Area 2005 Ozone Strategy (2005 Ozone Strategy) on January 4, 2006, which replaces the 2000 Clean Air Plan (CAP) and includes new transportation control measures (TCMs). We recommend that the City consider these TCMs in addition to the TCMs identified in the previous CAP.

The District commends the City for including mitigation measure MM 4.4-16 and we recommend specifying the types of new bus stops and improvements to existing stops that are required in the plan's conditions of approval. Providing amenities and maintenance at transit stops is an important factor in encouraging transit usage. We recommend installing bus shelters for stops that are expected to accommodate more than 50 boardings per day and benches or seating attached to poles (e.g., Simme seats) at all other stops within ¼ mile of new developments in the planning area. We also recommend the installation of information kiosks at high-volume transit stops.

District staff note the plan provides a list of transportation demand management (TDM) measures that are required to be incorporated into all new development in the planning area, to the extent possible. The plan also includes

Draft Proposed/Potential Infrastructure Investments and Draft Potential Amenities that propose up to \$235 million to provide community amenities. Certain TDM measures and potential amenities have been incorporated as required mitigation measures (i.e., MM 4.4-16, MM 4.4-17, MM 4.4-20, and MM 4.4-21), but District staff recommend including additional TDM measures and amenities as required mitigation measures to lessen the significant impacts identified for this plan. Specifically, District staff recommend making the following infrastructure investments identified in the plan a requirement of project approval to encourage future and existing residents/employees to use alternatives to the automobile: “Thompson Creek Trail” (\$16.9 million); “Nieman Pedestrian Overcrossing” (\$6.0 to \$8.0 million); “Bike Lanes for Appropriate Corridors” (\$1 million); “Transit Enhancement” (\$3.0 million); “Traffic Calming” (\$5.0 million); “Street Trees” (\$1 million); and “Curb Ramps” (\$1.8 million).

Additional mitigation measures that could be implemented to reduce the plan’s significant impacts include: requiring that transit use incentives be provided to future residents and employees (e.g., providing VTA EcoPass) to encourage transit use in the planning area (TCM 13); requiring a car share program in all developments, when feasible; and expanding mitigation measure MM 4.4-20 to include providing future residents with free shuttle service that connects to transit. Since free parking can be an incentive to drive, we recommend all new development implement a parking cash out program for employees and the unbundling of residential parking spaces (i.e. charge for off-street parking separately from rents), which are measures identified in TCM 15 in the 2005 Ozone Strategy. The District also recommends adding a mitigation measure that would provide for Safe Routes to School planning studies in the planning area to determine if there are infrastructure improvements, safety enhancements, or other programs that could be implemented through the plan to encourage the use of alternative forms of transportation among students (TCM 10 in the 2005 Ozone Strategy). The District recommends that the FEIR discuss the potential emission reductions that could be achieved as a result of implementing these mitigation measures as a condition of approval for all relevant plan scenarios.

Significance criteria are provided in the DEIR for assessing the potential impacts associated with toxic air contaminants (TACs). However, there is no qualitative or quantitative discussion to evaluate potentially significant impacts to sensitive receptors of exposure to TACs from existing or future sources of TACs. The FEIR should provide a TAC analysis to determine the potential impacts and to identify the appropriate level of mitigation needed to lessen the impact if it is found to be significant. If potentially significant impacts are identified, the plan should be conditioned to implement all feasible mitigation measures to reduce the impacts or to inform future and/or existing sensitive receptors of any potential health impacts through rental agreements, real property disclosure statements, and/or mailed notices to existing residents and property owners. Additionally, The California Air Resource Board’s (ARB) *Air Quality and Land Use Handbook: A Community Health Perspective* (2005) provides helpful guidance on air quality and siting issues for some land uses. The handbook can be downloaded from ARB’s website: <http://www.arb.ca.gov/ch/landuse.htm>. We recommend the City refer to ARB’s handbook when considering the siting of new residential uses and other sensitive receptors in order to avoid conflicts with existing sources of TACs. We also recommend that the FEIR

include a list of existing sources of TACs in the planning area and a map illustrating the proposed land uses adjacent to these facilities.

The DEIR identifies the plan's potential to increase the demand for energy as a result of plan implementation from future land uses and transportation systems (Impact 4.12-3) as a potentially significant impact. Increasing the demand for electricity, natural gas, and gasoline may result in an increase of criteria air pollutant emissions from combustion, as well as an increase in greenhouse gas emissions, which can impact regional air quality. The DEIR notes that energy use impacts from land use could be mitigated if all energy-related mitigation measures listed in the DEIR are considered feasible and made a condition of approval. We support implementing the mitigation measures identified in the DEIR and recommend revising mitigation measure MM 4.12-6 to require non-residential buildings to achieve an energy efficiency of 15% below Title 24 requirements, which is consistent with the recommended residential requirements. The DEIR notes that significant unavoidable energy impacts will result from implementation of scenarios II, III, IV, or V. District staff recommend implementing all feasible mitigation measures as a condition of approval to reduce adverse impacts associated with energy use by buildings as well as transportation. We recommend that the FEIR quantify the potential energy savings that would result from implementing these mitigation measures.

District staff note the mitigation measures listed under "Mitigation for Long-Term Air Quality Impacts" (4.4.4.2) can help reduce emissions associated with plan implementation for all scenarios. We question whether mitigation measure MM 4.4-19, which would require fireplaces installed in residences to comply with San Jose's Wood-Burning Ordinance (#26133) for all new residences, should be considered a mitigation measure for this plan since all new development and remodels in San Jose must already comply with this law. Compliance with this ordinance should have been taken into consideration when particulate matter emissions for the plan were calculated. The FEIR should provide the methodology for the particulate matter emission impact calculation. We also recommend that mitigation measure 4.4-19 be revised to permit only gas fireplaces in all residential development.

Even if the plan's significant impacts on air quality and energy use cannot be mitigated to less than significant levels, CEQA requires that the lead agency implement all feasible mitigation measures that will reduce this potential impact before approving this project. We recommend that the FEIR evaluate the effectiveness of mitigation measures identified in this comment letter both qualitatively and quantitatively (when possible). Any mitigation measures considered infeasible should be identified in the FEIR as well as the justification for that determination. If the justification for rejecting a mitigation measure's feasibility is cost, we request that the FEIR discuss whether any other project amenities could be eliminated or scaled-back to pay for those mitigation measures.

District staff request that the City provide a hardcopy of the proposed response to these comments at least 10 working days prior to certifying the FEIR (CEQA Guideline 15088(b)).

If you have any questions regarding these comments, please contact Douglas Kolozsvari, Environmental Planner, at (415) 749-4602.

Sincerely,

A handwritten signature in black ink, appearing to read "Jean Roggenkamp". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jean Roggenkamp
Deputy Air Pollution Control Officer

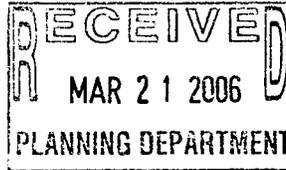
JR:DK

cc: BAAQMD Director Erin Garner
BAAQMD Director Yoriko Kishimoto
BAAQMD Director Liz Kniss
BAAQMD Director Patrick Kwok

County of Santa Clara

Parks and Recreation Department

298 Garden Hill Drive
Los Gatos, California 95032-7669
(408) 355-2200 FAX 355-2290
Reservations (408) 355-2201
www.parkhere.org



March 20, 2006

COMMENT # 6

City of San Jose
Department of Planning, Building, and Code Enforcement
Attn. John Baty
200 East Santa Clara Street, Tower, 3rd Floor
San Jose, CA 95113-1905

Subject: Draft Environmental Impact Report (EIR) for the Evergreen - East Hills Vision Strategy Project.

File No.: GPT05-8-01, GP05-08-01A through 4, PDC05-048 through - 053

Dear Mr. Baty,

The Santa Clara County Parks and Recreation Department has reviewed the Draft Environmental Impact Report (DEIR) for the Evergreen - East Hills Vision Strategy Project (EEHVS) and submits the following comments. The County Parks and Recreation Department is focused on potential impacts related to Santa Clara County countywide trail routes, and regional parks. We are also concerned about potential environmental effects of the proposed projects contained in the EEHVS.

Relationship to the *Santa Clara County Countywide Trails Master Plan Update*

The DEIR does not adequately describe the new trails and open space connections relative to the Countywide Trails Master Plan, and as referenced in comments submitted on previous projects related to the Evergreen Visioning Project including the Thompson Creek Trail Master Plan. The DEIR does not adequately address pedestrian crossings at intersections to access proposed trails or parks.

The Land Use sections of the DEIR should address the County's General Plan policies regarding the countywide trails given the nexus of the proposed project sites to the location of regional trail routes along San Felipe Road, Yerba Buena Road, Capitol Expressway, and Quimby Road. The DEIR should acknowledge the policies and guidelines of the *Santa Clara County Countywide Trails Master Plan Update* ("*Countywide Trails Master Plan*"), which the County Board of Supervisors approved in November, 2005, as part of the Parks and Recreation Element of the County of Santa Clara General Plan (1995-2010).

Within the vicinity of the proposed project sites, the DEIR should describe the following countywide trail routes which offer opportunities for non-motorized transportation connections to the surrounding neighborhoods, parks, trails, and open space areas.



Board of Supervisors: Donald F. Gage, Blanca Alvarado, Pete McHugh, James T. Beall, Jr., Liz Kniss
County Executive: Peter Kuras, Jr.

- **Arcadia Site - Silver Creek Connection Loop Trail (Route C22)** – Located along the east boundary of parcel APN 679-29-020 of the Arcadia project site and paralleling Capitol Expressway. This trail is designated as a route within other public lands for hiking and off-road bicycle use.
- **Evergreen Valley College Site - Silver Creek Connection Loop Trail (Route C22)** – Designated as a route within other public lands for hiking and off-road bicycle located west of parcel APN 660-21-021 of the Evergreen Valley College site.
- **Evergreen Valley College Site - Silver Valley Connecting Trail (Route C21)** – Designated as a route within other public lands for hiking and off-road bicycle use. Located on the southern boundary of the Evergreen Valley College Site along Yerba Buena Road.
- **Legacy Partners Site - Silver Valley Connecting Trail (Route C21)** – Designated as a route within other public lands for hiking and off-road bicycle. Located on the southern boundary of the Evergreen Valley College Site along Yerba Buena Road. It is located within the southern boundary of the Legacy Partners site parcels APN 660-19-005, 660-19-020, and 660-19-021.

In accordance with the policies of the *1995 Countywide Trails Master Plan*, the proposed improvements and extension to Yerba Buena Road should take into account the Silver Creek Connecting Trail route (C21), and, in addition, consider possible easements in order to develop segments of this regional trail route.

The DEIR should also consider the opportunity to link proposed trail routes within the Legacy and Berg/IDS sites to regional trail routes by providing connections to the Silver Valley Connector Trail and/or Silver Creek Connection Loop Trail.

Silver Creek Connection Loop Trail (Route C22) - This trail is part of a proposed trail system that links Evergreen Valley to the Bay Area Ridge Trail, and via Silver Valley Connecting Trail, connecting Coyote Creek County Park to Joseph D. Grant County Park. The trail segment from Lake Cunningham south to Heartland Way via Thompson Creek and San Felipe Road as referenced in the Thompson Creek Trail Master Plan, February 2005, is part of the Silver Creek Loop Trail (Route C22).

It appears that the Thompson Creek Trail noted in section 2.2.24 of the DEIR follows the same alignment as portions of the Silver Creek Connection Loop Trail. However, the DEIR should clarify whether development of the trail as outlined is part of this project, or part of a future Thompson Creek Trail Master Plan implementation project.

Regional Staging Areas - The Trails Element of the Parks and Recreation Chapter of the 1995 General Plan also identifies parcel APN 660-19-005 and a portion of parcel APN 660-19-021 of the Legacy Partners and Berg/IDS sites as being within an the General Area of Evaluation for New Regional Staging Areas, (Evergreen College/Montgomery Hill Park). The DEIR should include a discussion of the development of regional staging areas.

Transportation

The DEIR should evaluate traffic and circulation conflicts as a result of the development of the proposed sites that may impact designated regional trail routes and/or public access to trails, parks, and open space.

In addition, the design of ingress and egress from the project sites should take into account existing and future trail routes.

Biological Resources

Burrowing Owl and Owl Habitat, and Nesting Raptors - The DEIR states that the impacts to Borrowing Owls and their habitat would be significant and unavoidable. Further, the DEIR states "significant impacts to nesting raptors and owls will be mitigated by measures to be undertaken by each project as required by state and federal law". However, the Arcadia site projects in particular, which according to section 4.6-5 of the DEIR is analyzed as a project in the DEIR, do not include mitigations for these impacts. This is contradictory to the previous statement, and non-compliant with state and federal law, and the City's Species of Concern Policy (policy #4).

Further, the DEIR, in order to comply with federal and state law, and article 6 section 15126.4 of the CEQA guidelines, should make definitive statements to ensure that specific mitigation measures are identified and implemented, and/or that performance measures are clearly established and include clearly stated outcomes. Formulation of mitigation measures should not be deferred until some future time, and must be fully enforceable through legally binding instruments.

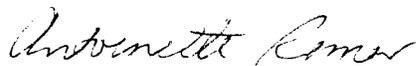
Cumulative Impacts - The DEIR, *Section 7.3.6.7*, states that significant cumulative impacts to Burrowing Owl habitat and the loss of mature trees will occur, therefore, a statement of overriding considerations will be considered. The DEIR analysis is, therefore, incomplete, as this statement does not provide conclusions or an adequate explanation for such findings. Further, in accordance with article 6 section 15093, the DEIR should definitively state that a statement of overriding considerations will be made. The statement of overriding considerations must also be supported by specific reasons for such a finding, and include substantial evidence in the record.

Previous Comments submitted on related projects.

Comment letters were submitted to the San Jose Planning Department June 1, 2005 regarding related projects File No. PDC05-052 and PDC05-048. In addition, Santa Clara County Parks and Recreation Department submitted comments on May 13, 1991 on the Evergreen Specific Plan Draft EIR, 1st Amendment Draft.

If you have any questions regarding these comments, please contact me at (408) 355-2235 or send an email to Antoinette.Romeo@prk.sccgov.org. The Parks and Recreation Department appreciates the opportunity to review and submit comments on the DEIR for the Evergreen East Hills Vision Strategy Project and looks forward to reviewing the Final EIR when it becomes available.

Sincerely,



Antoinette Romeo
Park Planner

CC: Mark Frederick, Planning and Development Program Manager, Santa Clara County Parks and Recreation
Carolyn Walsh, Principal Planner, County of Santa Clara Planning Office
David Mitchell, Manager of Planning, City of San Jose Parks, Recreation and Neighborhood Services

County of Santa Clara

Roads and Airports Department
Land Development and Permits
101 Skyport Drive
San Jose, California 95110-1302
(408) 573-2460 FAX (408) 441-0275



COMMENT #7

March 16, 2006

Mr. Joseph Horwedel, Acting Director
City of San Jose
Planning, Building and Code Enforcement
200 East Santa Clara Street,
San Jose, CA 95113

Subject: Draft Environmental Impact Report (EIR) for the Evergreen East Hills Vision Strategy
City File No.: GPT05-08-01, GP05-08-01A through PDC05-048 through -053.

Dear Mr. Horwedel,

Your January 30, 2006 letter along with the attachment for the subject application have been reviewed. Our comments are as follows:

The submitted document does not address the Traffic Impact on Capitol Expressway in a meaningful way. There is no comparison between the background Level of Service (LOS) and the proposed project LOS. The proposed improvements on Capitol Expressway are on the side streets, which will improve LOS on these side streets but actually degrade the LOS on Capitol Expressway. Some of the proposed improvements will not be part of the proposed project, but will be part of the LRT project. An example is converting the High Occupancy Vehicular lane on Capitol Expressway between 101 and Nieman Boulevard to mixed-flow lanes.

As you may be aware, the City of San Jose has indicated the intent to accept the relinquishment of Capitol Expressway from the County. Because the date of the relinquishment acceptance is unknown Roads and Airports Department believes that the improvements to Capitol Expressway should be implemented prior to relinquishment as part of this project.

A statement of overriding consideration (Page 337) should not be used for Capitol Expressway, because Capitol Expressway is a major road that connects three freeways (87, 101, and 680).

The "Comprehensive County Expressway Planning Study" completed in 2003, indicated that the intersections at Capitol Expressway/Story Road, Silver Creek are currently operating at LOS F. The intersections at Ocala Avenue, Quimby Road Capitol Avenue and Tully Road will reach LOS F in 2025.

The existing conditions of LOS of intersections as shown on the EIR are upgraded compared to the Expressway Study done in 2003.

The assumption that the “area residents presently working outside the area will be working inside area if campus industrial use are constructed” is vague, has no warrant and is speculative. This assumption lowered the number of vehicles and improved the base calculation of LOS. Improvements will attract more commuters and increase the number of vehicles which will worsen the traffic condition.

Thank you for the opportunity to review and comment on this project.

If you have any questions, please contact me at 573-2464.

Sincerely,



Raluca Nitescu
Project Engineer

Cc: John Baty, City of San Jose
SK, RC, WRL, File



March 20, 2006

COMMENT #8

City of San Jose
Department of Planning and Building
801 North First Street
San Jose, CA 95110

Attention: John Baty

Subject: Evergreen-East Hills Vision Strategy Draft EIR

Dear Mr. Baty:

Santa Clara Valley Transportation Authority (VTA) staff has reviewed the Evergreen-East Hills Vision Strategy (EEHVS) Draft EIR and submits the following comments.

As emphasized in our previous comments on the EEHVS, VTA is deeply concerned that the proposed land use densities at the Arcadia site are insufficient to support a light rail station. VTA strongly advocates higher land use densities and mixed-use development for this location—these are essential for maximizing future transit investment and addressing the traffic concerns expressed by the neighborhoods.

Arcadia Site

As stated in our earlier comments, the Arcadia site presents an excellent opportunity for community building and to incorporate the principals of Transit Oriented Development, and VTA's Community Design & Transportation (CDT) Program, which the City of San Jose has endorsed. Through the study of the Capitol Expressway Light Rail extension, VTA staff has been evaluating the issues related to implementing Light Rail Service at Nieman Boulevard, immediately adjacent to the site. The current estimated cost of capital transit improvements at Nieman Boulevard is \$118 million (Y2003 dollars). In addition, the "Nieman Extension" was included in the previous Capitol Expressway Light Rail Extension Preliminary Engineering Study and Environmental approval process with the assumption that the adjacent land use would be developed at high-density with a mixture of uses.

Based on information provide by City of San Jose staff, VTA assumed that the 3,000 residential units, as suggested earlier, would be developed on the Arcadia site, and thus subsequent ridership estimates were based on this land use assumption. In light of the apparent lack of sufficient density now being proposed, VTA cannot endorse an extension of Light Rail investment to Nieman Boulevard as this weakens the cost-effectiveness of building Light Rail.

City of San Jose
March 20, 2006
Page 2

Density

According to the Community Design and Transportation (CDT) Manual, land uses around a potential Nieman Light Rail Station would be considered to fall between the local station area and regional station area designations. Accordingly, residential densities within the station area can support have an average of 60 du/ac and a minimum of 45 du/ac.

The Draft EIR does not explicitly explain the proposed residential densities of the Arcadia site by acreage, thus it is not possible to determine the average density of the residential portion of the site. It is safe to say, however, that even the scenario featuring the greatest residential densities will not come close to VTA's recommendations.

Street Layout

The proposed street layouts, for the most part, feature few entrances that branch into multiple cul-de-sacs. This discourages bicycle and pedestrian trips since residences must retrace circuitous routes to exit and enter their neighborhood. VTA recommends a grid-style layout that provides multiple entry/exit points and ensures that residents have a variety of route choices.

Eastridge Transit Center Linkages

VTA is proposing significant pedestrian, bicycle, and transit investment in this area, including landscaping. The long-term plans for the area call for additional transit investment in the Capitol Expressway Corridor from Nieman Boulevard to State Route 87. The Eastridge Transit Center is one VTA's busiest hubs in its transit system, serving close to 2,100 riders per weekday. The importance of the Eastridge Transit Center will continue to grow with the addition of improved transit services, like the recent Rapid Bus Line 522.

To support this high level of transit investment, the land use and site plans developed for the EEHVS should reflect development densities, intensities and designs that promote the use of these pedestrian, bicycle, and transit improvements. Specific design guidelines, such as the City's Transit Oriented Guidelines and VTA's Community Design & Transportation (CDT) Program, should be used to maximize the use of the future bicycle, pedestrian and transit investments.

Impacts on Bicycle, Pedestrian, and Transit Facilities

The EEVSP Draft EIR should assume light rail operations at 10-minute peak weekday operations as stated in the Capitol Expressway Corridor Final EIR instead of the 15-minute peak headways stated in the Draft EIR on page 143.

City of San Jose
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Page 3

Thank you for the opportunity to review the Evergreen-East Hills Vision Strategy. VTA looks forward to reviewing future development plans. If you have any questions, please contact Chris Augenstein at (408) 321-7093.

Sincerely,



Carolyn M. Gonot
Chief Development Officer

CMG:RM:kh

cc: Ann Jamison, Deputy Director, Congestion Management and Planning

SJ0517

06-03-23 P02:32 RCVD

File: 30897
Various

March 20, 2006

COMMENT #9

Mr. John Baty
Planning Division
Department of Planning, Building, & Code Enforcement
City of San Jose
200 East Santa Clara Street, Third Floor
San Jose, CA 95113-1905

Subject: Draft Environmental Impact Report (EIR) for the Evergreen East Hills Vision Strategy, File No. GPT05-08-01, GP05-08-01A through 4, PDC05-048 through -053, SCH NO. 2005102007

Dear Mr. Baty:

The Santa Clara Valley Water District (SCVWD) reviewed the subject report related to the Evergreen East Hills Vision Strategy. The following are our comments:

Page 13, 1.5.2—Level of Environmental Review Provided by This EIR

The SCVWD's role should be revised to include flood hydraulic review, water supply assessment, and groundwater management.

Page 240, 4.8.3.1—Threshold of Significance

Our October 31, 2005, letter stated that the project will substantially increase the impervious surfaces and thus decrease groundwater recharge. The Draft Environmental Impact Report (DEIR) notes that "a hydrologic impact is considered significant if the project would ... substantially deplete groundwater supplies or interfere substantially with groundwater recharge." However, the potential impacts of impervious surfaces on groundwater recharge is not mentioned/addressed in the DEIR.

It was also noted in our October 31, 2005, letter that the groundwater subbasin in the Evergreen area is unconfined with potential for the land use to adversely impact the groundwater quality. It was advised that alternatives for zoning, design guidelines, development agreements, and development permits be evaluated for their ability to protect groundwater quality. In addition, it was recommended that mitigation measures and active groundwater monitoring with response plans be incorporated in the DEIR to address groundwater protection.

No groundwater monitoring plans have been recommended in the DEIR. Groundwater and soil contamination discussion in the DEIR has largely been limited to discussion of existing conditions and their potential impact on the proposed development, without adequately addressing potential future impacts from the proposed development and monitoring for those potential impacts. Although the DEIR mentions hazardous materials that could result from

Mr. John Baty
Page 2
March 20, 2006

industrialized uses at the property, the discussion of impacts limit the discussion to schools, residential land uses, and other land uses without addressing the potential for impacts to the groundwater resource.

Page 244 and Page 245, 4.8.4.2—Post-Construction Mitigation Measures

The issue of potential impacts to groundwater quality is referred to on page 244 of the DEIR: Mitigation Measure MM 4.8-5:

“The final design of all HMP basins ... shall require review by the City and approval by the Director of Planning, Building and Code Enforcement. This will ensure that the final design not only meets the requirements of City Council Policies 9-29 and 8-14 but also addresses related issues such as groundwater protection, dual use, safety ... 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.”

On page 245, the DEIR states that preliminary analysis was undertaken that assumed groundwater is no closer than 10 feet from the bottom of the basin. However, the DEIR also states that the depth to groundwater in many portions of the site is significantly less than 10 feet from ground surface. In order to adequately protect groundwater from runoff from industrial and other non-residential uses, 10 feet separation may not be adequate without pretreatment of the runoff.

Additional water quality control measures may be required for the HMP basins in accordance with NPDES permit for Santa Clara County and the provisions of the Santa Clara Valley Urban Runoff Pollution Prevention Program C.3 Stormwater Handbook. In accordance with these programs, the design of the HMP basins must ensure that groundwater subbasin is adequately protected.

Page 248 and Page 249, Footnote No. 76, 4.9.2—Existing Conditions

Regulation of Hazardous Materials (Table 51) inaccurately notes that the “Santa Clara Valley Water District ... oversees remediation of contamination at various sites.” The SCVWD no longer directly oversees the remediation of leaking USTs. This responsibility has been transferred to the Santa Clara County Department of Environmental Health. Likewise, please correct Footnote No. 76 on page 249.

Page 250, 4.9.2.2—Existing Conditions on the Pleasant Hills Golf Course Property

The report notes “two wells on the property that were used for golf course watering, one of which is inactive and closed.” For clarity, please elaborate on the “inactive” status of the well and replace the word “closed” in reference to the other well’s status with one of the following terms: “abandoned,” “active,” “destroyed,” or “unknown.” Per California Well Standards (Bulletin 74-90) “a monitoring well is considered ‘abandoned’ or permanently inactive if it has not been used for one year, unless the owner demonstrates intention to use the well again.” All permanently inactive or “abandoned” monitoring wells shall be properly destroyed. In

accordance with Section 2400 of the California Health and Safety Code, "the monitoring well owner shall properly maintain an inactive well, as evidence of intention for future use, in such a way that the following requirements are met:

1. The well shall not allow impairment of the quality of water within the well and groundwater encountered by the well.
2. The top of the well or well casing shall be provided with a cover, that is secured by a lock or by other means to prevent its removal without the use of equipment or tools, to prevent unauthorized access, to prevent a safety hazard to humans and animals, and to prevent illegal disposal of wastes in the well. The cover shall be watertight where the top of the well casing or other surface openings to the well are below ground level, such as in a vault or below known level of flooding. The cover shall be watertight, if the well is inactive for more than five consecutive years. A pump motor, angle drive, or other surface feature of a well, when in compliance with the above provision, shall suffice as cover.
3. The well shall be marked so as to easily visible and located, and labeled so as to easily identified as a well.
4. The area surrounding the well shall be kept clear of brush, debris, and waste materials."

Page 253, 4.9.2.5—Existing Conditions on the Evergreen Valley College Property

Soil samples collected approximately 0.5 to 1.0 feet below ground surface (bgs) show up to 15,000 parts per million (ppm) of lead (SS-6), including up to 6.26 ppm of soluble lead (SS-7) at the former/current firing range training site. Also, high levels of banned insecticide chlordane were detected up to 1.1 ppm. We understand much of the impacted soil is planned to be removed and disposed; however, the vertical extent of soil contamination needs to be clarified/assessed (for example the types of soils directly beneath these impacted soils? depth to first encountered groundwater? groundwater quality?). Sandy soils have been identified from ground surface to first encountered water bearing zone from a nearby site (MW-1—LOP No. 14-529) suggesting that vertical migration of contaminants to groundwater is possible. Please elaborate on the risks of impacted soils to groundwater quality. Groundwater nearby is generally shallow (approximately 11-13 feet bgs) and the MCL for chlordane is 0.002 ppm.

Page 255 and 257, 4.9.3.3 and 4.9.3.6—Hazardous Materials Impacts on Pleasant Hills Golf Course Property and Evergreen Valley College Property

As stated on pages 255 and 257 of the DEIR, chlordane, arsenic, and lead concentrations exceeding normal background levels are found in the soils on the Pleasant Hills Golf Course Property and the Evergreen Valley College Property. MM 4.9-17, 4.9-18, and 4.9-19 state that these hazards will be removed in accordance with existing regulations that are designed to protect workers and the environment. Given the sensitivity of the groundwater subbasin in this area, it is important to recognize that the groundwater resource is an important element of the environment that needs to be protected. In addition, any grading modifications or storm water facilities should be designed to ensure that the development does not facilitate the migration of these contaminants into groundwater.

Mr. John Baty
Page 4
March 20, 2006

Page 258, 4.9.3.8—Hazards and Hazardous Materials Impacts at King/Tully Intersection

The proposal may include the acquisition of property which currently has two monitoring wells (MW-1 and MW-6) owned by Shell Corporation used to monitor clean-up efforts of their active fuel leak site at 1698 Tully Road, San Jose, CA. Please note that although MW-1 continues to show some residual dissolved groundwater contamination of up 1,600 parts per billion (ppb) TPHD, including 20 ppb Benzene (sampled 12/08/2005), both wells are located at times downgradient of plume and are, therefore, key in verifying the effectiveness of Shell's clean-up work. Please ensure their protection and/or their replacement as appropriate by coordinating work with Shell and the LOP case worker, Mr. Jorvina Mamerto at the Santa Clara County Department of Environmental Health, at (408) 918-1954.

Page 259 and 260, 4.9.4.2—Mitigation Measures Applicable to the Pleasant Hills Golf Course Property (MM 4.9-4, MM 4.9-7, and MM 4.9-15)

The report notes that "existing irrigation wells shall be closed in accordance with SCVWD procedures." Please revise the report to read the following: "Any abandoned wells (irrigation, domestic, monitoring, etc., ...) shall be properly destroyed in accordance with SCVWD procedures (Ordinance 90-1)." A table and map of abandoned wells and proposed wells for proper destruction should be included in the report. Please coordinate with SCVWD's Wells Unit for well surveys, well records, and well destruction permits at (408) 265-2607, extension 2743 (Attention: Mike Duffy).

Page 261, 4.9.4.5—Mitigation Measures Applicable to the Evergreen Valley College Property (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." To achieve this verification, we recommend performing a geophysical survey (usually via magnetic imagery) to locate the missing tanks in consultation with historical stereo-aerial photography of the site. Abandoned USTs are a risk to public health and water resources. Please coordinate your efforts with the San José Fire Department Hazardous Materials Program (408) 277-4659 (Attention: Mr. Mike Murtiff) and the Santa Clara County Department of Environmental Health at (408) 918-3417 (Attention: Ms. Nicole Pullman) for any appropriate follow-up.

Page 362, 7.3.11.2—Cumulative Impacts to Water Service

Please refer to the SCVWD's 2005 Urban Water Management Plan (UWMP)—available on the SCVWD's website (www.valleywater.org). The SCVWD included demand associated with growth in the Evergreen area in its projections of water demand. Please also reference that the provision of water supply to meet new growth is based upon assumptions (listed in the UWMP) and that the funding for many long-term water supply capital investments has not been secured.

Please delete the following sentence and those sections that discuss the SCVWD's Integrated Water Resource Planning: ~~"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."~~

Mr. John Baty
Page 5
March 20, 2006

Appendix K

In Appendix B-1, Table 1, columns for the 'Original District Model' and the 'Revised District Model' should be switched around.

For our review, please include a copy of the analysis related to the development of the new storage vs. discharge curve for Lake Cunningham. Additional comments may be provided subsequent to the District's review.

If you have any questions or comments, you can contact me at (408) 265-2607, extension 3174 or at syung@valleywater.org.

Sincerely,



Samuel Yung
Associate Civil Engineer
Community Projects Review Unit

cc: S. Tippetts, S. Yung, T. Hipol, M. Klemencic, S. Rose, B. Judd, B. Ahmadi, Y. Liu,
J. Crowley, W. Chang, J. Wang, M. Silva, G. Fowler, M. Duffy, File (2)

eh:fd
0320b-pl.doc



COMMENT #10

Department of Planning, Building and Code Enforcement

JOSEPH HORWEDEL, ACTING DIRECTOR

March 20, 2006

Mr. John Baty
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San Jose, CA 95113

RE: DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) for the Evergreen East Hills Vision Strategy, File No. GPT05-08-01, GP05-08-01A through 4, PDC05-048 through - 053

Dear Mr. Baty:

At the February 1, 2006 Historic Landmarks Commission meeting, the Commission discussed the Draft Environmental Impact Report for the Evergreen East Hills Vision Strategy (EEHVS) Project. The Commission expressed concern that historic preservation be highlighted as a priority in the future development within the EEHVS project area. Recent projects before the Commission have involved significant impacts to orchard properties, and there was concern that both identified and potential significant historic agricultural properties exist within the project area. In a 5-1-0 decision, Alkire absent, the Commission voted to forward this comment letter, signed by the Chair, to the Director of Planning, Building and Code Enforcement and the Planning Commission.

San Jose City Policies:

The Landmarks Commission indicated the City policies that promote the preservation of historic resources. The San Jose 2020 General Plan, Urban Conservation/Preservation Major Strategy addresses the preservation of historic resources as a strategy due to the "inestimable character and interest" such resources lend to the City's image. The Discretionary Alternate Use Policy of the General Plan provides flexibility for sites with historic resources and is intended to enable preservation of the City's historic buildings. The DEIR states that future development will be subject to *Historic, Archaeological, and Cultural Resources Policy #6, #7, and #8*. Future Development should also be subject to Policy #1: Preservation Consideration in Development Review; Policy #2: Landmark Designation Process; Policy #3: Historic Inventory Maintenance; Policy #4: Historic District Preservation; and Policy #5: Compatibility of New Development Adjacent to Historic Resources.

The City Council Policy on the Preservation of Historic Landmarks requires early public notice of projects that could harm a historic resource and strongly encourages the preservation and adaptive reuse of such resources. A comprehensive analysis should be prepared of the economic and structural feasibility of preservation, including potential funding sources.

Future development within the EEHVS project should be assumed to be consistent with these policies.

Cultural Resources Impacts:

The EIR identifies ten historic sites within the EEHVS project area that are currently listed on the City of San Jose Historic Resources Inventory, including three City Landmarks and one site eligible for the National Register of Historic Places. Future development within the Evergreen East Hills Vision Strategy project area, including projects that may qualify to use the traffic trip pools, could affect currently potential historic resources unless historic preservation policies are implemented.

Mitigation Measures

Future development of properties within the EEHVS project area that contain historically significant resources should be assumed to include preservation and protection of such resources consistent with definitions in the California Environmental Quality Act Guidelines. Any proposal to remove historically significant resources or any development that would result in a substantial adverse change in the significance of an historical resource as defined by California Environmental Quality Act Guidelines 15064.5(b), would result in a significant impact would not be covered by the EIR. Implementation of relevant General Plan and City Council policies, and the following mitigation measures, will reduce impacts to historic resources in the EEHVS area to a less than significant level:

- If baseline data are not available on the presence/absence and significance of historic properties more than 45 years old, present on or adjacent to specifically proposed development site at the time of any development permit request, then an evaluation of the site's historic significance will be completed. An historian/architectural historian meeting the applicable Secretary of the Interior's professional qualification standards shall evaluate the potential significance of the resources for the National and California registers as well as for local Landmark eligibility. The report should provide recommendations or mitigation options.

Cultural Resources Impacts and Mitigation Measure sections in the document should be revised to include the above language.

Conclusion

The Commission expressed concern that identification of historic resources at the time of development proposals has not been effective in proactively planning for preservation of significant sites, contrary to the San Jose 2020 General Plan *Historic, Archaeological, and Cultural Resources Policy*, and the City Council Policy on the Preservation of Historic Landmarks which requires early public notice of projects that could harm a historic resource and strongly encourages the preservation and adaptive reuse of such resources.

The Commission recommended the City assume that future development within the EEHVS Project area include preservation and protection of historic resources, and that mitigation measures be included to reduce impacts of the project to identified and potential historic resources to a less than significant level.

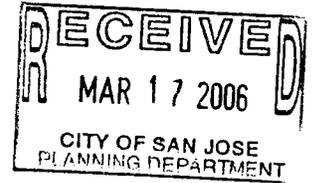
Sincerely,

Michael Youmans, Chair
San Jose Historic Landmarks Commission

C: San Jose Historic Landmarks Commission

COMMENT # 11

March 17, 2006



John Baty
Department of Planning, Building and Code Enforcement
City of San José
200 East Santa Clara Street, 3rd Floor
San José, CA 95113-1905

Subject: Comments on the Draft Environmental Impact Report (DEIR) for the Evergreen-East Hills Vision Strategy, File No. GPT05-08-01, GP05-08-01A through 4, PDC05 -048 through 053. SCH No. 2005102007

Dear Mr. Baty:

The City of San José Parks and Recreation Commission considered the DEIR for the Evergreen-East Hills Vision Strategy (EEHVS) on March 1, and March 15 of 2006. The Commission has the following comments regarding the proposed project and its impact on the environment.

- 1) The Draft Environmental Impact Report (DEIR) for the Evergreen-East Hills Vision Strategy is a very ambiguous document in the minds of the Parks and Recreation Commissioners. The ultimate project is not defined in the document and/or the list of community amenities that would be created from the new housing units. The DEIR states on page 61 that the community amenities listed may receive funding through an EEHVS financing plan. The Commission understands that the Evergreen-East Hills Task Forces has yet to define or select the community amenities to be included in the final project. Therefore, should not the comment period for the DEIR be extended in order for the public to comment on the final community amenities list of improvements?
- 2) Will the Evergreen-East Hills Project be subject to the City's Park Impact and/or Parkland Dedication Ordinances (PIO/PDO), or will this area be treated like the Evergreen Specific Plan Area, which is exempt from the PIO/PDO, and if so, should the DEIR not reflect this action?
- 3) The DEIR states in two locations that 5-acres of land, which would otherwise be used for park/open space uses, will be reserved for school purposes. If such land is used for school purpose, how will this affect the ratio of lands going to the City for park purposes? Does a 5-acre school site meet the State's standards for elementary schools?

4) The DEIR states the project will increase traffic in the Evergreen and East Hills areas. Will this additional traffic hamper access to public parks in the Evergreen and East Hills areas? If so, why was this not addressed in the DEIR?

5) The DEIR states the EEHVS project, if fully implemented 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 and mitigation is not proposed as part of this project for such loss. Why is this project not subject to providing mitigation for the loss of farmlands?

6) The DEIR states that development on the Arcadia property will result in a significant loss of burrowing owl habitat and mitigation is not proposed as part of this project. Why is this project not subject to providing mitigation for the loss of burrowing owl habitat?

The Parks and Recreation Commission looks forward to the answers to our concerns regarding the DEIR associated with Evergreen-East Hills Vision Strategy Plan and Project.

Sincerely,

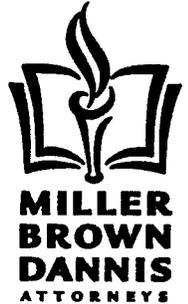
A handwritten signature in cursive script that reads "Helen Chapman".

Helen Chapman, Chair

cc: Planning Commission
City Council

COMMENT # 12

06-13-23 P02:23 RCVD



MARILYN J. CLEVELAND
ATTORNEY AT LAW
mcleveland@mbdlaw.com

SAN FRANCISCO

March 20, 2006

VIA E-MAIL AND U.S. MAIL

John Baty
(john.baty@sanjoseca.gov)
Department of Planning, Building, and Code Enforcement
City of San Jose
200 E. Santa Clara Street, 3rd Floor
San Jose, CA 95113-1905

Re: Draft Environmental Impact Report,
Evergreen-East Hills Vision Strategy;
GPT05-08-01, GP05-08-01A through 4, PDC05-048 through 053,
Council Districts: 5, 7, 8;
Comments by Mt. Pleasant School District;
Our file: 5105.10206

Dear Mr. Baty:

The Mt. Pleasant School District ("District") has asked this office to provide the District's comments to the Draft Environmental Impact Report ("DEIR") for the proposed Evergreen-East Hills Vision Strategy for eastern San Jose.

General Observations

The District is concerned with the following issues raised by the DEIR:

- The DEIR does not adequately address the need to house the students expected to be generated by this planned development.
- The DEIR does not address the cumulative effects of planned development in the Evergreen-East Hills area as it relates to the District's need to provide facilities.
- The DEIR fails to discuss or provide mitigation for community and recreational facilities for the students and residents of the school district.

SAN FRANCISCO

71 Stevenson Street
Nineteenth Floor
San Francisco, CA 94105
Tel 415.543.4111
Fax 415.543.4384

LONG BEACH

301 East Ocean Boulevard
Suite 1750
Long Beach, CA 90802
Tel 562.366.8500
Fax 562.366.8505

SAN DIEGO

750 B Street
Suite 2310
San Diego, CA 92101
Tel 619.595.0202
Fax 619.702.6202
www.mbdlaw.com

VIA E MAIL AND U.S. MAIL

John Baty
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Page 2

Comments on Specific Sections of DEIR

A. The DEIR Fails To Provide Adequate School Facilities To House The Students That Will Be Generated By The Residential Development.

Section 2.1.3 Development for the Pleasant Hills Golf Course Property, pp. 38-42

The DEIR contains extensive discussion of the conversion of the 114-acre Pleasant Hills Golf Course to residential uses. The projections of the DEIR show up to 825 units in this area. This number of units would generate about 413 students that would attend District schools for which the District has no facilities.

The Section goes on to state that the City contemplates reservation of a 5-acre site for a new school. (See DEIR, p. 41.) This is woefully inadequate. The District estimates that it will require a school with at least twenty (20) classrooms, a minimum of two per grade, for a kindergarten through eighth grade (K8) school. Under the requirements of the state Office of Public School Construction the minimum acreage for a K8 school with 20 classrooms is 13.2 acres.¹ In addition to regular classrooms, multi-use, and administrative space, the school must have facilities to house preschool children, special education services, migrant student services, community events, and a technical center. These are the minimal amenities required for a properly sized and functional public K8 school. Furthermore, reservation of a site does nothing to secure the funding needed for the purchase and construction of the school to serve students generated by this development.

Section 5.3.3 Mt. Pleasant Elementary School District, pp. 305-306.

Impact Analysis: The impact of student generation upon school facilities should be discussed more fully. The number of students expected to be generated by new housing based on this proposed size and rate of development should be discussed more extensively here.

The projections that from KB Homes and Summerhill Homes, the developers of the land in the Project Area provided to the District reflect plans to build 461 single family dwellings, 168 garden homes (zero lot line), and 116 town homes for a total of 745

¹ See attached School Site Analysis based on OPSC standards.

VIA E MAIL AND U.S. MAIL

John Baty
City of San Jose
March 20, 2006
Page 3

units.² The projections in the DEIR show 540 (excluding the “no project” alternative) to 825 units, the majority of which are multi-family. All of the proposed homes presented to the District appear to be single-family units that, according to the generation rates in the DEIR, would generate substantially more children.

The District does not know the source of the generation rates stated in the DEIR. At a minimum, the DEIR should calculate the student generation based on the standard Office of Public School Construction student generation figure of .5 students per dwelling. Applying that rate to 745 units, there will be an impact of 373 students. That figure is 36 percent above even the highest scenario in the DEIR projected to be 276 students from 825 units. If 825 units were to be developed, the student generation would be 413 new, project-related students. This is a number that would fill a larger than average elementary school.

A K8 school with 20 classrooms and the appropriate auxiliary facilities is estimated to cost \$17,585,000 to construct.³ This does not include any cost for land acquisition, furthermore and equipment, or educational materials. In addition, this cost does not include the cost of escalation in construction costs which has exceeded 4 percent per year in recent years. Therefore, Table 61 is inaccurate and is valueless as a planning and mitigation impact tool.

B. The DEIR Fails To Address Or Mitigate The Cumulative Effect Of The Development On The District’s Residents

Section 7.3.14.4 Cumulative Impacts on Schools, pp. 373-375

The DEIR concludes that, since it may no longer require dedication of a school site in conjunction with the planning process and because developers will have to pay school impact fees to develop the property, the impact of the project on the District is less than significant. Interestingly, it also states that these fees only partially offset the costs of serving project-related increases in student enrollment. (See p. 375.)

We believe this conclusion is legally incorrect and not substantiated by the evidence presented in the DEIR and in this letter. Although we agree that the Legislature has deemed school impact fees to be “complete” mitigation of impacts under CEQA, the impact of the project on District school facilities is still significant. Therefore, the

² The attached email from James Lindsay of KB Homes South Bay, Inc., dated March 6, 2006, provides this estimate of the number of units.

³ See attached cost estimate for new K8 campus.

VIA E MAIL AND U.S. MAIL

John Baty
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Page 4

mitigation measures to be implemented, including voluntary mitigation measures to reduce the impact of the project to insignificance, should be included in the City's mitigation measures and mitigation monitoring plan. The failure to do so constitutes a violation of CEQA. (See Pub. Resources Code, §§ 21002.1, 21100; Title 14 Cal. Code of Regs. § 15126.4, "CEQA Guidelines.")

The DEIR notes that the District's facilities are at full capacity at this time and that there is a need for more classroom space. However, the actual situation is that the District houses 110 more students than its designed capacity.⁴ The District does not agree, nor should the public it serves accept, that overcrowded classrooms are an acceptable mitigation of residential development. The DEIR should address in this section the planned residential developments within the District's boundaries, including this proposal, that will have a cumulative impact on the District through an increased student population substantially in excess of capacity.

As a small school district dependent on limited state revenue and ineligible for State bond funding to provide new facilities, the District is not in a position financially to build the necessary school facilities to house the students generated by this large project.

The proposed mitigation measure – MM 5.3-1 – that is premised on compliance with state law in regard to payment of school impact fees is not by any estimation sufficient mitigation of the actual impact of this Project.

C. The DEIR Fails To Provide Adequate Community And Recreational Facilities To Serve The District's Residents

Sections 1.5.2 and 2.2, Distribution of Community Amenities Project, p. 26

While these sections describe a number of community amenities planned for the larger project area, very few of those amenities are planned for the Mt. Pleasant School District area. (pp. 12-27.) In fact, only 8.2 acres at the Pleasant Hills Golf Course Area are identified as future parkland (Section 5.4 Parks and Recreation) with no discussion of actual recreational facilities on the site. In fact, we understand that five acres of that area constitutes the proposed school. This would leave, at best, only about two acres of parkland along with a walking trail.

⁴ See Mt. Pleasant School District 2006 Developer Fee Justification Study, p. 8.

VIA E MAIL AND U.S. MAIL

John Baty
City of San Jose
March 20, 2006
Page 5

The DEIR lists the following “community amenities” that appear to be within the District:

- (1) Section 2.2.12 Sports and Recreational Facilities at Schools, p. 69,
- (2) Section 2.2.14 Recreational Improvements at Boeger/Foothill Schools & Fernish Park, p. 70, and
- (3) Section 2.2.28 Renovation of Mt. Pleasant Park, p. 75.

However, none of these are listed as confirmed mitigation measures. It is vaguely stated that they will be provided by developers, a community financing district, some other unstated source, or a combination of these sources. The multipurpose gymnasium at Boeger School is already impacted, as are the District’s fields at Fernish Park. As noted above, the District has no resources to assist in providing, expanding or improving these types of facilities in light of the fact that it does not even have sufficient financial resources to build classrooms. These facilities should be described in greater detail in the project description and their impacts should be addressed in this DEIR, rather than leaving the public with the implication that the project will include recreational facilities that are neither described nor evaluated in the DEIR.

The planned new development addressed in this DEIR should provide the impacted communities recreation facilities and other community services, including the children of the Mt. Pleasant School District community and their families. The impacts of overcrowding of existing community and recreational facilities should be addressed in the DEIR.

C. Conclusion

For the foregoing reasons, we believe the DEIR has failed to meet the requirements of CEQA in that it has not properly considered the impacts of the project on the sufficiency of the school facilities needed to provide education.

Furthermore, the DEIR fails to discuss and seek mitigation for community and recreational facilities for the students and residents of the Mt. Pleasant School District.

VIA E MAIL AND U.S. MAIL

John Baty
City of San Jose
March 20, 2006
Page 6

Please contact us should you have any questions regarding these comments.

Very truly yours,

MILLER BROWN & DANNIS

A handwritten signature in black ink, appearing to read "Marilyn J. Cleveland". The signature is fluid and cursive, with a long horizontal stroke at the end.

Marilyn J. Cleveland

MJC/dkj

Enclosures

cc: George Perez, Superintendent
Laura Phan, Director of Business Services

G:\5105\10206\DEIR Response 06.03.20 MJC Final.doc

AREA REQUIRED FOR NEW SCHOOL IN MT. PLEASANT SCHOOL DISTRICT, San Jose, CA
(ACCORDING TO FIGURES IN SCHOOL SITE ANALYSIS FROM CALIFORNIA DEPT. OF EDUCATION)

<u>GRADE LEVEL</u>	<u># OF STUDENTS</u>	<u># OF CLASSROOMS</u>	<u>ACRES REQUIRED</u>
pre school	40	2	0.5
kindergarten	40	2	0.5
first thru third	120	6	1.9
fourth thru sixth	192	6	5.9
seventh & eighth	<u>128</u>	<u>4</u>	<u>4.4</u>
TOTAL	520	20	13.2

M. Kelly
3/6/2006

Marilyn Cleveland

From: Laura Phan [lphan@mountpleasant.k12.ca.us]
Sent: Friday, March 17, 2006 10:12 AM
To: Marilyn Cleveland; phenderson@mbdlaw.com
Subject: FW: Pleasant Hills Concept Plan

-----Original Message-----

From: Lindsay, James [mailto:jlindsay@kbhome.com]
Sent: Monday, March 06, 2006 12:13 PM
To: Laura Phan
Cc: Menka Sethi; Robert Hencken
Subject: RE: Pleasant Hills Concept Plan

Laura,

The latest plan has 745 homes with the following breakdown:

461 SFDs
168 Garden homes (zero lot line with 6' side yard)
116 Townhomes

What are the next steps regarding the possible site layout for the school?

- James

-----Original Message-----

From: Laura Phan [mailto:lphan@mountpleasant.k12.ca.us]
Sent: Monday, March 06, 2006 10:22 AM
To: Lindsay, James
Subject: RE: Pleasant Hills Concept Plan

Hi James,

I understand that you've changed the planned development from 825 homes to approximately 728 homes. Can you give me the breakdown of

3/17/2006

the types and number of homes? i.e. the number of SFD's and the number of townhomes.

Thanks,
Laura Phan
Director of Business Services
Mt. Pleasant School District
(408) 223-3720

-----Original Message-----

From: Lindsay, James [mailto:jlindsay@kbhome.com]
Sent: Friday, January 20, 2006 9:41 AM
To: Laura Phan; George Perez
Cc: Menka Sethi
Subject: RE: Pleasant Hills Concept Plan

-----Original Message-----

From: Lindsay, James
Sent: Friday, January 20, 2006 9:40 AM
To: 'lphan@mountpleasant.k12.ca.us'; 'George Perez'
Cc: 'Menka Sethi'
Subject: Pleasant Hills Concept Plan

Sorry for the delay in getting this concept out to you, I've been out sick the past few days. This continues to be a work in progress and is in very draft form but we would like your input on the school site location. I thought this revision would place the school along Vista Verde but it ended up in the center. Since the plan was so large I took a picture of it so the quality is not the best but it should give you a good idea of the layout. Please let us know what you think. Thank you!

James Lindsay
Forward Planning Manager
KB Home South Bay, Inc.
6700 Koll Center Pkwy, Suite 200
Pleasanton, CA 94566
(925) 750-6233 Office

3/17/2006

(925) 750-1823 Fax

3/17/2006

New K-8 Campus

DESCRIPTION	Class Rooms		CAPACITY	CAPACITY (PULL OUT ROOMS)	APPROX. SF	# OF BUILDINGS	TOTAL SF	UNIT COST	TOTAL
K-2	6	20 to 1	120		5,760	1	5,760	\$195	\$1,123,200
3	2	20 to 1	40		1,920	1	1,920	\$195	\$374,400
4/5	4	32 to 1	128		3,840		3,840	\$195	\$748,800
6-8	4	32 to 1	128		3,840	1	3,840	\$195	\$748,800
SDC	1	10 to 1	10		960	1	960	\$195	\$187,200
RSP	1	10 to 1		10	960	1	960	\$195	\$187,200
Music Room	1	60 to 1		60	2,880	1	2,880	\$195	\$561,600
Pre School	2	20 to 1	40		1,920	1	1,920	\$195	\$374,400
Administration Wing					4,000	1	4,000	\$215	\$860,000
Multi Purpose Wing					6,000	1	6,000	\$250	\$1,500,000
Gymnasium					10,000	1	10,000	\$250	\$2,500,000
Media Center					5,000	1	5,000	\$350	\$1,750,000
On Site Work					457,380		457,380	\$10	\$4,573,800
TOTAL	21		466		504,460		42,080	\$259.40	\$10,915,600

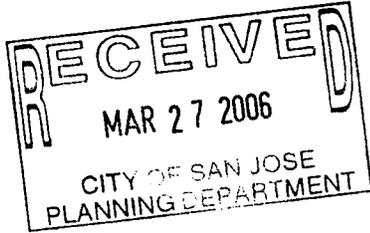
Indirect/Soft Cost Allowance
 Contingency
TOTAL

\$4,584,552
 \$2,325,023
\$17,825,175

Add 4% escalation per year

SAN JOSE/EVERGREEN COMMUNITY COLLEGE DISTRICT

San José City College • Evergreen Valley College



Rosa G. Perez, Chancellor

4750 San Felipe Road
San Jose, CA 95135-1599
Phone: 408-274-6700

March 16, 2006

COMMENT #13

Andrew Crabtree
City of San Jose Planning Department
200 E. Santa Clara Street
San Jose, CA 95113

Re: Evergreen/East Hills draft EIR
Designation of farmland of local importance

Dear Mr. Crabtree:

On behalf of the San Jose/Evergreen Community College District (the "District"), I am writing to you at this time to provide you with the District's comments with respect to certain matters pertaining to the District's Evergreen Valley College real property (the "College") set forth in the draft EIR for the Evergreen/East Hills Vision Strategy Project (the "Draft EIR").

Section 4, entitled "Environmental Setting, Impacts and Mitigation" states, at subsection 4.1.2.3 (Draft EIR, p. 107), that "[a] 17-acre portion of the Evergreen Valley College property is designated as Farmland of Local Importance" on the Santa Clara County Important Farmlands 2004 map, and identifies certain mitigations that might be required. We believe that the designation of this portion of the College (the "Site") is in error, and that no mitigations should be imposed.

The Site was originally acquired by the District as a part of the College, and was intended to be developed by the District for College use. The Site was never developed, however, and over the past 5 to 6 years, the Site has been used at times by the District for overflow parking purposes. Given the District's current projections and estimates for student growth, and as the part of the College in which the Site is located (the "Surplus Land") is surrounded by development and is thus suited for development, the District has determined that the Surplus Land, including the Site, could better serve the needs of the District by being developed for housing, retail and office uses, thus generating revenues for the District that would not otherwise be available. The District's Board of Trustees voted in 2004 to declare that the Surplus Land was not needed for educational purposes in order to develop the Surplus Land for these other purposes, and is now entertaining development proposals.

Andrew Crabtree
City of San Jose Planning Department
March 16, 2006
Page 2

The Guide to the Farmland Mapping and Monitoring Program (Appendix B: Mapping Criteria and Soil Taxonomy Terms) states that the designation of Farmland of Local Importance does not apply to publicly-owned lands for which there is an adopted policy preventing agricultural use. Given that the Site is publicly-owned and that the District's Board of Trustees has adopted the policy that the Surplus Land, including the Site, be used for development purposes, the Site should not be designated as Farmland of Local Importance. Thus, the designation of the Site as Farmland of Local Importance is in error, and no agricultural land mitigations should be required for its proposed use.

Based on the foregoing, the District requests that the Draft EIR be modified to reflect the fact that the Site should not be designated as Farmland of Local Importance and that no agricultural land mitigations should be required for its proposed use. Thank you for your attention to this matter.

Very truly yours,

Rosa G. Perez
San Jose/Evergreen Community
College District

By:  _____
Its: Chancellor _____

COMMENT #14

EAST VALLEY/ 680 NAC

RE: EVERGREEN / EAST HILLS VISION STRATEGY PROJECT

The East Valley /680 NAC is made up of eight neighborhood associations in East San Jose. We support the Evergreen/East Hills Vision Strategy, but we need you to address our concerns listed below.

1. We have serious concerns about the increased traffic on Capital Expressway, White Road, Story Road, Ocala Avenue, and Tully Road. All of these streets are in our NAC community. These are already heavily traveled streets. Traffic on these roads is already gridlocked at certain times of day and on weekends
2. We are concerned about the Light Rail service on Capital Expressway to Eastridge Shopping Center. LRT is several years away from being implemented and will have a big effect on traffic crossing Capital Expressway. Two lanes of the expressway will be lost to light rail, leaving less roadway for cars to travel on. The trains will be overhead crossing Story Road and Tully Road, but will be at ground level at Ocala causing traffic to stop each time a train is approaching from either direction. This will cause many delays in traffic. Ocala is now used as an alternative to heavily traveled Story and Tully Roads. Even if Light Rail is never built on Capitol Expressway, there will still be traffic problems, only much worse than now.
3. Eliminating the traffic signal at Cunningham Avenue would help the flow of traffic on Capitol Expressway. Traffic to Reid-Hillview Airport should enter and exit from existing access roads at Ocala and Tully. Originally Cunningham was a thru street from King Road to White Road. If RHV Airport were moved to another location this street could be re-opened to relieve some of the traffic on Tully and on Ocala.
4. Sound walls along Capital Expressway all the way from 680 to Ocala has been #4 on the East Valley / 680 NAC top 10 projects since the beginning several years ago. The people who live next to the expressway need privacy and less noise. Even better would be building sound walls all the way along Capitol Expressway from 680 to 101 regardless of whether Light Rail is ever built or not.
5. We need to take a hard look at Reid –Hillview Airport and its effect on the Evergreen/East Hills Vision. This entity has not been considered at all in the vision statement. A vision statement needs to look at the value or absence of value of having a general service airport in the middle of our residential community. We have seen its effects in many ways. It limited

the size of Eastridge Shopping Center. It is affecting the development of the Arcadia property. It has cost the East Valley/680 community the loss of a \$1,600,000.00 grant to improve the Hank Lopez Community Center. And it has caused the Hillview Library to build the new library building on the grounds of Fischer Middle School which removed valuable playing fields from use by the local children and students. We also have to put up with lots of noise and lead pollution in the air from aircraft overhead. If more residential units are built as planned, thousands more residents will be exposed to the lead poisoning from RHV aircraft flying overhead. (www.reidhillview.com/#9) Is this in the best interests of our society?

6. If and when a plane needs to make an emergency or crash landing, the only open spaces left are our parks, school

Baty, John

COMMENT # 15

From: Andy Aganad [aaganad@sbcglobal.net]
Sent: Monday, March 20, 2006 5:01 PM
To: John Baty
Subject: comments on Evergreen 2006 EIP

Mr. Baty, I echo all the sentiments of other evergreen residents made to this point. The high density housing, will exacerbate any traffic and noise problems we have in that area. The high density housing is not in line with other housing in the area.

I can foresee the eventual deterioration of these high density units into rundown unkempt units in an area that people won't find safe to walk in anymore. They are not why we all moved into the Evergreen area in the first place. I for one would like the the peace and quiet and spaciousness of the EVC development area preserved.

My concern is with all these recommendations for road and park improvements, when will they all happen? Personally, I am still waiting for Falls Creek Park to get approved for construction. It has been just a pile of dirt for perhaps 5 years now and the last house surrounding it was completed over 3 years ago. What can we do to speed up this project? It is such a simple one. I would be happy if it was done in phases like Fowler Park, just to get something in there; perhaps the concrete at least.

sincerely,

Andy S. Aganad
4626 Batten Way, San Jose, CA 95135

EVERGREEN ♦ EAST HILLS VISION STRATEGY

EIR COMMENTS **Comment #16**

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the EEHVS Environmental Impact Report (EIR) please submit your written comments at tonight's EIR Meeting (3/14/06) or to John Baty via the methods listed below by 5:00P.M. on March 20, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

a school in Industrial site
The four acres set aside for Evergreen School District for potential students is not sufficient to accommodate structure playground & field for children. Ed Code sets out 10 acres to accommodate 750 to 999 students. Middle school capacity is already exceeded capacity and new school would have to be a K-8 school so land availability needs to be increased to 25 acres. Middle schools under Ed code require 25 acres.
The district realize land availability at current cost would require we consider a K-8 school to accommodate elementary and middle school needs.
We also have had history of multi-family

Contact Information

Name:

Sylvia Alvarez, Trustee Evergreen School

Address:

3821 Aborn Rd San Jose CA 95135

E-mail (optional):

alvarez2588@sbcglobal.net

Please return EIR comment card during meeting, or
by mail to: John Baty, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: john.baty@sanjoseca.gov

housing in single family housing which has impacted the ability to serve families. Example, Matsumoto is design to serve 780 students, but because of multi-family housing in single family housing we are at 930 students. All students reside within boundaries of school. Carolyn Clark School is at level of service, but already shows signs that it will be over-crowded.

So - 5 are parks to accommodate 780 students at best still not sufficient. But, in reality, because of cost of housing, more than one family purchase housing, and which produces more children.
~~than~~

Baty, John

From: Baty, John
Sent: Monday, February 06, 2006 10:13 AM
To: 'mblues@bashman.com'
Cc: Bill@bashman.com
Subject: RE: Evergreen*East Hills Vision Strategy DRAFT Environmental Impact Report (EIR)

Hi Carol,

1. Sometimes, but not in this case. If you're referring to the required intersection improvements at White Road/Ocala-Marten take a look at Table 16, which describes the amount of right-of-way needed for the improvement.

2. The EIR covers signalized intersections. There will be a separate operations analysis that will look at unsignalized intersections around the opportunity sites and suggest recommended improvements. The operations analysis for Pleasant Hills will include Flint/Marten.

3. No. When there is a significant unavoidable impact the City's decision makers, in order to approve a project, will need to adopt a statement of overriding considerations. They have to do this for each significant unavoidable impact. An EIR is only an informational document, so the number or percentage of significant unavoidable impacts that show up in an EIR won't tell you if a project can be approved. Again, it's up to the City's decision makers to decide if there are overriding considerations.

4. Same as 3, an EIR is informational only, so if the City Council decides that the benefits of a project outweigh the negatives they can approve the project.

Hope this helps and thanks for letting your members know that the Draft EIR is available.

-John B.

-----Original Message-----

From: Carol [mailto:mblues@bashman.com]
Sent: Friday, February 03, 2006 9:04 PM
To: Baty, John
Cc: Bill@bashman.com
Subject: Re: Evergreen*East Hills Vision Strategy DRAFT Environmental Impact Report (EIR)

COMMENT #17

Hi John,

Thanks for the update; I'll be updating our website & notifying members shortly. A few questions:

1) when the EIR says "Additional right-of-way will be required," does that mean that existing homes will be removed? I saw this on the discussion to widen Marten east of White Road.

2) The intersection of Flint Ave & Marten is a very busy, dangerous intersection. It will be significantly impacted by the Golf Course development. But it was not included in the EIR at all. Why not? Can it be included?

3) When the EIR concludes at the end of an issue, "Significant Unavoidable Impact" does that halt the development of an area? Do the number of times this is noted, or the percentage of this conclusion within the total number of conclusions, halt the development of an area?

4) What must be in the EIR to halt the development of an area? Or can an adverse EIR ever halt the development of an area?

Thanks for your response.

> Dear EEHVS Task Force and Interested Members of the Public:
> I am happy to announce the availability of the Draft EIR for the
> Evergreen*East Hills Vision Strategy.
>
> An electronic version of the Draft EIR, including all of the
> appendices, is available on the Evergreen*East Hills website:
> <http://www.sanjoseca.gov/planning/evergreen/eir.asp> Note: An
> electronic copy of Draft EIR will also be posted on the City's EIR
> website starting Monday, February 6th.
>
> Paper copies of the Draft EIR and appendices will be available for
> public review at the following locations: Department of Planning,
> Building & Code Enforcement 200 E. Santa Clara Street, 3rd Floor
>
> Dr. Martin Luther King Jr. Main Library
> 150 E. San Fernando Street
>
> Hillview Branch Library
> 2255 Ocala Avenue
>
> Tully Community Branch Library
> 880 Tully Road
>
> Seventrees Branch Library
> 3597 Cas Drive
>
> Dr. Cruz Alum Rock Branch Library
> 3090 Alum Rock Avenue
>
>
> The public review period for this Draft EIR begins on Friday, February
> 3, 2006 and ends on Monday, March 20, 2006. Written comments must be
> received at the Planning Department by 5:00 p.m. on Monday, March 20,
> 2006 in order to be addressed as part of the formal EIR review
> process.
>
> Please direct any comments and questions to me using my contact
> information below.
>
> Regards,
>
> John W. Baty, Project Manager
> City of San Jose
> Planning, Building & Code Enforcement
> Planning Services Division
> 200 East Santa Clara Street
> San Jose, CA 95113-1905
> Tel: (408) 535-7894
> Fax: (408) 292-6055
> email: john.baty@sanjoseca.gov
> <http://www.sanjoseca.gov/planning/evergreen>
>
> To view the Notice of Availability for this Draft EIR please visit the
> following link:
> http://www.sanjoseca.gov/planning/eir/Evergreen-EVS/DEIR_NOA.pdf
>
>
"Meanwhile and far away, when the day is done"
Justin Hayward, Moody Blues
<mblues@bashman.com>

Baty, John

COMMENT # 18

From: Baldwa [baldwa@yahoo.com]
Sent: Monday, March 20, 2006 10:56 AM
To: john.baty@sanjoseca.gov; davecortese@davecortese.com
Subject: Proposed housing development in Evergreen area

Hello,

We have been living in the Evergreen area for last 12 years. While new housing continues to come up unabated, hardly any traffic improvements have been made. We see excuses and inability to do anything about traffic in the Evergreen area leading to 101. Now we hear that there is plan to put about 5700 more houses. Doesn't this sound preposterous? If you can't fix the problems, please don't make it worse.

We have elected you to take care of problems in our neighborhood. Feel free to call us for action if you don't have support but don't just give in.

Sanjay & Archana Baldwa
Silver Creek Country Club

--
baldwa@yahoo.com

Yahoo! Mail
Use Photomail to share photos without annoying attachments.

3/22/2006

Baty, John

From: Myron Crawford [Mcrowford@MISSIONWEST.com]
Sent: Monday, March 20, 2006 3:25 PM
To: john.baty@sanjoseca.gov
Subject: Evergreen EIR

COMMENT # 19

BERG & BERG ENTERPRISES, INC.

*10050 Bandlely Drive
Cupertino, CA 95014-2188
(408) 725-0700 - fax (408) 725-1626*

3/20/06

John Baty
City of San Jose
Department of Planning and Building
200 East Santa Clara Street 3rd Floor
San Jose, CA 95113
Ph 408-535-3555 595-7894 Fax 408-292-6055

Reference: Evergreen EIR

Subject: Comments

EIR

EIR page 304 foot note 105 references a requirement of 25 acres would be required for a K thru grade 8 school site.

The above note infers that a 25 acre elementary school site would be required based on a conversation with JE Crawford. However, we question the foot note as it appears that this statement was made without consultation with one of the Evergreen Visioning Task Force members Mr. Tom Andrade Superintendent of Evergreen Elementary School District who set in on the task force from summer of 2003 until the formation of the new task force in summer of 2005. During this time period Mr. Andrade stated that a 5 acre site for the school structures and a 5 acre open space joint use physical activities area would be all the area required for an elementary school if the school district desired to place a school on the Berg/IDS/Legacy properties. Hence a 5 acre school site area with an adjacent joint use 5 acre physical activities area has been reserved.

EIR page 291, 292, references requirements for passive solar designs, cool roofs, photovoltaic systems and geothermal heat pumps.

To date in the San Jose and greater Bay Area the above requirements have not had common market acceptance nor sufficient market demand due to the higher additional initial and future maintenance and replacement costs combined with an extremely long payout term. This project is already carrying an inordinate additional infrastructure and additional amenity costs which precludes these stated requirements from being economically and practically feasible at this time. These requirements are not economically feasible due to an estimated payback of as much as 24 years or more.

EIR page 233 MM 4.7-4 references requiring a design level soil engineering investigation being required prior to the issuance of a public works clearance and PD permit.

The design level soil engineering investigation should be required at time of grading permit issuance which would be subsequent to the PD Permit and should not be required for issuance of a PD permit.

EIR page 221 MM 4.6.4.3 Tree replacement ratios references table 48

3/20/2006

The replacement ratios appear to be in excess of current City policy for tree replacement. The replacement ratio should not be more than current policy.

Thank you for your consideration,

Myron Crawford
cc: 7 "G"

EVERGREEN ♦ EAST HILLS VISION STRATEGY

EIR COMMENTS **Comment #20**

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the EEHVS Environmental Impact Report (EIR) please submit your written comments at tonight's EIR Meeting (3/14/06) or to John Baty via the methods listed below by 5:00P.M. on March 20, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

NOTE: #1 THE LUNARY NIGHT I FEELING WE WERE UNDER THE IMPRESSION THAT WE COULD GIVE OUR COMMENTS VERBALLY NOT IN WRITING! BS,

1. WHY SAUCH HIGH DENSITY HOUSING FOR THE GOLF COURSE
2. HOW ARE YOU GOING TO HANDLE THE 1600 EXTRA CARS IN THIS AREA - EXCESSIVE TRAFFIC - WHITE/TULLY
3. WHAT ARE YOU GOING TO DO ABOUT THE ~~WET~~ WILD ANIMALS ON THE GOLF COURSE
4. HOW DOES TOWNHOUSES AND RENTAL UNITS MATCH THE SURROUNDING AREA?
5. WHAT ABOUT THE WET LANDS ON THE GOLF COURSE - WHERE WILL THE WATER GO?
6. HOW WILL THE "NEW" GOLF COURSE IMPACT THE CITY SEWER, WATER & ELECTRICITY - BY THEIR MAIN PLANTS NOT AROUND THE GOLF COURSE,
7. WILL THE SECTION OF TULLY BETWEEN WHITE & CAPITOL BE IMPROVED - TO MANY ACCIDENTS + VEHICLE DEATHS!
→ PS, LEFT MY SPELL CHECKER AT HOME!
8. WHAT ABOUT INTERSECTION IMPACT FOR TULLY & WHITE
9. DO ANY MEMBERS OF THE EIR TASK FORCE LIVE IN THE GOLF COURSE AREA?

Contact Information

Name: PETE CASTONGUAY
Address: _____
E-mail (optional): PETE.CASTONGUAY@AOL.COM.

Please return EIR comment card during meeting, or
by mail to: John Baty, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: john.baty@sanjoseca.gov

Hello John,

I live directly across from the Evergreen Valley College property. I'm very concerned about several items stated in the EIR. The proposal for high density housing development at Evergreen Valley College will have a negative impact on the people who are living in the neighborhood.

1) The proposal to redo the current high school boundaries is unacceptable. Evergreen Valley High School is already over capacity. You must know that the issue of school boundaries is a hot topic. Are we expected to send our children to inferior schools far away from home?

2) The proposed 6 story buildings at EVC will be unsightly and additional residents will cause increased traffic congestion on San Felipe Rd/Yerba Buena Rd. and 101 on ramps and off ramps.

Our household commutes to Mountain View via 101 everyday. The stretch off freeway on SB 101 from Tully Rd to Capitol Expy is almost to the unbearable limit.

Please seriously consider the concerns of the Evergreen residents who endure the commute so that we can come home to the beautiful neighborhood surrounding EVC.

Thank you.
Rebecca Chinn
Falls Creek Drive, San Jose

COMMENT #21

Yahoo! Mail
Use Photomail to share photos without annoying attachments.

Yahoo! Travel
Find great deals to the top 10 hottest destinations!

Mr. John Baty
Department of Planning, Building & Code Enforcement
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113

COMMENT #22

Mr. Baty:

The following comments are submitted in response to the Draft Environmental Impact Report (DEIR) prepared for the Evergreen*East Hills Vision Strategy Project. The comments are arranged by broad topic areas but some items are obviously relevant to more than one major topic.

General Comments

1. The DEIR seems to favor Scenario V, both by including development drawings only for this scenario and by lumping Scenarios II through VI together in some of the discussions even though there is a wide range of housing densities in the scenarios. Since an objective of the DEIR is to provide balanced and impartial information on the impact of each scenario plan, and to identify which scenarios create the least environmental impacts, at least one other scenario of the lower end of the density range (besides the "No Project") should be equally documented and discussed to furnish a balanced view.
2. In the DEIR Summary, Section E, Areas of Controversy, states that the primary issues raised have been traffic-related. Other, equally stressed issues have been raised and should be acknowledged:
 - New development units' interface and compatibility with existing development and communities
 - Allowing height limits of 60 feet on the Arcadia and Evergreen College sites, and the visual impacts on adjacent housing
 - Whether to retain existing Campus Industrial zoning on the Legacy and Berg/IDS sites
 - Additional noise created by commercial and higher density residential development near existing communities
 - Loss of open space and recreational activities (PHGC)
 - Competition for City resources that will be needed to support further residential and commercial development
 - Actual traffic improvements and community amenities that ultimately will result from future development and what alternate mechanisms and resources will be available in the long term
3. The discussion of Alternatives (Section 6) should also identify the most environmentally superior alternative chosen from Scenarios II through VI, since this will help differentiate impact when deciding the weights to apply to each alternative. DEIR Summary Table S-4 (p. S-13) identifies Significant and Less-Than-Significant impacts but does not help to distinguish relative differences between scenarios.
4. Scenario VI, accounts for the impact of retaining all industrial lands on the Berg/IDS and Legacy properties and the maximum build-out of all remaining properties. Given the extreme range in unit count from Scenario II (3600 units including the "pool" sites) to Scenario V (5700 units), an additional scenario should be studied for the impact of retaining all industrial lands on the Berg/IDS and Legacy properties and the minimum build-out of all remaining properties. This would result in only 2650 units being built in total, a significant difference (a 53.5% reduction) from the 5700 units proposed in Scenario V.

5. The EIR should explain how it accounts for a potential shift of industrial land “retention” from the current Berg/IDS and Legacy properties to any of the other opportunity sites in order to save job creating development opportunities.
6. For the impacts where Mitigation Avoidance Measures are stated as; **“Unless Mitigation is Determined to be Feasible and Made a Condition of Approval, Impact will be Significant and Unavoidable”**, a mitigation determination should be made, and where determined, should be made a condition of approval. According to the table in the EIR Summary, section B (starting page S-5), these categories include: Land Use, Biological Resources, and Energy.

Traffic

1. Some of the highest traffic impacts will depend on whether Light Rail Transit (LRT) will be extended to Eastridge/Nieman stations in the foreseeable future. The traffic analyses provided in this DEIR should study and document impacts both with and without further construction of LRT along Capital Expressway within the next 15-25 years. The DEIR will be incomplete without including ALL plausible outcomes since the impact on District 8 from LRT extension will be so severe on traffic and decisions on development of the Arcadia Transit Oriented Development (TOD) site.
2. It is stated under the Transportation and Traffic Section 4.3.1.1, Existing Roadway Network, Major Collectors (p. 119) that it is proposed to reduce Quimby Road east of White Road and to reduce Murillo Avenue between Tully Road and Aborn Road from 4 lanes to 2 lanes. Some of these recommendations are in conflict with the Evergreen Specific Plan EIR and current Evergreen Development Policy. In the case of Quimby Road, this directly contradicts the statement on the previous page (p. 118) that Quimby Road is considered a major arterial from Tully Road to Murillo Avenue. This would have a very adverse impact on traffic in this area and does not make sense. Also, reducing the traffic capacity of Murillo Avenue between Tully and Aborn Roads when the Berg/IDS and Legacy sites are developed for housing or industrial use would limit traffic flow out of that area and severely curtail the option of using either Tully, Aborn or Yerba Buena Roads as traffic relief in case of congestion or accidents.
3. The current Evergreen Development Policy (EDP) requires all proposed development maintain a LOS ‘D’ or better for the target area. The Evergreen Specific Plan (ESP) EIR required conformance to the EDP. However, now that the ESP is almost built out, it is well documented that the EDP has been violated. How does this impact the traffic studies for the proposed scenarios? Given conformance to the EDP was required for all subsequent developments, how could it have happened that there are a number of intersections with a LOS ‘E’ and ‘F’? How does this EIR assure traffic count accuracy, and condition future development to insure conformance to the study requirements?
4. Given the unique circumstances regarding traffic problems that exist in the Project area (especially Tully Road, Quimby Road, Aborn Road and Capitol Expressway), all traffic studies should include weekends (Saturdays and Sundays) from 10:00 AM to 8:00 PM and weeknights from 4:00 PM to 8:00 PM.

Schools

1. Section 5.3.4.1 provides an Impact Analysis based on inputs from that East Side Union High School District. Since representatives of this school district have been in negotiations with the developers on possible school impact mitigation measures, the inputs to this DEIR cannot be considered to be the independent and unbiased position of the City. It is requested for the City to

retain an independent and unbiased consultant to provide an appropriate impact analysis and mitigation recommendations to this EIR. This should also happen for all other school districts affected if similar discussions are taking place.

Police Protection

1. Police services are discussed in Section 5.2 (p. 301) states conclusions without any supporting studies or references that can be used to judge the increased services as a function of the number of new housing units and commercial/retail development. Data should be provided in the EIR on the incremental increase in calls, additional staffing, or administrative capacity to effectively manage services under the various scenarios.

Base Infrastructure and Community Amenities

1. Base Infrastructure and Community Amenities in the DEIR do not match the listed items provided to the EEHVS Task Force at the December 14, 2005 meeting. The following discrepancies are noted:
 - The EEHVS Task Force Amenity Item 10 to complete preparation of a bike master plan has been modified to just the commitment to add bike lanes on White Road (DEIR Section 2.2.2) and on an extension of Yerba Buena Road (DEIR Section 2.1.4.1)
 - Sports facilities on the Berg site (EEHVS Task Force Amenity B) is not mentioned in the DEIR
 - EEHVS Task Force Additional Potential Amenities item EE, Wenlock Trail, is not in the DEIR

Environmental Setting, Impacts & Mitigation: Geology

1. In Section 4.7, the mitigation proposed on the Berg/IDS and the Legacy sites to avoid impact from a known earthquake fault (Quimby Fault) and two unnamed faults on the northeastern edge of these properties seems to be questionable based on the data and conclusions provided by the DEIR. The Quimby Fault and the Evergreen Fault, the two closest faults, are both designated in a recent study as active (Reference 1) in contrast to the studies provided in the DEIR (Appendix J). The DEIR studies (Appendix J) and other studies also point out that the Hayward Fault is only about 1500 feet away from both of these properties. No data or other supporting references are supplied that seem to rationalize the creation of an exclusion zone of only 100 foot width in places over the nearest faults. Also, supporting data and rationale is not included that allows one of the exclusion zones (Legacy site) to terminate on its northern end so that houses can be built on this site on top of what would be a continuation of the fault line. This seems totally inadequate to protect residential housing,

Additionally, a seismic hazard report published by the California Division of Mines and Geology (Reference 2) estimates that ground shaking at the location of the Legacy and Berg/IDS sites could experience greater than 0.5g peak ground accelerations during reasonable earthquake occurrence assumptions for the Calaveras Fault. Such shaking is considered severe by state reports available (Reference 3).

Also, the proposed development of residential lots within approximately 25 feet of one of the new 2.75 million gallon recycled water storage tanks (Figure 11 and Reference 4) imposes an unnecessary risk to any buildings and inhabitants in the vicinity, and it cannot be determined that this risk has assessed anywhere in the DEIR.

In consideration of the above factors, it does not seem reasonable to permit any further development on those portions of the Legacy site that are on the eastern boundary of the site or that extends to the north behind the existing Hitachi Campus site. In addition, development on the Berg/IDS site adjacent to the known fault should have a wider Building Exclusion Zone for greater protection

Sincerely,

Alan Covington

References

1. Sowers, Janet M., and Pearce, Justin T., "Geomorphology of the Historic Silver Creek Watershed," William Lettis & Associates, Inc., Walnut Creek, CA, prepared for the Santa Clara Valley Water District, February 28, 2003.
2. "Seismic Hazard Zone Report for the San Jose East 7.5-Minute Quadrangle, Santa Clara County, California," Seismic Hazard Zone Report 055, California Division of Mines, 2000.
3. The Association of Bay Area Governments website, (www.abag.ca.gov/).
4. Memorandum to San Jose City Council, Council Agenda Item 02-24-04, "Subject: Public Use and Necessity Hearing-Legacy Partners," dated January 28, 2004.

Baty, John

From: Ketan Deshpande [deshpande_ketan@yahoo.com]
Sent: Monday, March 20, 2006 10:38 AM
To: Baty, John
Cc: Chaudhry, Rabia
Subject: RE: Environmental Impact Report for the Evergreen Visioning Project

COMMENT # 23

Hi Mr Baty,

The EIR assumes certain basic improvements - the LRT is part of those basic improvements cited. That assumption is (IMO) suspect.

You may be right that the EIR does not mention LRT as a proposed mitigation. The doc http://www.sanjoseca.gov/planning/evergreen/pdf/04_Traffic.pdf under "Key EIR Topics and Findings Traffic"

Does mention Transit and bike lanes. (the LRT is prominently pictured in this doc, leading me to make the connection ...)

You had said the responses to some of my questions will be in writing. When will the responses be available?

Thanks!

-Ketan

--- "Baty, John" <John.Baty@sanjoseca.gov> wrote:

> Hi Mr. Deshpande,
> I don't believe that bike lanes or LRT were described in the EIR as
> mitigation measures. If you've seen that somewhere in the EIR can you point
> out the section(s) for me?

>
> Thanks,
> -John B.

>
> -----Original Message-----
> From: Ketan Deshpande [mailto:deshpande_ketan@yahoo.com]
> Sent: Monday, March 20, 2006 9:23 AM
> To: Baty, John
> Cc: Chaudhry, Rabia; Baty, John
> Subject: RE: Environmental Impact Report for the Evergreen Visioning
> Project

>
> Dear Mr Baty,

>
> The point I was trying to make, was that mitigation cannot be achieved by
> placing bike path/trails and VTA as an alternative. It may work from an
> administrative point of view, but is not feasible for a number of people
> living
> in the community.

>
> What is the level of usage of LRT from the Evergreen area? How many people
> do
> ride their bike to work currently? Does the city have stats on this?

>
> BTW - I do ride my bike - though not to OSH, to Safeway, on occasion.

> -K

>
> --- "Baty, John" <John.Baty@sanjoseca.gov> wrote:

>
> > Hi Ketan,
> > Regarding considerations for other possible traffic mitigation measures,
> > we
> > will respond to that question in writing.
> >
> > No, the City is not suggesting that you go to OSH on your bike, or that
> > you
> > should ride your bike to work. However, if there are others in your
> > community that would like to ride their bikes to the store or work we
> > would
> > certainly encourage them to do so.
> >
> > Although LRT and/or other transit may not be an option for you they may be
> > an option for others.
> >
> > Part of the EIRs job is to identify environmental impacts associated with
> > a
> > project and any ways to minimize or avoid those impacts. Sometimes the EIR
> > will identify an impact, like traffic, for which there is no feasible
> > mitigation. If that's the case the decision-makers, if they wish to
> > approve
> > the project, must make specific findings that the project's benefits
> > outweigh the specific impacts.
> >
> > Schools is an issue that the Evergreen*East Hills Vision Strategy (EEHVS)
> > Task Force, school districts, city staff and developers continue to work
> > on.
> > One of the Guiding Principles of the EEHVS effort that deals with schools
> > reads, "Ensure adequate capacity at Evergreen schools without sacrificing
> > a
> > quality educational environment." With respect to the adequacy of the EIR
> > in
> > its analysis of impact to schools and mitigation, we will respond in
> > writing.
> >
> > I'm glad you are having difficulty seeing how to balance the three legs of
> > the stool. Although it is an easy visual, it is certainly not an easy
> > task.
> > If it was easy this project would not be stretching into its third year.
> >
> > Thanks for your comments and concerns.
> >
> > -John Baty
> > City of San Jose
> > Planning Division
> >
> >
> > -----Original Message-----
> > From: Ketan Deshpande [mailto:deshpande_ketan@yahoo.com]
> > Sent: Sunday, March 19, 2006 9:41 PM
> > To: Baty, John
> > Cc: Chaudhry, Rabia; davecortese@davecortese.com
> > Subject: Environmental Impact Report for the Evergreen Visioning Project
> >
> >
> > Dear Mr Baty,
> >
> > I am writing to you in response to the EIR for the Evergreen development
> > plan.
> > I had written to you and Dave Cortese before (see email dated Feb 6,
> > 2006).
> > So
> > far, I have not received any communication from you or your office in this
> > regard.
> >
> > I am adding to my concerns from that email.

> >
> > Traffic: LOS in the area will generally worsen, in many cases, with no
> > possible
> > ways to mitigate it. Have there been other suggestions / considerations
> from
> > any of the experts that the city has consulted with, about how to mitigate
> > the
> > traffic conditions? Bike paths, though nice, are not a feasible long-term
> > solution to inherent traffic problems. Is the city really suggesting that
> I
> > go
> > to OSH on my bike to buy plants and gardening tools? Or ride my bike 20
> > miles
> > each way on dangerous LOS E & F city streets to and from work? Public
> > transportation, even with the improvements that are thought of, will not
> > enable
> > me to get to my work, since it is not really close to LRT.
> >
> > Currently, it takes me 20+ minutes to get onto the 101 freeway either from
> > the
> > Capitol or Yerba Buena on ramps. That is on a good day. It has taken more
> > than
> > 30 minutes, on bad days. Yes, I do carpool, but that does not work out all
> > the
> > time. Times are equally bad on the trip back home from work. Even if the
> > proposed enhancements to the Freeway do get put in, I will end up waiting
> on
> > the freeway with the newly added cars from the new neighborhoods.
> >
> > The General Plan document from the San Jose City website indicates that
> for
> > developments occurring in the city, "The minimum overall performance of
> City
> > streets during peak travel periods should be level of service "D"." (page
> > 88,
> > item 5). But the EIR indicates that a number of intersections will be
> worse
> > than this. How can the city agree to a clear violation of it's own
> > guidelines?
> >
> (http://www.sanjoseca.gov/planning/gp/2020_text/Pdf_version/2005/GPChp4_July_05.pdf)
> >
> > Schools: There has been talk about setting aside a ridiculously small area
> > for
> > schools, given the requirements that the Superintendent of schools has
> > stated.
> > (5 acres were set aside, but a minimum of 20 acres are need, as I recall.)
> > What
> > plans, if any, does the city have, to accomodate the numbers of students
> > that
> > will be need to be supported, in this new development? "Available capacity
> > in
> > the school district" is an abstract notion for city officials, us folks
> have
> > to
> > live with the effects of that abstraction - viz, longer drive times to
> > different parts of the city for kids drop-off/pickup, these will worsen
> the
> > quality of life, if the kids cannot go to school nearby, especially in a
> big
> > city like San Jose. This also seems to violate the guidelines laid out in
> > the
> > general plan doc, that "The City and school districts should cooperate in
> > the
> > joint planning, development, and use of public school facilities" (page 92
> > of

> > the doc referenced above)
> >
> > The EIR talks about the three-legged stool. To me, it looks like some of
> the
> > legs are heavily loaded, and will cause the stool to topple over, unless
> > some
> > balance is added in the amenities.
> >
> > I hope that you and the City council will address all these concerns, and
> > someone from your office will get back to me about these issues.
> >
> > -Ketan
> >
> > Ketan Deshpande
> > deshpande_ketan@yahoo.com
> >
> >
> > Do You Yahoo!?
> > Tired of spam? Yahoo! Mail has the best spam protection around
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> >
> > Ketan Deshpande
> > deshpande_ketan@yahoo.com
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> >

Ketan Deshpande
deshpande_ketan@yahoo.com

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Baty, John

From: Ketan Deshpande [deshpande_ketan@yahoo.com]
Sent: Monday, February 06, 2006 4:49 PM
To: davecortese@davecortese.com
Cc: John.Baty@sanjoseca.gov; Rabia.Chaudhry@sanjoseca.gov
Subject: Environmental Impact Report for the Evergreen Visioning Project

Dear Dave,

I have read the EIR for the Evergreen Visioning project. This is utterly devastating to the Evergreen community and Quality of Life in Evergreen. There is no talk in the doc about schools. Whenever I have (and my wife has) contacted the City, I was told that this would be addressed by the Task Force.

Now the EIR says that "The primary issues raised by EDP-area residents and community leaders during the EEHVS process have been traffic-related concerns." This is patently untrue. Anyone remember the fisticuffs that almost broke out at the EVHS over high school rezoning?

Any urban planner worth his/her salt cannot put in so many houses without thoughts about how the people are going to live there. These are not retirement communities, these are places where people with growing families are going to live. When I had contacted the Evergreen School district about school issues, I was told to take this up with the City. Now the city is pulling such nonsense that the only issue was traffic. Baloney!

Who do we need to talk to this to get our concerns heard?

-Ketan

Ketan Deshpande
deshpande_ketan@yahoo.com

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<http://mail.yahoo.com>

Baty, John

From: Lisa Deshpande [deshpande_lisa@yahoo.com]

Sent: Sunday, March 19, 2006 9:13 PM

To: john.baty@sanjoseca.gov

Subject: New Housing Development

COMMENT #24

Hello,

Below is a message that was sent on July 27 regarding the school situation here in the evergreen area. I am extremely upset that 6,000 housing units are proposed for development. This will cause a huge school problem and traffic problem. That area was supposed to be earmarked for industry, which would bring reverse traffic and not influence the already overcrowded school. As is there are some people who live in this area who cannot send their child to the local school because there is no space. How would you feel if you were in this situation? And then to add up to 6,000 more units? That is ridiculous and outrageous!! I cannot believe that this is up for consideration and I am asking that NO more units be built here in evergreen.

Sincerely,
Lisa Deshpande

Hello.

I am a resident on Pomerado Drive. I am concerned about all the new housing that will be built. In the plan I did not see any location where a new school or schools will be developed. Where are the children in these almost 2,000 houses going to go. My children go to Matsumoto and that school is full, as well as the middle and high school. Can you please let me know where these children are going to go to school?

Thank you,
Lisa Deshpande

Yahoo! Mail
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3/20/2006

EVERGREEN • EAST HILLS VISION STRATEGY

COMMENT CARD

Comment
25

Thank you for sharing your ideas, questions, comments and suggestions about the Evergreen•East Hills Vision Strategy.

1. MOST PLANS HERE SACRIFICE THE TULLY NEIGHBORHOOD & RELEGATE THE OPEN SPACE & SINGLE-FAMILY HOUSING TO THE NORTH & EAST!

2. DO NOT BRING RETAIL COMMERCIAL INTO THIS RESIDENTIAL COMMUNITY! We already suffer from the adverse effects of the development of Tully & Capitol!

3. NO ATTACHED HOUSING!! (Especially other than along White!!)

4. Preserve the area as open space/Community park. This neighborhood has NONE!!

Contact Information (optional):

Name:

Adelaide M. De Medeiros

Address:

2529 Coconut Dr. → (30 YR. RESIDENT & TAX PAYER!!)

E-mail:

grapevine6@aol

Please return comment card at end of meeting, or
by mail to: John Baty, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: john.baty@sanjoseca.gov

Baty, John

From: Baty, John
Sent: Monday, March 13, 2006 9:17 AM
To: 'jfrisbie'
Cc: Baty, John
Subject: RE: EEHVS project EIR - comments on traffic congestion

Dear Mr. Frisbie,
Thank you for your e-mail.

It sounds like you have captured the essence of the EIR in that its purpose is to provide objective information about the EEHVS project and its anticipated impacts to the public and to decision makers. What the EIR is not is a decision or recommendation for or against the project.

EIRs attempt to identify ways to minimize or avoid environmental impacts, however when there is no feasible mitigation or alternative to the project which avoids or reduces the impact to a less-than-significant level the decision maker for the project must make specific findings, based upon substantial evidence, in approving a project with one or more significant unavoidable impacts that 1) mitigation measures and/or alternatives that would reduce impacts to less-than-significant are infeasible, and 2) articulate in the statement of overriding considerations the specific reasons that the project's benefits outweigh the identified significant impacts.

Regards,
-John Baty
City of San Jose
Planning Division

COMMENT #26

-----Original Message-----

From: jfrisbie [mailto:frosty@speakeasy.net]
Sent: Saturday, March 11, 2006 9:24 AM
To: john.baty@sanjoseca.gov
Subject: EEHVS project EIR - comments on traffic congestion

Dear Mr. Baty,

I have lived in Evergreen for more than 20 years, and have been witness to the ever-increasing traffic congestion in our neighborhoods, despite improvements that have been made to our roads and intersections. When I read the Environmental Impact Report (EIR) summary for the Evergreen-East Hills Vision Strategy (EEHVS) Project, I was shocked and dismayed by the lack of mitigation measures that will be available to counteract the expected large number of additional vehicles that will use those same congested neighborhood access roads.

Section E, the last section of the Summary - Areas of Controversy - reads in its entirety: "The primary issues raised by EDP-area residents and community leaders during the EEHVS process have been traffic-related concerns." The Transportation and Traffic section of the EIR Summary Table S-4 identifies nine problem areas that would be created by the housing build-out. According to the EIR, very little will be done to address those problems. The proposed mitigation measures are meager to say the least. For seven of the nine problem areas, the solution statement is "There is no feasible mitigation for these impacts", and the result will be a negative "Significant Unavoidable Impact".

We already routinely encounter situations at various intersections on Aborn, Tully and other feeder roads in which traffic is at a standstill during green lights because of nowhere to go. According to the EEHVS Project's own analysis, conditions will only get worse. This is an unreasonable and unacceptable outcome, and is in direct conflict with the Project's stated vision of "increased quality of life". The project in its present form must not be approved.

3/13/2006

Respectfully,
Jeffrey Frisbie
3230 Maple Leaf Court
San Jose 95121

3/13/2006

Baty, John

From: jfrisbie [frosty@speakeasy.net]
Sent: Saturday, March 11, 2006 9:24 AM
To: john.baty@sanjoseca.gov
Subject: EEHVS project EIR - comments on traffic congestion

Dear Mr. Baty,

I have lived in Evergreen for more than 20 years, and have been witness to the ever-increasing traffic congestion in our neighborhoods, despite improvements that have been made to our roads and intersections. When I read the Environmental Impact Report (EIR) summary for the Evergreen-East Hills Vision Strategy (EEHVS) Project, I was shocked and dismayed by the lack of mitigation measures that will be available to counteract the expected large number of additional vehicles that will use those same congested neighborhood access roads.

Section E, the last section of the Summary – Areas of Controversy – reads in its entirety: “The primary issues raised by EDP-area residents and community leaders during the EEHVS process have been traffic-related concerns.” The Transportation and Traffic section of the EIR Summary Table S-4 identifies nine problem areas that would be created by the housing build-out. According to the EIR, very little will be done to address those problems. The proposed mitigation measures are meager to say the least. For seven of the nine problem areas, the solution statement is “There is no feasible mitigation for these impacts”, and the result will be a negative “Significant Unavoidable Impact”.

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Respectfully,
Jeffrey Frisbie
3230 Maple Leaf Court
San Jose 95121

3/13/2006

Baty, John

From: Michael Gabler [mgabler@zonare.com]
Sent: Monday, March 20, 2006 6:49 AM
To: john.baty@sanjoseca.gov
Subject: Comments on EIR for Evergreen Area

Comment #27

Regarding the EIR for the East Hills- Evergreen area.

I am a resident of the Evergreen area, living off of Tully Road, East of White Road. I am also the President of the Evergreen-Cedar Grove Neighborhood Association and Vice President of the Site Council at Evergreen Valley High School.

I do not feel that the EIR has adequately addressed the traffic or schools issues as defined by the guiding principals.

The principal of fostering "Neighborhood Schools" is great but there is no provision for another high school in the area of development, nor even in the area south of the development. In fact, the East Side High School District is already making plans to shift boundaries to start to accommodate the new growth which will actually mandate that the youth attend schools outside their neighborhoods. This is a clear violation of the Guiding Principals. Unless land is set aside for the development of a new high school, I will not endorse or support the development.

I also do not think that the proposed traffic enhancements will adequately address the proposed housing growth. The recommended traffic improvements will not even maintain an status quo with an already existing bad commute let alone improve the traffic flow.

Michael Gabler
Director of Hardware Engineering
Zonare Medical Systems
www.zonare.com
650-230-2715
mgabler@zonare.com

"The important thing is not to stop questioning" *Albert Einstein*

EVERGREEN ♦ EAST HILLS VISION STRATEGY

COMMENT
28

EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the EEHVS Environmental Impact Report (EIR) please submit your written comments at tonight's EIR Meeting (3/14/06) or to John Baty via the methods listed below by 5:00P.M. on March 20, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

There is a small herd of deer
in the golf course.

fish and game will have
to capture and relocate
them.

Contact Information

Name: Richard Garcia

Address: 2450 Ruby av #2

E-mail (optional): _____

Please return EIR comment card during meeting, or
by mail to: John Baty, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: john.baty@sanjoseca.gov

March 20, 2006

COMMENT #29

Dear Mr. Baty,

Just a quick note to give some input on the EIR for the proposed developments in Evergreen. My concerns are as follows:

I have attended many community meetings and the overwhelming opinion is very clear... **OUR COMMUNITY CANNOT ABSORB THE TRAFFIC FOR THIS PROPOSED DEVELOPMENT.** Even if all of the proposed traffic calming amenities are implemented, the outcome will be a longer commute time for all of our residents. Many, if not most, of the homes in this community are multi-family or multi-generation families. That means there are not just one or two commuters per household, but often three or four.

This community does not have sufficient arteries to move people in and out of our neighborhoods. The major intersections are already at a poor level of service during commute times, and the addition of more homes will make the situation significantly worse.

The scenarios presented in the EIR all have similar outcomes in that the "cumulative results show **Significant Unavoidable Impact.**"

Changing the HOV lanes on Capitol Expressway would just discourage car-pooling, probably create more traffic, and definitely create more pollution.

Again the city talks about how they value the community's input. So the city "talks the talk" let's see if they "walk the walk," because the message I have heard repeatedly thought the past 2-3 years has been consistent: **We (the majority of people in our community) DO NOT support this proposed development, we do not have the infrastructure to support this development (even with mitigations). Therefore I believe the best of the five scenarios is scenario #1, that the properties not be re-zoned as a group, nor allow them to be re-zoned piece by piece!**

Sincerely,



Sherry Gilmore
3032 Bayberry Lane
San Jose, CA 95148

EVERGREEN ♦ EAST HILLS VISION STRATEGY

COMMENT # 30

EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the EEHVS Environmental Impact Report (EIR) please submit your written comments at tonight's EIR Meeting (3/14/06) or to John Baty via the methods listed below by 5:00P.M. on March 20, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

- ① Has the School District given any specifics (and if so what are they) as to how the boundaries will be re-drawn for the high schools? No one wants to end up having their kids going to school at a location further away than the school nearest to their home.
- ② Traffic: Has the EIR analyzed the timing for the various traffic improvements in relation to the completion of the proposed housing? My observations are that housing can be built a lot faster than freeway improvements. (completion of the)
- ③ Will the 2000-3000 trees to be removed end up being replaced by saplings or grown trees?

Contact Information

Name: Leigh Goldstein
Address: 4028 Avignon Ln, S.S.
E-mail (optional):

Please return EIR comment card during meeting, or
by mail to: John Baty, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: john.baty@sanjoseca.gov

COMMENT # 31

Good evening, my name is Terry Gotcher. I am a long time resident of District 8. I speak tonight as a resident. Please reference section 4 of the EIR. More specifically sub section 4.2. Transportation and Traffic.

The city of San Jose currently has difficulty maintaining the streets and road surfaces. The difficulty is not enough money.

My question is simple. Will the fees and on going taxes generated from development pay for the increased cost of street maintenance that will be required?

Thank you

Baty, John

From: Loree Kant [loreekant@yahoo.com]

Sent: Thursday, March 16, 2006 3:06 PM

To: john.baty@sanjoseca.gov

Subject: Evergreen East Hills Vision Strategy EIR Comments and Questions

COMMENT #32

Evergreen East Hills Vision Strategy EIR Comments and Questions

From:

Loree Kant

2011 Flint Ave.

San Jose, CA 95148

loreekant@yahoo.com

I see in the EIR on p163, "Long-Term Noise Impacts at he Pleasant Hills Golf Course Property" that "future residents will be exposed to noise levels that exceed the City's noise/land use compatibility guidelines." I do not see a report about existing residents. For many residents, the plans include new units built either directly adjacent to their existing backyard, or across the street. The additional noise of new units will impact us as well as future residents.

1) Is there a section of the report addressing the impact of this additional noise of new units on existing residents? If not, I think this should be added.

Reading "Mitigation for Long Term Noise at the Pleasant Hills Golf Course Property", section 4.3.4.3, p170, with a referral to p169, I am looking for mitigation which will improve this new noise on my property, which is immediately adjacent to the Golf Course Property. I see that the suggested mitigation is for "residents to keep windows closed, which will mandate the inclusion of forced-air mechanical ventilation systems."

2) Given that my house does not have air conditioning and will get to very high temperatures in the summer if the windows are closed, which will result in unhealthy and very uncomfortable conditions in the house, will mitigation include paying for installation and running of an air conditioning system for my house? Otherwise, how can the long term noise be described as "Less than Significant Impact with Mitigation"?

3) I heard a biological survey was performed on animals, including non "special-status" species, present on the Pleasant Hills Golf Course Property". How can I get a copy of this report?

4) As both a humanitarian and nuisance concern, how many rats (and these are a health concern as well), raccoons, opossums, and stray cats will be displaced and come foraging in my yard and house?

Yahoo! Mail

Use [Photomail](#) to share photos without annoying attachments.

3/16/2006

JANE P. KOWALEWSKI

5130 W. Sinagua Lane
Prescott, AZ 86305
928-443-1827
jpkowalewski@msn.com

COMMENT # 33

17 March 2006

John Baty
Department of Planning, Building and Code Enforcement
City of San Jose 200 E. Santa Clara St, 3rd Floor
San Jose, CA 95113

Dear Mr. Baty,

In reviewing the EIR Summary, the Draft Environmental Impact Report for the Evergreen East Hills Vision Strategy Project (Feb 2006) finds no impact on historic structures in any of the EEHVS scenarios. I must point out that there is a nineteenth and twentieth century ranch headquarters immediately adjacent to the Berg property. The Edwards Ranch (3830 Aborn Road) still retains a house (c1860, c1900, c1995), a barn (c1900), a cottage (c1930), several outbuildings (c1920), a brick lined holding tank (c1880) and other features such as a water tank, retaining walls, and a corral with loading chute. There are known archaeological remains including burials on the property as well. Though this property is outside the city limits and urban services boundary, it is immediately adjacent to the eastern edge on the Berg property extending between Aborn and Fowler Roads. This property has not been evaluated for its eligibility to the National Register of Historic Places.

If my memory serves me, another EIR completed in the 1980's identified at least two prehistoric sites on the Berg property itself. Since the Berg property was once part of the Edwards Ranch there is also the strong potential for historic sites relating to the production of hay, grain, apricots, prunes and walnuts including a barn, migrant camp, out houses, prune dipper, sulfur sheds and other activities related to the agricultural activities of the ranch which continued until c1965.

The Edwards Ranch is my family home and is still the residence of my mother, Phillis Ann Edwards Wall. I'm sure she would be happy to give you a tour and answer any questions you might have 274-5689.

If you have questions you contact me at the above phone number and address.

Sincerely,

Jane P. Kowalewski

Baty, John

From: Ravindra Kuramkote [kuramkot@yahoo.com]
Sent: Monday, March 20, 2006 2:34 PM
To: Baty, John
Cc: dave@davecortese.com
Subject: Re: Evergreen*East Hills Vision Strategy: EIR Meeting 3/14/06

COMMENT #34

Dear Mr. Baty,

Thank you and others for working on the EIR for the Evergree developmen plan. I read through the summary and the traffic/school reports and I have the following concerns:

Traffic:

I feel that the additional estimated impact which moves the intersections to LOS E or F on some of the intersection seem very less. I think it will get worst than that. What was the criteria used to estimate the impact the new housing will have on traffic? Did the city study how the new homes in the last four years by Shepel, Citation and Pinn brothers imacting the traffic versus the houses which got occupied 10+ years or more? For example, I have found that impact differs significantly between people who bought houses 10+ years ago and people who bought recently. Because of the higher mortgage, I find that 95% of the recent influx have both working spouses. Where as people who bought houses 10+ years didnot require one of the spouses to work or even if they worked they had the choice (and most of them choose it) to reduce to one working spouse after getting the mortgage into control in couple of years. That is not the case with people who have moved in recently. Both spouses will have to continue to work significant number of years to get the mortgage to a level where one spouse can quit the job. Moreover, I have seen several houses that have more than one family live when the house contains four bedrooms or more to reduce the mortgage impact. The builders are encouraging such a strategy to sell the houses. For example, look at the houses built by Shepel with in-law quartes or houses with 5 or 6 bed rooms built by Citation. I request you to drive around the streets with new houses to see the number of cars on the street instead of in the garage. Hence, there are more vehicles hitting the road to get to work during peak times because of the last few years influx than it was 10 years back. Hence, I strongly urge the city not to base its estimate on the 10 years plus data to determine the impact on traffic. The city should conduct a study on the pattern of recent dwellers to guage the traffic impact accurately.

School:

Most of the people who buy houses in Evergreen do so for its school. Hence, significant number of people have atleast one school going kid. Also, typically number of children per household varies with ethnicity. As I had indicated in the previous section,

there are a number of houses with more than one family. That trend might increase going forward with housing prices as well as mortgage interest going up. In contrast to this, the projected number of new students with the new housing in the report seems too low. Moreover, as indicated in the Evergreen school report, the middle and high schools are already running to capacity. Hence, I urge the city to study the impact on the schools because of the recent influx into the Evergreen area, the ethnicity, the average number kids with that ethnicity and how it is impacting the school.

Our son goes to Carolyn Clark. Being a new school, it has not yet reached its capacity. But, the way expansion is being planned, we are really concerned about this school as well as middle/high school that our son is expected to attend in future. In addition, the commute is getting worst day by day and is really having a significant impact on the quality of our life.

Hence, I request the city to redo the study taking into account the factors that I have mentioned above and come up with a plan that improves instead of worsen the existing situation.

Regards,

Ravindra R Kuramkote
Evergreen area resident

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March 16, 2006

COMMENT #35

To: John Baty, Department of Planning, Building & Code Enforcement
john.baty@sanjoseca.gov

From: Lou Kvitek, District 8 resident, EEHVS task force member
silentk62@yahoo.com

Re: Evergreen – East Hills Vision Strategy (EEHVS) Project – Draft EIR

I would like to address my comments to the sections regarding impact to the East Side Union High School District (ESUHSD) beginning on page 306 in Section 5.3.4 through 5.3.5.

1. Table 62 asserts that the Student Generation Rate (SGR) (0.2) used comes from ESUHSD. ESUHSD covers a vast area of San Jose. Upon closer scrutiny in the district's demographer's report, one would find that the actual SGR for the areas of the district affected by the EEHVS developments is actually 0.23. So under the developer's preferred Scenario V of 5,150 units, and adding the additional pool units of 500 for a total of 5,650 units, the actual number of students added to ESUHSD would be 1,300 (270, or 20%, more than the 1,030 published in the EIR).
2. The EEHVS development will most heavily impact two ESUHSD schools in the south and southeast area of District 8: Silver Creek (SC) and Evergreen Valley (EV). For the 2006-2007 school year, SC will have 2400+ students and EV will have 2700+ students, for a total of over 5,100 students. SC high school was built for 1,700 students and EV was built for 1,600 students, for a total permanent capacity of 3,300 students. Planned campus expansions will bring the total to SC 2,150 + EV 2,050 = 4,200. Even without the EEHVS development, these schools will be over-enrolled by 900 students – which is already half the accepted proper capacity for a high school.
3. Development of already approved new homes in the area is continuing and will add an additional 500 units and consequently 115 more students to the high schools.
4. Planned boundary changes affecting SC and EV will have only a minor effect on the populations as the district, justly, strives to keep kids together in school by trying to match attendance boundaries with feeder school district boundaries and with neighborhoods. Maintaining neighborhood schools is a guiding principle of the EEHVS task force.
5. Based on existing boundary locations, current development and the EEHVS projects will add 660 students to EVHS and 530 students to SCHS. This would bring the EV enrollment up to 2700+660 = 3,360; and the SC enrollment up to 2400+530 = 2,930 – with a total of the 2 schools at 6,290. With these schools' permanent capacity at 4,200, that's 2,090 kids more than the capacity.
6. Principals of the schools are tasked with delivering a quality education, in a safe environment, while providing opportunities for academic, personal, and social success for each and every student (as stated in the district's motto. I have polled 5 different principals in ESUHSD, and they all agree. In order to deliver this, they know the enrollments should be capped at 2,000 students. At a time when California, and San Jose, schools are struggling to educate our children, we need to enable the front-line teachers and administrators with the tools and environment they need to raise education performance and safeguard our children's future. Notice that this cap of 2,000 matches well with the 2,090 over-enrollment that EEHVS will bring.
7. Paragraph 5.3.4.2 of the EIR notes that the district has existing capacity to accommodate 4,000 students. Much of this excess capacity is actually accommodated using portable (temporary) classroom buildings in the style of construction site trailers. Furthermore, none of this excess capacity exists in (EEHVS impacted) Silver Creek or Evergreen Valley high schools. As I write this, the district is considering (has not acted) boundary changes that will only pull about 200 students from EV and zero students from SC. In order to maintain the priorities of keeping kids together from feeder schools

and/or from neighborhoods, and in keeping with the EEHVS guiding principles, there aren't any possible boundary changes that can alleviate the chronic overcrowding at EV and SC. The development of this area of District 8 has just brought more students than the current high schools can accommodate. So, the EIR's basic conclusion that the scenarios would not require a new high school are incorrect when you consider the cumulative effect the EEHVS development will add to the already over-crowded situation.

8. ESUHSD board members, including Board President Herrera, and ESUHSD administrators have stated that the district will indeed need a new school in the southern part of District 8 and the district must move now to acquire a land site suitable for this school. This unequivocal recognition of the enrollment crisis in this area of the district validates the need for a new high school site to be identified and reserved as an integral part, and requirement, of the EEHVS project. After EEHVS completes, there will be no land sites left within the buildable portion of southern Evergreen area suitable for a 40-50 acre high school... NONE! This is the last, and only, chance to deal with the current, and worsening, high school over-crowding in this area and reserve a site suitable for a new high school.
9. In section 5.3.5 the EIR asserts that the school impact will be mitigated by payment of statutory school impact fees. These fees are woefully low and unsuited to the current needs of all schools in California. While cities like San Jose can hide behind CEQA to avoid providing more support for schools, San Jose city government, and its many "pro-education" politicians, need to stand firm on restricting development that does not adequately address school impact – and just paying mandatory fees does NOT address the school impact.

In summary, the EIR conclusion of "less than significant impact" is incorrect. 3,000+ student high schools are not desired by the community, not desired by principals, and recognized as a risk factor by the Hoover Institution. The EIR has drawn an erroneous conclusion that is not supported by a detailed analysis of the facts, and not supported by the community or school board.

Thank you.

Baty, John

From: Wesley Lee [wesleylee99@yahoo.com]
Sent: Monday, March 20, 2006 9:11 AM
To: Baty, John
Subject: Comments to EIR

COMMENT # 36

John Baty,

Here are some of my comments to the EIR:

- 1) I am concerned that the the developments will significantly impact the traffic delays at the intersection at San Felipe and Yerba Buena. At times in the morning (Evergreen College student commute), and during PM traffic, I have perceived to an LOS of "F". I have personally seen traffic backed up on Yerba Buena beyond the left turn lane, and concurrently at the feeder entrance into the college on San Felipe, traffic backed out onto the street. I would estimate that in this instance in the morning, there are over 100 cars queued. I am not convinced that the mitigating measures (adding a additional left turn lane) can accomodate the increased load due to the **new** developments.
- 2) I am concerned about the height of the building proposed on the Evergreen College site. A building height of 60 feet does not blend in with the surrounding neighborhood. Also, this height is in violation city building height standards in the area.
- 3) I am concerned about the increased noise levels surrounding the Evergreen College area. Besides the noise from increased traffic, the noise from commercial traffic such as garbage trucks (more frequent than residential), and delivery trucks will exceeds city noise level standards in the area.
- 4) I am concerned about the density of housing in the Evergreen College area. The proposals of 14 living units per acre far exceeds the housing density in the surrounding area. Further, this density will create localized traffic congestion in the area. The intersection at San Felipe and Yerba Buena will become a "choke" point for traffic. As mention in #1, I've personally seen approximate 100 cars queued up. Such dense development will only great increase this problem.

Regards,
-Wesley Lee
Metropolitan Way, San Jose, CA

3/20/2006

Baty, John

From: Ernest Lin [ernoggi@yahoo.com]
Sent: Tuesday, March 07, 2006 6:12 PM
To: john.baty@sanjoseca.gov
Subject: Evergreen EIR Comments

COMMENT #37

Hi John,

In regards to the EIR on the Evergreen Visioning Strategy, I would like to post concern about lack of planning on schools. Why is the school district planning on putting as much as 3362 kids in a school that was initially built for 1700 kids?

I'm sure it is possible to cram so many kids into the school, but it will tax the facilities and resources of the school. The school will not be as good. I don't believe any fair minded person will dispute this.

The quality of schools was the main reason I chose to live where I do. If we overcrowd the schools, then this rezoning will be a burden on the existing residents. It will force some residents to choose between putting their kids in a private school or an overcrowded public school.

This is not right. We should not rezone until we have plans for a new high school to handle the new development.

The school district states that the 5900 new dwellings would supply sufficient students for a 2500 student high school. However, it costs too much to do. To add so many students to the area without adding a new school is irresponsible to the current residents and the new residents.

Ernest Lin

Do You Yahoo!?

Tired of spam? Yahoo! Mail has the best spam protection around
<http://mail.yahoo.com>

EVERGREEN • EAST HILLS VISION STRATEGY COMMENT # 38

EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the EEHVS Environmental Impact Report (EIR) please submit your written comments at tonight's EIR Meeting (3/14/06) or to John Baty via the methods listed below by 5:00P.M. on March 20, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

1. - The Development of 6 story building in Arcadia property and future development will cause more traffic problems, please tell me how one extra lane from Capitol Infrastructure ~~will~~ resolve the problem?

2. - ~~There is~~ New plan for school in Arcadia property, so where do these new students from Arcadia property go?

Contact Information

Name: _____

Address: _____

E-mail (optional): _____

Please return EIR comment card during meeting, or
by mail to: John Baty, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: john.baty@sanjoseca.gov

Baty, John

From: Yufeng Luo [yufengluo@yahoo.com]
Sent: Friday, March 17, 2006 4:19 PM
To: john.baty@sanjoseca.gov
Subject: feedback on EIR (Evergreen East Hills Vision Strategy)

COMMENT # 39

Hi John,

I'm a home owner in Evergreen near the proposed Campus Industrial site. I think the EIR has not sufficiently evaluated the impact to school and traffic.

1)
The small patch of land reserved for park/school is clearly not enough to build a K-8 school as described in the EIR. How can we say the school problem can be mitigated? It can not, as simple as that.

The only way to have enough land reserved for school is to cancel the little league park and use that land for park/school as well. The \$40 million fund used for the little league park can be put to much better use for park and traffic improvements.

2)
Every morning it is almost impossible to make the left turn from westbound Aborn Rd to Capital Expressway. There is a long backup line for the cars trying to make the left turn. People cut each other to merge into the left turn lane and it's like a war zone. With couple thousand new homes on the Campus Industrial site it's going to become an even worse nightmare. However this is not even mentioned in the EIR.

We should extend the two left turn lanes on Aborn at the intersection with Capital further towards Brigadoon Way. Maybe even make the regular lane next to the left turn lane a dual purpose lane for both left turn and going straight.

The same problem happens in the evening on the right turn from Capital to East bound Aborn. I don't know how to alleviate that one though.

Regards,

Yufeng Luo

Baty, John

From: michmadmm@comcast.net
Sent: Friday, March 10, 2006 5:05 PM
To: john.baty@sanjoseca.gov

COMMENT #40

Subject: Comments & Questions on Evergreen East Hills EIR

March 10, 2006

John Baty
Department of Planning, Building, & Code Enforcement
200 East Santa Clara 3rd Floor, San Jose, CA 95113

I am a resident of Evergreen and I am very concerned about the East Hills Vision Strategy EIR. I thought the EIR would tell me in understandable language the impact to the quality of life in Evergreen due to the proposed plan amendments and massive developments. I am greatly disappointed by what the EIR does not say. Here are my questions and comments:

1. Does Hexagon Transportation Consultants, Inc. (Hexagon) have direct or indirect connections to the City of San Jose, the owners of the properties, and/or contractors and businesses who would benefit from the plan amendment and massive development?
2. Has Hexagon been audited or checked by the City of San Jose, Santa Clara County, and/or State of California as to their expertise, integrity, and fairness in:
 - a) Developing transportation models
 - b) Interpreting codes and guidelines from city, county, and state government departments
 - c) Summarizing the impact of general plan amendments, impact to traffic, impact to schools, and impact to quality of life
 - d) Using realistic instead of optimistic assumptions.
3. In the last five years that Hexagon has done environmental studies and EIR's, has Hexagon ever concluded that there would be adverse traffic impacts? Has Hexagon ever prepared a report that did not endorse new development?
4. Has there been any investigations of Hexagon and any of Hexagon's subcontractors in preparing the EIR regarding allegations of incorrect or altered data or assumptions used in their analysis?
5. What reasons, if any, compelled the City of San Jose to entertain General Plan Amendments for Evergreen and allow massive development of new and high-density housing? Is the City of San Jose responding to a statutory requirement? Is the City responding to a voter mandate?
6. Did this EIR take into account other developments in North San Jose? How about the impact of planned or proposed development in South San Jose in the Coyote Valley area? Silicon Valley businesses are ramping up again: has the increase in traffic due to higher business activity been included in the analysis?
7. Can the City of San Jose please explain in real simple language how addition of 32,576 new housing (Table 25, Cumulative Scenario V) in Evergreen translates into "would not cause significant adverse traffic impacts" in page 119, Impact of EEHVS Network Changes?
8. Has this EIR been reviewed by an impartial knowledgeable transportation?
9. To what extent have the assumptions used in the EIR been validated by an official of San Jose? Figure 8

3/10/2006

Trip Distribution Arcadia Regional Retail shows a 35% increase in traffic along East Capitol Expressway, how could this be classified as "not causing adverse traffic impact"?

10. Have any of the Hexagon consultants driven northbound on 101 from Capitol Expressway to the San Jose Airport at peak morning commute hours? Would any of the developers buy a house in Evergreen and live here, if they have to commute to work using 101? How many Evergreen residents who would not materially benefit from the Evergreen massive development have said "There is no adverse traffic impact"?

11. Why does the EIR use acronyms that mask the real meaning of the impact? For example, "The level of service at the intersection degrades from an acceptable LOS D under background conditions to an unacceptable LOS E or F..." on page 42. Will someone in authority please stand up and say directly "The traffic is bad now, wait till we build another 32,576 new housing in your area, then you will appreciate what real traffic jams are."

12. What ordinance of San Jose decreed that residents should only complain if the LOS degrades to E or F? Has this statute been approved by the San Jose Council? Was it signed by the Mayor of San Jose? Was it approved by the voters of San Jose via an initiative?

13. Has the San Jose Council considered a moratorium on new development until a comprehensive transportation plan is prepared, presented to the residents and approved by the residents of San Jose? At minimum, the idea of LOS E or F should be explained in simple language so that San Jose residents can vote on it and make it a proper and legitimate statute and thereafter accept it as a way of life.

I drive everyday from Evergreen to Great America Parkway, a distance of roughly twelve miles. It takes me forty minutes on a good day to over an hour and a half with just a minor accident on 101. LOS E or F is not acceptable. Even LOS D is not acceptable if this assessment is made with the most optimistic traffic assumptions. Our quality of life in Evergreen is at stake, and so is the quality of life of anyone who has to commute to go to work. And traffic is just the tip of the iceberg: congestion in our schools, parks, lining up everywhere just to buy medicine, groceries - the list goes on.

The East Hills Vision Strategy EIR is a disservice to the residents of Evergreen and to the people of San Jose. The EIR did not speak the truth, instead, it used doctoral dissertation language to hide the truth. It is an insult to the people who will have to live and suffer its consequences. There is no compelling reason why the Task Force, the Department of Planning, and the members of the San Jose Council have to approve it. On the contrary, there is every reason to let the General Plan remain as it is. I ask the San Jose Council members to please think of San Jose residents who have to work, commute to work, bring their children to school, and live in the neighborhood every day. Ask for our input and we will tell you our simple concerns. We do not have the graphs, tables, models, or the fancy language to say what we mean. But we know what it is to stand in line to get gas and still have to make our child's dental appointment during peak commute hours. Thank you.

Respectfully,

Manny Madriaga
Evergreen Resident
San Jose, California
408-274-6439

Baty, John

From: michmadmm@comcast.net
Sent: Thursday, March 16, 2006 3:34 PM
To: Baty, John
Subject: RE: Comments & Questions on Evergreen East Hills EIR

Hi John,

Thanks for acknowledging my comments. I would like add Questions 13 & 14 as follows:

13. How can a group of San Jose residents request a traffic study as to the impact of all ongoing, approved, and proposed developments in San Jose that would have potential traffic impact to 101? Is there such a traffic study report now and how can we access it? Is there a traffic study that includes the impact of ongoing, approved, and proposed developments south of San Jose such as Gilroy and places along 101 South?

14. How can a group of San Jose residents start an initiative or the equivalent of an initiative? What are the requirements?

Best regards,
Manny Madriaga

----- Original message -----
From: "Baty, John" <John.Baty@sanjoseca.gov>

Hi Manny,

I just wanted to let you know that we have received your comments. Thank you. We will definitely provide a written response.

I noticed that you included your phone number in your e-mail. I hope you don't mind but I will try giving you a call this afternoon and perhaps we can discuss some of your concerns over the phone.

Thanks again,
-John Baty
City of San Jose
Planning Division
(408) 535-7894

-----Original Message-----

From: michmadmm@comcast.net [mailto:michmadmm@comcast.net]
Sent: Friday, March 10, 2006 5:05 PM
To: john.baty@sanjoseca.gov
Subject: Comments & Questions on Evergreen East Hills EIR

March 10, 2006

John Baty
Department of Planning, Building, & Code Enforcement
200 East Santa Clara 3rd Floor, San Jose, CA 95113

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3/16/2006

1. Does Hexagon Transportation Consultants, Inc. (Hexagon) have direct or indirect connections to the City of San Jose, the owners of the properties, and/or contractors and businesses who would benefit from the plan amendment and massive development?
2. Has Hexagon been audited or checked by the City of San Jose, Santa Clara County, and/or State of California as to their expertise, integrity, and fairness in:
 - a) Developing transportation models
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8. Has this EIR been reviewed by an impartial knowledgeable transportation?
9. To what extent have the assumptions used in the EIR been validated by an official of San Jose? Figure 8 Trip Distribution Arcadia Regional Retail shows a 35% increase in traffic along East Capitol Expressway, how could this be classified as "not causing adverse traffic impact"?
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13. Has the San Jose Council considered a moratorium on new development until a comprehensive transportation plan is prepared, presented to the residents and approved by the residents of San Jose? At minimum, the idea of LOS E or F should be explained in simple language so that San Jose residents can vote on it and make it a proper and legitimate statute and thereafter accept it as a way of life.

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Respectfully,

Manny Madriaga
Evergreen Resident
San Jose, California
408-274-6439

Baty, John

From: Michael W Mao [mmao@us.ibm.com]
Sent: Thursday, February 09, 2006 11:26 AM
To: john.baty@sanjoseca.gov

COMMENT #41

Subject: Issues regarding File No. GPT05-08-01, GP05-08-01A - 4, PDC05-048 ~053

Hi John:

I received a "Notice of Availability of a draft environmental impact report (EIR) and public comment period" regarding the File No. GPT05-08-01, GP05-08-01A through 4, PDC05-048 through 053.

I don't think the City of San Jose should approve more of these proposal before it improves the traffic system in that area.

Evergreen area has been developed in a fast pace during past ten years, but the highway system doesn't catch up the local development. That is why Hwy 101 is always jammed between before Tully and Capitol ExpWay, and is always packed up during weekend since the AMC built a new theater in East Ridge Mall in Evergreen Area. I think both City of San Jose and CalTran should fix the traffic problem before further develop the area. Many people don't want to move into Evergreen area simply because of the traffic problem.

For the short term, one thing CalTran can do is to separate the exits for Capitol Expway and Yerba Buena on 101 South. So that the traffic won't so jammed in that area. For the long term, I am sure that both City of San Jose and CalTran can make a better urban planning for Evergreen Area.

Please include my concern into the Final Environmental Impact Report.

Thanks!

Michael W. Mao
Media / Visual Designer
Phone: (408)463-5152
mmao@us.ibm.com

2/9/2006

Baty, John

COMMENT # 42

From: Linda Montagano [lmontagano@archwayinsurance.com]
Sent: Tuesday, March 14, 2006 9:53 AM
To: john.baty@sanjoseca.gov
Subject: Pleasant Hills Golf Course Property - Evergreen East Hills Project

I have read the summary of the EIR and would just like to state, for the record, that I can't believe that any person in their right mind, would think a project that causes "significant unavoidable impacts" on air quality, traffic and other cumulative impacts could be a good thing.

Particularly, it scares me to think that we are accepting Asthma, Allergies and COPD as common, every day medical issues for persons who have never had these problems and we continue to ignore potential causes and even add to them.

Linda Montagano

Archway Insurance Brokers, LLC-

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1731 Technology Drive Suite 250 | San Jose, CA 95110

web site information www.archwayinsurance.com

Tel: (408) 441-2000x 7021 | **Fax:** (408)-521-1321 **Email:** lmontagano@archwayinsurance.com | **Lic 0D63171**

Baty, John

From: AMunoz9543@aol.com
Sent: Thursday, March 16, 2006 4:34 PM
To: John.Baty@sanjoseca.gov
Subject: EIR COMENTS

COMMENT #43

John Baty:

Concerning the adequacy and or accuracy of the E.I.R. report for the Evergreen Strategy I have the following comments.

- A) Traffic study does not include White Road from Martin to Story Road. also not included is Story road from White road, west to Capitol Expressway. This section of roadway is within the EEHVS boundaries and will be heavily impacted by the additional traffic generated by new homes and business.

In addition what traffic calming measures will be required in this area?
What roads will require additional lanes? Will new signal lights have to be installed?
What others changes that should be considered to lessen the traffic impact?

Additional freeway lane:

- B) One additional freeway lane (one mile) to relieve congestion on feeder streets/ramps is clearly not enough. It will move the stopped traffic off the feeder ramps/streets only to have them waiting on the freeway. In my opinion a much more dangerous and frustrating situation.

- C) Public Transportation, Bus and LTR.

In order to make this puzzle happen we must know how many changes will have to happen to our Public Transportation System and also is the money available. We cannot build this many homes, at this density, and not provide adequate transportation.

In order to make informed decisions on the properties, in this study we must know with as much accuracy as possible, if there is funding for transportation changes and if yes, when will it be available? If the homes are built and the road/public transportation improvements cannot happen for a few years we will have a very big "mess"

I is essential that this information be discovered and discussed, addressed, only than will this part of the puzzle fit into the total picture?

If you have any questions please call me at (408) 923 6814
AMUNOZ9543@AOL.COM

Al Munoz
Task Force Member

3/16/2006

Baty, John

From: deepak_nadig@yahoo.com
Sent: Monday, March 20, 2006 4:53 PM
To: John.Baty@sanjoseca.gov
Subject: Traffic congestion at Evergreen
Importance: High

COMMENT # 44

Dear Mr. John Baty,

I wanted to write a note mentioning that the traffic has been rising at Evergreen, and leaving for work before 9AM is quite impossible, due to waits at ramp entrance to 101N from Yerba Buena. And the traffic is worse on the way back from work at around 7 PM.

And, with the proposed housing for more than 2000+ homes, this will get even worse, and might make existing home owners look for different locations for their own home.

Since Evergreen is still developing, we do have a chance to taper off number of homes, increase parks, increase technical business establishments, build better schools. And improve the on and off exits to 101.

Hope the decision for additional housing will be re-considered; so, as to not suffocate already existing home owners.

Thanks, and regards
Deepak Nadig

4/5/2006

EVERGREEN ♦ EAST HILLS VISION STRATEGY

COMMENT # 45

EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the EEHVS Environmental Impact Report (EIR) please submit your written comments at tonight's EIR Meeting (3/14/06) or to John Baty via the methods listed below by 5:00P.M. on March 20, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

Q How high in stories will the housing be on The Arcadia property?
And how high will the housing on The golf course be?
How high can buildings be as far as safety for the airport flight path?
Will the single family homes in Meadow Fair be able to see the hills?

Contact Information

Name: Corinae Navarro
Address: 2792 Chapin Ave (Meadow Fair 35 yrs)
E-mail (optional): _____

Please return EIR comment card during meeting, or
by mail to: John Baty, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: john.baty@sanjoseca.gov

EVERGREEN • EAST HILLS VISION STRATEGY

COMMENT CARD

COMMENT
#46

Thank you for sharing your ideas, questions, comments and suggestions about the Evergreen•East Hills Vision Strategy.

1- WE HAD A PERFECT SET-UP WITH HILLVIEW GOLF COURSE BUFFERING THE AIRPORT.

2- EASTRIDGE SHOPPING CENTER RUINED THAT SET-UP.

3- ZOE LOFGREN (THEN) AND NOW BLANCA ALVARADO WANT TO CLOSE THE AIRPORT. (ANOTHER SCREW-UP)

THE ONLY LOGICAL ~~FOR~~ USE FOR PLEASANT HILLS GOLF COURSE

LEAVE IT AS A GOLF COURSE

WE HAVE TOO MUCH CONGESTION:

a) TOO MANY HOMES

b) TOO MUCH TRAFFIC.

c) HIGH DEMAND ON ELECTRICITY (BROW-OUTS)

d) HIGH DEMAND ON WATER.

e) HIGH DEMAND ON SEWAGE TREATMENT

f) HIGH DEMAND ON RECYCLING.

g) HIGH DEMAND ON GARBAGE DUMPS.

Contact Information (optional):

ETC.

Name: ANTONIO (TONY) PÉREZ

Address: 3462 GILA DRIVE 95148

E-mail: ABIGTONY@JUNO.COM

Please return comment card at end of meeting, or
by mail to: John Baty, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: john.baty@sanjoseca.gov

Baty, John

From: Philip Reynolds Jr [renyno1@sbcglobal.net]
Sent: Monday, February 06, 2006 7:36 PM
To: john.baty@sanjoseca.gov
Cc: Cindy Chavez; district7@sanjoseca.gov
Subject: Comments Re: Evergreen Hills Vision EIR

COMMENT #47

Hello John,

In reading the EIR summary I noticed that it stated that this was the vision of the "CITY". I would think that the "CITY" as an entity could not have a vision, as it is not human. I believe that the citizen's of the "CITY" have a vision, would be more accurate, but only if the citizens were a part to the development of the "VISION."

This finding leads me to question is this really the vision of the citizens of the City of San Jose, or is this the vision of the bureaucrats driven by the all mighty dollar of the developer.

In my opinion as a lifelong resident of this valley, the least amount of development in the Evergreen Hills would be best for the City, and for all the residents of this valley as a whole. We are quickly becoming another LA Basin and there is no need for another LA. One is more than enough. The green hills surrounding this valley are what make this valley so desirable. Please don't ruin that unique feature all in the name of money. It's really not worth it.

In closing I will say that I know my words will go unheeded as the dollar speaks louder than I, but maybe in 50-60 years from now, you and I will be long gone, and our grandchildren will ask, why were these hills built on? They must have been beautiful and green; the answer- not as green as the dollar.

Phil Reynolds Jr.
325 Wren Way
Campbell, CA. 95008-3933
408-376-0217

Philip C. Reynolds Jr.

"Once our government was granted limited powers by the people. Now, our government grants limited privileges to the people." ---Beezer Bert

2/9/2006

Baty, John

From: Nitin Salunke, Ph.D. [nsalunke@hotmail.com]
Sent: Monday, March 20, 2006 4:47 PM
To: John.Baty@sanjoseca.gov
Subject: RE: Proposed housing projects in Evergreen foothills area

I am really glad to see that there are other scenarios made available. I am supportive of the lesser number of units scenario (217 units0 , just not ready to support the one with large no. (5700 unit) scenario.

>From: "Baty, John" <John.Baty@sanjoseca.gov>
>To: "'Nitin Salunke, Ph.D.'" <nsalunke@hotmail.com>
>CC: "Chaudhry, Rabia" <Rabia.Chaudhry@sanjoseca.gov>
>Subject: RE: Proposed housing projects in Evergreen foothills area
>Date: Mon, 20 Mar 2006 15:08:32 -0800

>
>Your welcome Dr. Salunke.

>
>The EIR also identifies other development scenarios with lesser numbers of
>units. Was there a number of units that you felt more comfortable with, or
>are you opposed to any new residential development?

>
>Thanks,
>--John B.

COMMENT #48

>
>-----Original Message-----

>From: Nitin Salunke, Ph.D. [mailto:nsalunke@hotmail.com]
>Sent: Monday, March 20, 2006 3:03 PM
>To: John.Baty@sanjoseca.gov
>Subject: RE: Proposed housing projects in Evergreen foothills area

>
>
>Thanks for forwarding the link. I was aware of most of the information
>provided on the link including the EIR. Further, my comments pertain to
>the

>
>possible housing projects regarding would include up to 5,700 new
>residential units in the Evergreen*East Hills area.

>
>I wanted to express my concern that several areas such as the traffic
>congestion issu, erossin of the quality of life due to increased
>population

>
>density is not adequately addressed.

>
>Hope that you will not go with the 5700 + unit proposal.

>
>
> >From: "Baty, John" <John.Baty@sanjoseca.gov>
> >To: "'Nitin Salunke, Ph.D.'" <nsalunke@hotmail.com>
> >CC: "Chaudhry, Rabia" <Rabia.Chaudhry@sanjoseca.gov>
> >Subject: RE: Proposed housing projects in Evergreen foothills area
> >Date: Mon, 20 Mar 2006 11:01:47 -0800

> >
> >Hi Dr. Salunke,
> >Thank you for your comments.

> >
> >What kind of information have you been seeking in regard to the
> >Evergreen*East Hills Vision Strategy (EEHVS) project? Perhaps we can help
> >you find what you are looking for.

> >
> >Your concerns are likely addressed in the EEHVS Environmental Impact

>Report
> >(EIR), which can be accessed on the EEHVS website at:
> ><http://www.sanjoseca.gov/planning/evergreen/eir.asp>
> >
> >The Evergreen*East Hills Vision Strategy is a public process that will
> >continue to move forward. One of the key outcomes of this community based
> >process is to see if there is a balance between new development,
> >transportation improvements and community amenities that could enhance
>the
> >quality of life of the Evergreen*East Hills area. In addition to those
> >three
> >items there are a number of other issues the Strategy has identified and
> >continues to work on, including schools, jobs and affordable housing.
> >
> >It sounds like your objection is to one or more of the possible projects
> >that might come out of the EEHVS process. The possible projects range
>from
> >one that would include up to 217 units to one that would include up to
> >5,700
> >new residential units in the Evergreen*East Hills area. Is your objection
> >to
> >any project that would include new housing units?
> >
> >Thanks and please let us know if you have any questions or additional
> >comments.
> >-John Baty
> >City of San Jose
> >Planning Division
> >www.sanjoseca.gov/planning/evergreen
> >
> >
> >-----Original Message-----
> >From: Nitin Salunke, Ph.D. [mailto:nsalunke@hotmail.com]
> >Sent: Monday, March 20, 2006 10:38 AM
> >To: john.baty@sanjoseca.gov; davecortese@davecortese.com
> >Subject: Proposed housing projects in Evergreen foothills area
> >
> >
> >John and Dave,
> >
> >I am a resident of Evergreen and have been seeking information around
>the
> >proposed housing project(s).
> >
> >I strongly believe that the proposed project(s) will negatively affect
>the
> >Evergreen neighbourhood in multiple ways such as:
> >1. Traffic
> >2. Environment
> >3. Ability of the infrastructure to sustain the additional population
> >
> >Hope that you do not move forward with this project.
> >
> >
> >Regards,
> >
> >Nitin Salunke, PhD
> >
> >
>

Baty, John

From: J.P. Samala [j_samala@yahoo.com]

Sent: Friday, March 17, 2006 3:34 PM

To: john.baty@sanjoseca.gov

Cc: JP Samala

Subject: New housing development plans in Evergreen area

COMMENT #49

Dear Mr Baty,

It my sincere opinion that we can not build 3000-5000 new homes in evergreen area for few simple reasons listed below:

- Very bad commute due to overcrowded local roads and highway
- Schools don't have capacity to absorb the new students
- 4 acres allocation for a school? I haven't seen such a small school
- There won't be any parks close to this community
- elimination of burrows etc. for wild habitat. This would create big imbalance in the wild life eco system.

Please consider not building any new homes in this area and use this area for a park and few homes or commercial development.

Sincerely,
J.P. Samala

Yahoo! Mail
[Use Photomail](#) to share photos without annoying attachments.

3/22/2006

EVERGREEN ♦ EAST HILLS VISION STRATEGY

COMMENT
50

EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the EEHVS Environmental Impact Report (EIR) please submit your written comments at tonight's EIR Meeting (3/14/06) or to John Baty via the methods listed below by 5:00P.M. on March 20, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

Why didn't the traffic study include:
more intersections, with stop signs? Not
just lighted intersections! Along Flint Ave
next to the golf course, at peak times
it is at a stand still! It is not in the
study. ~~One proposed development~~
~~at the intersection of~~ ~~Flint Ave~~ ~~and~~ ~~the~~ ~~interstructure~~
~~is not in the study.~~ Too many
intersections were absent from
this study. The amount of traffic
generated from this development
will cripple the interstructure.!

Contact Information

Name:

Shawna Sanders

Address:

2211 Vista Verde Dr. SJ CA 95148

E-mail (optional):

jvindamien@comcast.net

Please return EIR comment card during meeting, or
by mail to: John Baty, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: john.baty@sanjoseca.gov

COMMENT # 51

To: John Baty, City of San Jose, Planning Department

From: Tony Seebach, Evergreen Property Owner

Subject : Evergreen East Hills EIR Comments

Date: March 20, 2006

Dear John, I have been attending Evergreen development meetings for more than 10 years and am commenting on the EIR.

First, from Section 1, Introduction, page 7 says "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." This is incorrect. The EDP required Capitol Expressway to be eight lanes from U.S. 101 to I-680 and was mostly completed except for each end which was left at six lines due to operational issues, according to San Jose Department of Public Works.

Second, I do not agree with the analysis in the EIR beginning on page 152 which lists Capitol Expressway and Silver Creek Road, Capitol Expressway and Ocala Avenue, Capitol Expressway and Story Road, Capitol Expressway and Capitol Avenue and San Felipe Road and Yerba Buena Road and says "The following text describes mitigation measures for the five significantly-impacted intersections. For the reasons described in the text, none of these measures are considered feasible." Feasible means possible; feasible does not mean difficult or expensive. Improvements listed here and more are possible and should be done for Evergreen traffic to not be much worse than it is today. If other constraints such as water, power or sewer, could not be mitigated, development would not be allowed to proceed. Should traffic limitations be different?

If the 101 exit to Capitol Expressway is improved to reduce the frustrating and dangerous backup currently experienced during PM commute and all improvements possible are not done at Capitol Expressway and Silver Creek Road, traffic will continue to back up onto the freeway. This intersection and others on the Expressway may require grade separation to eliminate traffic problems now that will become much worse if this development is permitted. This will be expensive, but is necessary to avoid traffic ruining Evergreen.

Similar situation also will occur at Capitol/Capitol and Capitol/Story intersections. One of the reasons given for not being able to improve these intersections is it will "would interfere with LRT future operations." Since LRT is not yet being built here, it would be much easier and less expensive to design and build LRT and roads to handle traffic, rather than finding they need modification that will be more disruptive and expensive. Traffic improvements that should have been done for the ESP and are necessary for any additional development will cost a lot and require additional right-of-way – that does not make them infeasible. If improvements cannot be done, additional development should not be allowed. Improvements to handle development are possible, but will be costly and may a lot of the profit the developers would like to receive. Another upcoming problem for Capitol/Story is that Home Depot is replacing Mervyn's and will draw much more traffic to this area.

Finally on page Summary S-6 section 4.2.6.2, development “will result in significant traffic impacts on up to 15 segments of the U.S. 101, I-280, and I-680 freeways. U.S. 101 and I-280 and I-680 Northbound in the morning and Southbound in the evening are now over capacity as seen by the reduced speeds. The last paragraph of this section ignores that freeway traffic will get worse since problems on and exiting freeways will not limit themselves to identified segments. Limited improvements, such as additional merging areas, only move the problem further down the road from where it grows back worse.

Adding thousands of more homes in Evergreen along with those being considered in Coyote ensures San Jose will be held up as an example of dumb growth masquerading as smart growth. If developers and the City will not mitigate the impact of development, the development should not be allowed. It is not enough to say traffic mitigation is not feasible, when it can and must be done.

Baty, John

From: PS A [psapaula@hotmail.com]
Sent: Monday, March 20, 2006 2:16 PM
To: John.Baty@sanjoseca.gov
Subject: [sjev] EIR response

COMMENT #52

Ref: File No. GPT05-08-01, GP05-08-01A through 4, PDC05-048 through
-053, Council Districts: 5, 7 and 8.

HelloJohn Baty...pls add this to the file

I am strongly opposed to making our neighborhoods & streets more congested with too much home building for the sake of "more amenities". This would cause negative impacts on traffic & pollution. We don't need your so called "more amenities" if it means degrading our quality of life in the Evergreen specific plan area. Also I am opposed to high density housing in Evergreen Hills area since it does not tie into the current neighborhood homes.

Additionally, like others living in EVS plan area and San Jose, it would really help the entire City to put a HOLD on any future building (Moritorium) until we have a long, hard look and improvement of the already existing traffic / congestion problems on the roads & freeways. We need real solutions to current problems, without destroying the quality of life here in San Jose. Any new home building (along with no reverse commute adding jobs to where people live) would be harmful to the overall quality of live in San Jose.

Please do not destroy San Jose for the sake of developers & some movers and shakers.

Regards,
Paula Shelton
3325 Henriette Court San Jose, CA 95135

Baty, John

From: Michael Shieh [michaelshieh@yahoo.com]
Sent: Monday, March 20, 2006 4:48 PM
To: John.Baty@sanjoseca.gov
Subject: Comments to EIR

COMMENT
53

Hello John,

I live directly across from the Evergreen Valley College property. I'm very concerned about several items stated in the EIR. The proposal for high density housing development at Evergreen Valley College will have a negative impact on the people who are living in the neighborhood.

1) I am concerned that the the developments will significantly impact the traffic delays at the intersection at San Felipe and Yerba Buena. At times in the morning (Evergreen College student commute), and during PM traffic, I have perceived to an LOS of "F". I have personally seen traffic backed up on Yerba Buena beyond the left turn lane, and concurrently at the feeder entrance into the college on San Felipe, traffic backed out onto the street. I would estimate that in this instance in the morning, there are over 100 cars queued. I am not convinced that the mitigating measures (adding a additional left turn lane) can accomodate the increased load due to the new developments.

2) I am concerned about the height of the building proposed on the Evergreen College site. A building height of 60 feet does not blend in with the surrounding neighborhood. Also, this height is in violation city building height standards in the area.

3) I am concerned about the increased noise levels surrounding the Evergreen College area. Besides the noise from increased traffic, the noise from commercial traffic such as garbage trucks (more frequent than residential), and delivery trucks will exceeds city noise level standards in the area.

4) I am concerned about the density of housing in the Evergreen College area. The proposals of 14 living units per acre far exceeds the housing density in the surrounding area. Further, this density will create localized traffic congestion in the area. The intersection at San Felipe and Yerba Buena will become a "choke" point for traffic. As mention in #1, I've personally seen approximate 100 cars queued up. Such dense development will only great increase this problem.

5) The proposal to redo the current high school boundaries is unacceptable. Evergreen Valley High School is already over capacity. You must know that the issue of school boundaries is a hot topic. Are we expected to send our children to inferior schools far away from home?

6) The proposed 6 story buildings at EVC will be unsightly and additional residents will cause

increased traffic congestion on San Felipe Rd/Yerba Buena Rd. and 101 on ramps and off ramps.

Our household commutes to Sunnyvale via 101 everyday. The stretch off freeway on SB 101 from Tully Rd to Capitol Expy is almost to the unbearable limit.

Please seriously consider the concerns of the Evergreen residents who endure the commute so that we can come home to the beautiful neighborhood surrounding EVC.

Thank you.
Michael Shieh
Middle Park Dr., San Jose

Do You Yahoo!?
Tired of spam? Yahoo! Mail has the best spam protection around
<http://mail.yahoo.com>

Baty, John

From: Sarabjeet Singh [sasingh@yahoo.com]
Sent: Monday, March 20, 2006 1:49 PM
To: John.Baty@sanjoseca.gov
Subject: Evergreen EIR

COMMENT #54

Dear Mr Baty,

I live in Evergreen area close to Evergreen college.
I'm writing to you to voice my concerns about the EIR
for the Evergreen development plan.

I'm very concerned that it'll worsen the traffic
conditions around Capitol Expressway and Yerba Buena.
I'm also concerned about overcrowding it'll cause in
schools.

Please do not allow new developments of this density
in this area.

Regards,
Sarabjeet Singh.

Baty, John

From: Thirumalai, Kuldeep D [kuldeep.d.thirumalai@intel.com]

Sent: Thursday, March 16, 2006 10:56 PM

To: john.baty@sanjoseca.gov

Subject: EIR Comments

COMMENT # 55

John,

I live in the Evergreen area on middle park drive. I attended the March 14th meeting, and want to make 3 comments within the Comment period

- 1) Given Zero possibility of growth in the Northbound highway 101, Why wasn't the traffic LOS from, say Capitol and Silvercreek to Highway 280 interchange considered in the EIR before and after analysis? In other words, with all the proposed increases/modifications to ramps etc., how is this really going to help us in any way, shape or form, if the highway itself is constrained/the bottleneck ? It's like creating huge pipes, but the actual water flowing thru a small faucet. Increasing the size of the pipe
- 2) I submit that Hexagon analysis between 4-6 PM was the absolute ***WRONG*** timeframe to use for traffic analysis. The worst timeframe is between 5 pm and 7 PM. Just observe highway 101 SB any day to confirm this. I realize the comment in the meeting was the 'worst' hour was taken; what if the traffic between 6PM to 7PM is worse than 5PM to 6PM. The study needs to re-look at this based on the 5-7 PM timing, where the peak traffic actually hits.
- 3) Was the value of homes considered anywhere in the EIR, should high density development come around the Evergreen College area?
- 4) While I understand the EIR is not financial in nature, there needs to be some financial metrics mentioned in the summary that gets presented to show the level of financial investment it will take to 'mitigate' several of the 'significant' issues raised. We need to size this, from a funding standpoint before approving. For instance, if we are unable as a city to fund Fowler creek park for 3.5 years, how will we be able to afford all of the investments needed to mitigate issues found in the EIR?

I look forward to the responses to the above comments.

Many thanks!

Kuldeep.

3/22/2006

EVERGREEN ♦ EAST HILLS VISION STRATEGY

EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the EEHVS Environmental Impact Report (EIR) please submit your written comments at tonight's EIR Meeting (3/14/06) or to John Baty via the methods listed below by 5:00P.M. on March 20, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

- * ① IF "DO NOTHING" IS 217 UNITS, WHY IS RANGE OF OPTIONS FROM 3600 - 5900. WAS A LOWER NUMBER LIKE 1000-2000 CONSIDERED? IF NOT WHY NOT?
- * ② HOW LIKELY ARE "POSSIBLE" INVESTMENTS ON TRANSPORTATION? ARE THESE FUNDED UNDER CURRENT BUDGET? DOES THE TRAFFIC ANALYSIS ASSUME THESE? WHY?
- * ③ HOW CAN I BE REASSURED THAT HEXAGON CONSULTANTS ARE TRULY OBJECTIVE & INDEPENDENT IN THEIR STUDY? WHAT WAS HEXAGON'S COMPENSATION FOR THIS PROJECT?
- ③a DID THE STUDY CONSIDER THE YLABA RIVER → SAN FELIX TURNING DURING PEAK HOURS?
- ④ WHY IS LOS 'D' OUR TARGET & HOW DOES THIS COMPARE TO BENCHMARKED BEST IN CLASS CITIES?
- ⑤ WHAT TIMEFRAME WAS THE TRAFFIC ANALYSIS PERFORMED IN (MONTH/YEAR) WHY IS PM ANALYSIS 4PM-6PM, NOT 4-7PM? IN ANALYSIS.
- ⑥ 101 WIDENING CONTEMPLATED FOR SB ONLY, NB IS NOT IMAGED? HOW IS THIS GOING TO HELP MOVING COMMUTERS IN ANY MANNER IF FWH LANES ARE FIXED IN QUANTITY?
- ⑦ DOES TRIP ANALYSIS CALCULATION ASSUME GROWTH IN VEHICLES AS MORE YOUNGSTERS (HIGH SCHOOL) ACQUIRE CARS
- ⑧ CAN WE REQUEST THE FOLIO BE SECOND LAST FOLIO ON THE TIA?
- ⑨ WHY DOESN'T THE TIA LOOK AT POINT TO POINT (e.g. SILVER CREEK TO GREAT AMERICA) IN THE "BEDES" & "AFTSE" ANALYSIS.
- ⑩ WHAT IS CHANGING THE DRIVING A CHANGE IN THE 1980 DECISION THE CITY COUNCIL MADE TO FOCUS ON INDUSTRIAL GROWTH?
- ⑪ ANY "MITIGATION" OPTIONS FOR SIGNIFICANT NOISE IMPACTS IDENTIFIED?
- ⑫ WHAT IS THE FINAL RECOMMENDATION OF THE TIA STUDY? GO/NO GO | CONDITIONAL GO?

Contact Information

Name:

KULDEEP THIRUMALAI

Address:

4544 MIDDLE PARK DRIVE, SAN JOSE, CA 95135

E-mail (optional):

KULDEEP-THIRUMALAI@YAHOO.COM

Please return EIR comment card during meeting, or
by mail to: John Baty, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: john.baty@sanjoseca.gov

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- IF ENERGY SHORTAGE IS PROTECTED (VERBALIZED), WHY ISN'T THIS MENTIONED IN THE EIR
- ~~INSTEAD~~ CUMULATIVE IMPACT IS A GREAT IDEA - CAN A METRIC BESIDES "SIGNIFICANT & UNAVOIDABLE" BE USED TO CONVEY THE GRAVITY OF THE IMPACT - WHAT IS THE BOTTOM LINE RECOMMENDATION OF THE EIR IN CUMULATIVE/HOLISTIC ANALYSIS
- * → IS LEVEL OF SMOG/IMPACT ON AIR QUALITY NOT STUDIED OR DESIGNED TO BE SIGNIFICANT?
- CAN YOU POST THESE PPT FILES ON THE WEB FOR PUBLIC VIEW?
- * ~~→~~ WHAT IS THE COST OF ALL THE DEFICIENCY/RISK MITIGATION AND IDENTIFIED ACTIONS NEEDED? WHY ISN'T THIS IN THE EIR? CAN THE CITY AFFORD

Please return EIR comment card during meeting, or
by mail to: John Baty, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: john.baty@sanjoseca.gov

John Hesler

From: Baty, John [John.Baty@sanjoseca.gov]
Sent: Monday, March 20, 2006 1:03 PM
To: John Hesler
Cc: Danielsen, Akoni
Subject: FW: Comment to EIR

E-mail had subject line of "Comment to EIR", but not an EIR question so I provided the below response...

-----Original Message-----

From: Baty, John
Sent: Monday, March 20, 2006 1:01 PM
To: 'tien trinh'
Subject: RE: Comment to EIR

Hi Tien,

No solution to the High School issues (includes EVH and Silver Creek over capacity) have been agreed upon. However, the Evergreen*East Hills Vision Strategy (EEHVS) Task Force is continuing to discuss the issue.

In parallel to the Task Force process of discussing the schools, the East Side Union High School District has started holding facilities planning roundtable meetings that are open to the public to discuss possible solutions for the issues facing their school district. Some Task Force members, along with City staff and developer representatives have been participated at these meetings.

Thanks for sharing your concern regarding the high school issues.

Please let me know if you have more concerns or any questions or comments.

Regards,

-John Baty
City of San Jose
Planning Division
www.sanjoseca.gov/planning/evergreen

-----Original Message-----

From: tien trinh [mailto:tienxtrinh@yahoo.com]
Sent: Monday, March 20, 2006 11:42 AM
To: Baty, John
Subject: Comment to EIR

COMMENT #56

Hi John Baty,

As concern of another member of falls creek neighbors about the impact of the development on traffic, dense environment, I have special concern about the school capacity. As you know, the Evergreen High School is currently over loaded. The bio-department of EVH has to borrow facilities from EVC for students. Is there any solution for this issue yet? More houses, more apartments, that means more student, and this situation becomes worse.

This is my big concern.

Tien Trinh,

Bowerly Ln resident.

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COMMENT
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EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the EEHVS Environmental Impact Report (EIR) please submit your written comments at tonight's EIR Meeting (3/14/06) or to John Baty via the methods listed below by 5:00P.M. on March 20, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

- ① Why didn't the company who prepared the report present it?
- ② Who prepared the summary?
- ③ When will the Road improvements be made vis-a-vis sale of residential units? Before? After? How long after? (See #9 below)
- ④ What is additional # of cars assumed & rationale?
- ⑤ What is % of additional housing (maximum)
- ⑥ Must amenities be finalized before project is approved?
- ⑦ What is avg average of existing evergreen schools (elementary)
- ⑧ When faced with so many "unfeasible mitigations" in traffic, what rationale can City use to approve the project?
- ⑨ If after sale of units, why ~~didn't~~ didn't report include ~~effect~~ effect worst improvements, in case they are never made?
- ⑩ What assumptions for road improvements would have been made if no project?
- ⑪ Why have the amenities been listed
- ⑫ Why wasn't Aborn Capital listed as "significant & unfeasible"?

Contact Information

Name: MELANIE VOLPIELLA
Address: 3323 Delta Rd
E-mail (optional): mdovano@comerica.com

Please return EIR comment card during meeting, or
by mail to: John Baty, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: john.baty@sanjoseca.gov

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COMMENT # 58

EIR COMMENTS

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①. Concerned about contaminated on Pleasant Hill property in case requirement for school to be constructed. This item should be shown in the EIR (this is important)

② Mt. Pleasant Elementary School District shows 0-276 student increase... think we need to review this one as far as # of units generating a new school.

Contact Information

Name: Dike White

Address: 2103 Flintside Ct. San Jose, CA 95148

E-mail (optional): _____

Please return EIR comment card during meeting, or
by mail to: John Baty, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: john.baty@sanjoseca.gov

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COMMENT # 59

EIR COMMENTS

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~~During~~ During construction, the construction vehicles damaged the roads, will the developers be responsible to repair the roads to a condition ~~to its usage~~ as if was prior to its usage.

example: San Felipe Road sustained road degrading conditions between Delta & Yerba Buena road over the past 5 yrs. (development of Cortese orchard prop, EV College Shopping Ctr, B. Swenson Retirement Center) this has not yet been repaired.

Contact Information

Name:

Dennis Wong

Address:

4203 San Felipe Rd, 55 95135

E-mail (optional):

dvwong@sbcglobal.net

Please return EIR comment card during meeting, or
by mail to: John Baty, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: john.baty@sanjoseca.gov

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COMMENT # 60

EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the EEHVS Environmental Impact Report (EIR) please submit your written comments at tonight's EIR Meeting (3/14/06) or to John Baty via the methods listed below by 5:00P.M. on March 20, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

① Do we know which scenario is most likely to be chosen at this moment?

② I know after traffic improvements on 101, the way the will be similar or better than the current condition. My question is however during the construction of the improvements I assume 101 will be heavily affected, so how long these construction will last and how to mitigate that?

Contact Information

Name:

Kent Wu

Address:

5704 Willow EST. San Jose

95135

E-mail (optional):

Kent_wu1@yahoo.com

Please return EIR comment card during meeting, or
by mail to: John Baty, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: john.baty@sanjoseca.gov

EVERGREEN • EAST HILLS VISION STRATEGY

COMMENT CARD

COMMENT
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Thank you for sharing your ideas, questions, comments and suggestions about the Evergreen•East Hills Vision Strategy.

Need that I (and others) have given up evenings giving our concerns and ideas of what will be develop on the old golf courses; will any of these ideas be used.
OR does the developer (KB Homes) just do as they proposed.

- We do need open space -
- Townhouses ~~to~~ could be for seniors
- The parks and ball fields should not be attached to the school.

Contact Information (optional):

Name: Nadine Zocher

Address: _____

E-mail: _____

Please return comment card at end of meeting, or
by mail to: John Baty, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: john.baty@sanjoseca.gov

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COMMENT
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EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the EEHVS Environmental Impact Report (EIR) please submit your written comments at tonight's EIR Meeting (3/14/06) or to John Baty via the methods listed below by 5:00P.M. on March 20, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

The burrowing owl has been found on the Arcadia site however the habitat has been disrupted.

example | Dirt has been turned / disced
Tall grasses have been cut

Nesting time for owls is Spring - Fall and for every 1 owl = 1 acre of land.

Who is responsible for the land/property and deliberately disturbing the habitat?

How can the residents be sure that the owls from the Arcadia site have not relocated ~~to the PHGC~~ to the PHGC and if so will the same disregard to their habitat be followed?

Contact Information

Name: Gina Zendejas

Address: 2234 Vista Verde Dr SJ CA 95148

E-mail (optional): rzendcja@yahoo.com

Please return EIR comment card during meeting, or
by mail to: John Baty, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: john.baty@sanjoseca.gov

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COMMENT
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EIR COMMENTS

To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the EEHVS Environmental Impact Report (EIR) please submit your written comments at tonight's EIR Meeting (3/14/06) or to John Baty via the methods listed below by 5:00P.M. on March 20, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

General Question (Not EIR Comment)

- CAN PROJECT BE APPROVED IF ASSUMED TRAFFIC IMPROVEMENTS ARE NOT MADE?

- DOES EIR ADDRESS PARTIAL BUILDOUT OF INDUSTRIAL SITE?

- HOW IS PROJECT / EIR APPROVED IF LRT IS NOT BUILT FOR 15-20 yrs

Contact Information

Name: Jim Zito

Address: _____

E-mail (optional): _____

Please return EIR comment card during meeting, or
by mail to: John Baty, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: john.baty@sanjoseca.gov

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EIR COMMENTS

COMMENT
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To be consistent with the California Environmental Quality Act (CEQA) if you have any comments or questions related to the adequacy or accuracy of information presented in the EEHVS Environmental Impact Report (EIR) please submit your written comments at tonight's EIR Meeting (3/14/06) or to John Baty via the methods listed below by 5:00P.M. on March 20, 2006. Comments regarding the merits of the project should be submitted separately as general comments.

- Which intersections on Capitol Expwy are or will be driven to traffic LOS worse than LOS D by removal of HOV lanes for LBT right-of-way?
- Why were afternoon traffic counts only done from 4-6 PM? (Impacted traffic continues well after 7 PM on weekdays)
- Why were existing housing allocations (approx. 300 units) not included in the EIR analyses?
- What are the legal distances required between known earthquake faults and developments (highway & Bus/EDS sites)?

Contact Information

Name: _____

Address: _____

E-mail (optional): _____

Please return EIR comment card during meeting, or
by mail to: John Baty, 200 E. Santa Clara Street, San José, CA 95113
by fax to: (408) 292-6055
by e-mail to: john.baty@sanjoseca.gov