TABLE OF CONTENTS

PREFACE ................................................................................................................................. v
SUMMARY ............................................................................................................................... vii

I. DESCRIPTION OF THE PROJECT ..................................................................................... 1
   A. OVERVIEW OF THE PROJECT ....................................................................................... 1
   B. PROJECT LOCATION ..................................................................................................... 1
   C. DESCRIPTION OF THE PROPOSED PROJECT ............................................................ 1
   D. PROJECT GOALS AND OBJECTIVES ......................................................................... 28
   E. USES OF THE EIR ....................................................................................................... 29
   F. CONSISTENCY WITH RELEVANT PLANS AND POLICIES ....................................... 30
      1. Regional Plans and Policies ...................................................................................... 30
      2. Local Plans and Policies ......................................................................................... 32

II. ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION ........................................... 60
   A. LAND USE .................................................................................................................. 61
      1. Existing Setting .......................................................................................................... 61
      2. Land Use Impacts ...................................................................................................... 71
      3. Mitigation and Avoidance Measures ......................................................................... 83
      4. Conclusion ................................................................................................................. 89
   B. TRANSPORTATION ..................................................................................................... 90
      1. Existing Setting .......................................................................................................... 90
      2. Transportation Impacts ............................................................................................ 135
      3. Transportation Mitigation and Avoidance Measures ................................................. 164
      4. Conclusion ................................................................................................................. 174
   C. AIR QUALITY ............................................................................................................ 175
      1. Existing Setting .......................................................................................................... 175
      2. Air Quality Impacts .................................................................................................... 182
      3. Mitigation and Avoidance Measures ......................................................................... 185
      4. Conclusion ................................................................................................................. 190
   D. NOISE ....................................................................................................................... 191
      1. Existing Setting .......................................................................................................... 191
      2. Noise Impacts ............................................................................................................. 199
      3. Mitigation and Avoidance Measures ......................................................................... 205
      4. Conclusion ................................................................................................................. 207
   E. BIOLOGICAL RESOURCES ......................................................................................... 211
      1. Existing Setting .......................................................................................................... 211
      2. Biological Resources Impacts .................................................................................... 224
      3. Mitigation and Avoidance Measures ......................................................................... 233
      4. Conclusion ................................................................................................................. 236
      5. Mitigation Measures to Be Considered at the Time of Future Development ............ 236
   F. CULTURAL RESOURCES ............................................................................................. 239
      1. Existing Setting .......................................................................................................... 239
      2. Cultural Resources Impacts ...................................................................................... 241
      3. Mitigation and Avoidance Measures ......................................................................... 246
      4. Conclusion ................................................................................................................. 251
      5. Mitigation to Be Considered at the Time of Future Development ........................... 251
   G. GEOLOGY AND SOILS ............................................................................................... 254
      1. Existing Setting .......................................................................................................... 254
      2. Geology and Soils Impacts ....................................................................................... 257
      3. Mitigation and Avoidance Measures ......................................................................... 257
      4. Conclusion ................................................................................................................. 259
# TABLE OF CONTENTS (continued)

## Figures

<table>
<thead>
<tr>
<th>Figure</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Figure 1</td>
<td>Regional Map</td>
<td>2</td>
</tr>
<tr>
<td>Figure 2</td>
<td>Vicinity Map</td>
<td>3</td>
</tr>
<tr>
<td>Figure 3</td>
<td>Aerial Photograph</td>
<td>4</td>
</tr>
<tr>
<td>Figure 4</td>
<td>Existing General Plan Designations</td>
<td>5</td>
</tr>
<tr>
<td>Figure 5</td>
<td>Proposed General Plan Designations</td>
<td>6</td>
</tr>
<tr>
<td>Figure 6</td>
<td>Proposed Major Transportation Network</td>
<td>8</td>
</tr>
<tr>
<td>Figure 7</td>
<td>Transit Area Sites in the Project Area</td>
<td>14</td>
</tr>
<tr>
<td>Figure 8</td>
<td>Existing Roadway Network and Study Intersection in the Project Area</td>
<td>91</td>
</tr>
<tr>
<td>Figure 9</td>
<td>City of San José Study Intersections</td>
<td>99</td>
</tr>
<tr>
<td>Figure 10</td>
<td>City of San José Study Intersections</td>
<td>100</td>
</tr>
<tr>
<td>Figure 11</td>
<td>City of San José Study Intersections</td>
<td>101</td>
</tr>
<tr>
<td>Figure 12</td>
<td>City of San José Study Intersections</td>
<td>102</td>
</tr>
<tr>
<td>Figure 13</td>
<td>City of San José Study Intersections</td>
<td>103</td>
</tr>
<tr>
<td>Figure 14</td>
<td>City of Santa Clara Study Intersections</td>
<td>104</td>
</tr>
<tr>
<td>Figure 15</td>
<td>City of Campbell Study Intersections</td>
<td>105</td>
</tr>
<tr>
<td>Figure 16</td>
<td>Cities of Cupertino and Sunnyvale Study Intersections</td>
<td>106</td>
</tr>
<tr>
<td>Figure 17</td>
<td>City of Milpitas Study Intersections</td>
<td>107</td>
</tr>
<tr>
<td>Figure 18</td>
<td>City of Mountain View Study Intersections</td>
<td>108</td>
</tr>
<tr>
<td>Figure 19</td>
<td>Proposed Grid Streets</td>
<td>144</td>
</tr>
<tr>
<td>Figure 20</td>
<td>Wind Rose</td>
<td>176</td>
</tr>
<tr>
<td>Figure 21</td>
<td>Noise Measurement Locations</td>
<td>198</td>
</tr>
<tr>
<td>Figure 22</td>
<td>Biotic Resources in the Project Area</td>
<td>212</td>
</tr>
<tr>
<td>Figure 23</td>
<td>Known Cultural Resources in the Project Area</td>
<td>243</td>
</tr>
<tr>
<td>Figure 24</td>
<td>Reported Hazardous Materials Releases</td>
<td>275</td>
</tr>
<tr>
<td>Figure 25</td>
<td>School District Boundaries</td>
<td>321</td>
</tr>
<tr>
<td>Figure 26</td>
<td>Coyote Valley Location</td>
<td>344</td>
</tr>
<tr>
<td>Figure 27</td>
<td>Coyote Valley Alternative</td>
<td>345</td>
</tr>
<tr>
<td>Figure 28</td>
<td>Location of Cumulative Projects – North San José Vicinity</td>
<td>356</td>
</tr>
<tr>
<td>Figure 29</td>
<td>Location of Cumulative Project – South San José Vicinity</td>
<td>357</td>
</tr>
<tr>
<td>Figure 30</td>
<td>Coyote Valley Specific Plan Area</td>
<td>358</td>
</tr>
</tbody>
</table>

## Tables

<table>
<thead>
<tr>
<th>Table</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Table 1</td>
<td>Proposed General Plan Residential Land Use Changes</td>
<td>12</td>
</tr>
<tr>
<td>Table 2</td>
<td>Availability of New Industrial Square Footage</td>
<td>24</td>
</tr>
<tr>
<td>Table 3</td>
<td>Existing General Plan Land Use Designations</td>
<td>62</td>
</tr>
<tr>
<td>Table 4</td>
<td>Existing Bicycle Facilities Serving North San José</td>
<td>93</td>
</tr>
<tr>
<td>Table 5</td>
<td>Existing Bus Routes Serving North San José</td>
<td>94</td>
</tr>
<tr>
<td>Table 6</td>
<td>Intersection Level of Service Definitions</td>
<td>114</td>
</tr>
<tr>
<td>Table 7</td>
<td>Freeway Level of Service Based on Density</td>
<td>116</td>
</tr>
<tr>
<td>Table 8</td>
<td>Existing Levels of Service at Congested Intersections</td>
<td>117</td>
</tr>
<tr>
<td>Table 9</td>
<td>Background Intersection Improvements</td>
<td>122</td>
</tr>
</tbody>
</table>
Table 10  Background Levels of Service at Congested Intersections .................................126
Table 11A  Long Range LOS E/F Link Volume Analysis (Land Use Changes) .........................137
Table 11B  Long Range LOS E/F Link Volume Analysis (Land Use and Network Changes) ...140
Table 12  Congested Intersections Under Project Conditions ..................................................150
Table 13  Phased Development Intersections Levels of Service .............................................158
Table 14  Major Criteria Pollutants...........................................................................................177
Table 15  Federal and State Ambient Air Quality Standards ..................................................178
Table 16  Summary of Air Quality Data....................................................................................180
Table 17  Summary of 2002 Ambient Air Toxics Data...........................................................180
Table 18  Worst Case Carbon Monoxide Concentrations.......................................................183
Table 19  Project Regional Emissions (Pounds per Day)..........................................................184
Table 20  Typical Noise Levels in the Environment.................................................................192
Table 21  City of San José Zoning Code Noise Standards.......................................................196
Table 22  Short-Term Noise Measurement Results .................................................................199
Table 23  Significant Project Generated Noise Level Increases ...............................................202
Table 24  Special-status Animal Species ..................................................................................218
Table 25  Parcels With Biotic Resources Within the Rincon Area...........................................223
Table 26  Summary of Archaeological Resources Survey........................................................244
Table 27  Land Uses and Commonly Associated Hazardous Materials ..................................272
Table 28  Hazardous Materials Public Databases.................................................................276
Table 29  Past Releases of Hazardous Materials......................................................................278
Table 30  Estimated Average Annual Energy Usage.............................................................311
Table 31  Fire Stations Distances to the Project Area...............................................................317
Table 32  List of Cumulative Projects .....................................................................................355
Table 33  Economic and Demographic Data for San José ......................................................365
Table 34  Breakdown of Projected Jobs and Housing in San José ............................................366
Table 35  Cumulative Screenline Impacts ..............................................................................369
Table 36  LOS E/F Link Volume Analysis Cumulative Conditions............................................371
Table 37  Estimated Cumulative Energy Use.........................................................................404

Appendices

Appendix A  Notice of Preparation (NOP) and Responses to the NOP
Appendix B  Assessor’s Parcel Numbers of Proposed Land Use Designation Changes
Appendix C  Draft North San José Area Development Policy and Draft Deficiency Plan
Appendix D  Transportation Impact Analysis
Appendix E  Air Quality Impact Analysis
Appendix F  Environmental Noise Assessment
Appendix G  Biological Resources Report
Appendix H  Flooding and Drainage Evaluation
Appendix I  Hazardous Materials Report
Appendix J  Engineering Report
This document has been prepared by the City of San José as the Lead Agency in conformance with the California Environmental Quality Act (CEQA). The purpose of this Environmental Impact Report (EIR) is to inform decision makers and the general public of the environmental effects of a proposed project.

This document provides both a program level and project level environmental review appropriate for the North San José Development Policies Update project, in accordance with CEQA Guidelines Sections 15121, 15145, 15146, and 15151.

In accordance with CEQA, an EIR provides objective information regarding the environmental consequences of the proposed project, both to the decision makers who will be considering and reviewing the proposed project and to the general public.

The following guidelines are included in CEQA to clarify the role of an EIR:

§15121(a). Informational Document. An EIR is an informational document which will inform public agency decision makers and the public of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency shall consider the information in the EIR, along with other information which may be presented to the agency.

§15145. Speculation. If, after thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.

§15146. Degree of Specificity. The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR.

(a) An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy.

(b) An EIR on a project such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects than might follow.

§15151. Standards for Adequacy of an EIR. An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently considers environmental consequences. An evaluation of the environmental effects of the proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but an EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good-faith effort at full disclosure.
§15180. Redevelopment Projects.

(a) All public and private activities or undertakings pursuant to or in furtherance of a redevelopment plan constitute a single project, which shall be deemed approved at the time of adoption of the redevelopment plan by the legislative body. The EIR in connection with the redevelopment plan shall be submitted in accordance with Section 33352 of the Health and Safety Code.

(b) An EIR on a redevelopment plan shall be treated as a program EIR with no subsequent EIRs required for individual components of the redevelopment plan unless a subsequent EIR or a supplement to an EIR would be required by Section 15162 or 15163

In accordance with Section 15082 of the CEQA Guidelines, a Notice of Preparation (NOP) was circulated to the public and responsible agencies for input regarding the analysis in this EIR. This EIR addresses those issues which were raised by the public and responsible agencies in response to the NOP. The NOP and the public responses to the NOP are presented in Appendix A of this EIR.

This EIR, and all documents referenced in it, are available for public review at the Planning Division in the Office of the Department of Planning, Building, and Code Enforcement, located at 801 North First Street, Room 400, San José, California, on weekdays during normal business hours.
SUMMARY

The City of San José is proposing to intensify development allowed within the Rincon de los Esteros Redevelopment Area in the north part of the City. Rincon de los Esteros is an established industrial park area, with scattered enclaves of high and medium-high density residential, and a subarea that supports light and heavy industrial uses. The proposed intensification would encourage taller office/R&D buildings along the established light rail transit (LRT) line on North First Street, and would add residential development both within a newly designated Industrial Core Area, and through expansion of the existing North San José residential areas. In support of these land use policy changes, the City also proposes to upgrade the transportation network in the area, and modify the transportation policies that currently restrict development.

This EIR addresses the impacts of developing approximately 26.7 million square feet of new industrial/office/R&D building space in the Rincon area beyond existing entitlements. Of this 26.7 million square feet, 6.7 million represents full buildout of the project area under the existing FAR cap policy and 20 million square feet would be the net amount of additional development potential created through the proposed changes to current City policies. This amount of total new development would allow for approximately 83,300 new employees. In addition, up to 32,000 new dwelling units would be allowed in Rincon at minimum densities of 20, 55 or 90 dwelling units per acre (DU/AC) depending on their location. Of these 32,000 new units, 7,300 residential units could be built on properties with existing residential General Plan designations allowing 20+ DU/AC, and the remaining 24,700 new residential units could be built on properties within the housing overlay areas proposed by this project (at 55 or 90 DU/AC) or in a mixed use configuration within the Industrial Core Area itself. This would allow a population increase of approximately 56,640 persons.

The individual elements that make up this project include:

1. General Plan Amendments - These include amendments to the Land Use/Transportation Diagram, modifications to existing policies, and revisions to the Rincon de los Esteros Redevelopment Plan.

2. Policy Revisions - This includes modifications to the North San José Area Development Policy, the North San José Deficiency Plan, and the Floodplain Management Plan for North San José.

3. Infrastructure Implementation - This includes new and upgraded infrastructure necessary to support the proposed levels of development.

The Industrial Core Area General Plan land use designation would be applied to approximately 592 acres of land located on both sides of North First Street from Montague Expressway to US 101. The City also proposes to apply the Transit/Employment Residential District Overlay designation to 400 acres of land. These 400 acres would maintain their current General Plan designations but the Policy would support the future conversion of a maximum of 285 acres to residential use.

The development anticipated under this project is planned to occur over the next ten or more years. In order to ensure that the jobs and housing develop in parallel, the following phasing will be required:
Phase 1  7 million square feet of industrial space  
4,000-8,000 dwelling units  
Phase 2  14 million square feet of industrial space  
8,000-16,000 dwelling units  
Phase 3  21 million square feet of industrial space  
16,000-24,000 dwelling units  
Phase 4  26.7 million square feet of industrial space  
24,000-32,000 dwelling units

There is no timeline for these phases. The amount of development and its timing will be determined by the economy, markets, and the decisions made by private sector property owners and developers.

The proposed project also includes major infrastructure elements to serve the proposed development. This includes localized upgrades to the existing systems, substantial improvements to roadway intersections, and a number of major capital improvements, all of which are described in more detail in the text of this EIR.

The following major improvements will be built in conjunction with the phase indicated. This means that the improvement must be built, under construction, or funded and within less than one year of beginning construction before the next phase of development can begin.

<table>
<thead>
<tr>
<th>Major Improvement</th>
<th>Associated Phase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Montague Expressway Widening</td>
<td>Phase 1</td>
</tr>
<tr>
<td>US 101/Trimble Road Interchange</td>
<td>Phase 1</td>
</tr>
<tr>
<td>Montague Expressway/Trimble Road Connection</td>
<td>Phase 1</td>
</tr>
<tr>
<td>Transit/Bicycle/Pedestrian Enhancements</td>
<td>Phases 1,2,3,4</td>
</tr>
<tr>
<td>Charcot Avenue Extension</td>
<td>Phase 2</td>
</tr>
<tr>
<td>Zanker Road Widening</td>
<td>Phase 2</td>
</tr>
<tr>
<td>North 1st/SR 237 Interchange</td>
<td>Phase 3</td>
</tr>
<tr>
<td>McCarthy/Montague Interchange</td>
<td>Phase 3</td>
</tr>
<tr>
<td>Zanker Road/Skyport Drive Connection</td>
<td>Phase 4</td>
</tr>
<tr>
<td>US 101/Mabury Road Interchange</td>
<td>Phase 4</td>
</tr>
<tr>
<td>North San José Grid System Streets</td>
<td>All Phases</td>
</tr>
</tbody>
</table>

**North San José Area Development Policy**

The most recent version of the North San José Area Development Policy (ADP) was adopted in 1988 and establishes the standards under which traffic congestion in the area is evaluated and mitigated. The City is proposing to adopt a new Area Development Policy for North San José that reflects an identified need to increase development along North First Street, in order to take better advantage of both its established character as an employment center and as a desirable location for high-tech companies in Silicon Valley and the Bay Area. The proposed Policy revisions are intended to manage regional traffic patterns and to establish a framework for “smart growth.”
As described in more detail in the text of this EIR, specific elements of the new ADP include the following:

- Use of the same methodology employed elsewhere in San José for calculating level of service for intersections and regional roadways (which is consistent with the methodology promulgated by the County Congestion Management Agency).
- Adjustment to reflect the unusual nature of traffic in North San José, including its extreme directionality and the regional scope of both the origins and destinations of the trips passing through the area.
- An acknowledgment by the City of San José that the citywide Level of Service policy standards will not ever be achieved in this area.
- Encouragement of a greater reliance on the existing and planned transit system in the area.
- Provision for (and reliance upon) more housing in the immediate area.
- A change in the Plan boundaries.

**Deficiency Plan for North San José**

The City of San José adopted the *Deficiency Plan for North San José* on December 1, 1994, in conformance with the Santa Clara County Congestion Management Plan (CMP) and California Government Code §65089.3.

The City is proposing to adopt a revised *Deficiency Plan for North San José* that is consistent with the revised *North San José Area Development Policy* discussed above, and which reflects current and planned infrastructure and land use policies in the City.

**Flood Plain Management Plan**

In 1983, the City initiated the North San José Floodplain Management Study to provide consistent development criteria for flood protection for new development occurring within the floodplains of Coyote Creek and the Guadalupe River. The study was updated in 1987.

In mid-2005, all of the improvements necessary to provide protection from the 100-year flood for North San José will have been completed. It is presently anticipated that any remaining susceptibility to flooding will be the result of localized deficiencies in the capacity of the storm drain system.

**Summary of Impacts and Mitigation Measures**

The table which follows summarizes the significant environmental impacts identified and discussed within the text of the EIR, and identifies the mitigation measures proposed to avoid or reduce those impacts. Those impacts for which no feasible mitigation could be identified are characterized as Significant and Unavoidable. Alternatives to the proposed project are also summarized at the end of the table.
<table>
<thead>
<tr>
<th>SIGNIFICANT IMPACTS</th>
<th>MITIGATION AND AVOIDANCE MEASURES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Land Use Impacts</strong></td>
<td></td>
</tr>
<tr>
<td>The significant increase in residential development in direct proximity to existing industrial facilities will increase the likelihood of conflicts between industrial vehicles and residents, especially pedestrians and bicycles. Increased development intensity, including increased bicycle and pedestrian activity will further add to non-vehicular traffic in the area. This could create significant safety impacts. <strong>(Significant Impact)</strong></td>
<td>Implementation of relevant General Plan and City Council policies, will reduce the land use compatibility impacts of the project. These policies are listed in <em>Section II.A.(3)</em> of this EIR. The City is evaluating a revision to the City Council’s adopted Transportation Impact Policy that would not allow future mitigation for traffic congestion impacts to eliminate or reduce capacity for alternative transportation modes. The effect of this policy modification will be to minimize the likelihood that future intersection or roadway widening will degrade or eliminate bicycle lanes, sidewalks, bus stops, or other elements of the City’s transportation infrastructure. The proposed Area Development Policy includes requirements for all new industrial development to include all feasible TDM measures to reduce traffic generation.</td>
</tr>
<tr>
<td><strong>Less Than Significant Impact with Mitigation Proposed</strong></td>
<td></td>
</tr>
<tr>
<td>The amount of development proposed in North San José will result in significantly increased congestion along major arterials and residential collectors. This congestion is likely to result in the generation of cut-through traffic in residential neighborhoods, which would be inconsistent with General Plan Transportation Policies for protecting such residential neighborhoods. Additionally, many of the residential streets that will directly experience significant traffic increases serve front-on residences, both single family houses and duplexes, that would be adversely impacted by</td>
<td>Implementation of relevant General Plan policies will reduce the land use compatibility impacts of the project. These policies are listed in <em>Section II.A(3)</em> of this EIR. Conformance with the City Council’s adopted Traffic Calming Policy, which includes performance of periodic analyses of the source of cut-through traffic, and implementation of various measures to minimize or avoid neighborhood impacts, will reduce the effects of cut-through traffic. Even with these traffic calming measures, cut-through traffic on the grid streets serving the residential neighborhood is likely to result in significant land use impacts.</td>
</tr>
<tr>
<td><strong>Significant Unavoidable Impacts</strong></td>
<td></td>
</tr>
<tr>
<td>SIGNIFICANT IMPACTS</td>
<td>MITIGATION AND AVOIDANCE MEASURES</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>the secondary effects of significant traffic increases. (Significant Impact)</td>
<td>No feasible mitigation measures have been identified that would reduce these impacts.</td>
</tr>
<tr>
<td>Traffic will increase substantially at the four intersections proposed to be added to a List of Protected Intersections. This same traffic is anticipated to result in significant land use impacts to residential uses along some of the streets that lead to those intersections: Tenth, Eleventh, Hedding, Julian, and Taylor Streets. (Significant Impact)</td>
<td>Significant Unavoidable Impacts</td>
</tr>
</tbody>
</table>

**Transportation Impacts**

**Far Term Impacts and Mitigation for Proposed General Plan Amendments**

The long term traffic analysis done for the proposed General Plan amendments found that implementation of the proposed land uses will cause significant increases in traffic across the three special subarea screenlines if full implementation occurs during the current General Plan horizon. (Significant Impact)  

Implementation of relevant General Plan policies will reduce some of the traffic impacts of the project. These policies are listed in Section II.B.(3) of this EIR. Consistency with these policies will not reduce impacts to the three special subarea screenlines to a less than significant level.  

Significant Unavoidable Impact

The long term traffic analysis done for the proposed General Plan amendments found that implementation of the proposed land uses would result in significant increases in traffic congestion on the roadway links that provide access to the project area, if full implementation occurs during the current General Plan horizon. (Significant Impact)  

Implementation of relevant General Plan policies will reduce some of the traffic impacts of the project. These policies are identified in Section II.B.(3) of this EIR. Consistency with these policies will not reduce impacts to all nearby roadway links to a less than significant level.  

Significant Unavoidable Impact
### Near Term Impacts and Mitigation for Implementation Policies and Proposed Development Project

<table>
<thead>
<tr>
<th>SIGNIFICANT IMPACTS</th>
<th>MITIGATION AND AVOIDANCE MEASURES</th>
</tr>
</thead>
</table>
| **Full implementation of the proposed project would result in significantly increased congestion at 51 intersections which are listed in Table 11 in Section II.B.(2) of this EIR. This includes impacts at 34 intersections in San José, 12 of which are within the North San José project area; 10 impacted intersections are in the City of Santa Clara; one intersection is in the City of Campbell; and six intersections are in the City of Milpitas.  (Significant Impact)** | Mitigation was identified and is proposed for all but 37 intersections. No feasible mitigation could be identified at 20 intersections in the City of San José, 12 of which are in the North San José project area. The City lacks the authority to implement mitigation in other cities, so the project will result in significant impacts at ten intersections in Santa Clara, one intersection in Campbell, and six intersections in the City of Milpitas.  
  **Significant Unavoidable Impact**                                                                                                           |
| **Proposed phasing of development and mitigation measures over time may allow significant congestion at some intersections both within and outside the project boundary to exist for extended periods of time, until the physical improvements are installed.  (Temporary Significant Impact)** | The proposed Area Development Policy specifies that mitigation for any particular phase must be at least fully funded before entitlements will be issued for development in the next phase. This could mean that the levels of congestion identified for each phase could exist for some period of time before the mitigated conditions identified for that phase would reduce the impacts. Because the pacing of development (both industrial and residential) will be determined by economics and the markets, interim congestion will occur until mitigation is implemented.  
  **Temporary Significant Unavoidable Impact**                                                                                               |
| **Full implementation of the proposed project would result in significantly increased congestion on 72 freeway segments.  (Significant Impact)**    | There is no feasible mitigation available that would reduce this impact to less than significant.  
  **Significant Unavoidable Impact**                                                                                                           |
<table>
<thead>
<tr>
<th>SIGNIFICANT IMPACTS</th>
<th>MITIGATION AND AVOIDANCE MEASURES</th>
</tr>
</thead>
</table>
| Full implementation of the proposed project would create demands for transit service significantly in excess of the existing transit systems, based on current operating standards. **(Significant Impact)** | The following physical improvements will be implemented to expand and improve transit service in North San José:  
  - Specialized passenger shelters and bus/shuttle stop improvements including curb bulbouts, depending on location and new [additional] locations.  
  - LRT northbound shelters at Orchard, Bonaventura, Component, (in the project area) and Tasman (lengthen existing plus southbound shelter) and River Oaks outside the project area;  
  - Intersection and crosswalk improvements; lane or intersection narrowing, including reducing curve radii and/or curb bulbouts; sidewalks along median from intersections to station platform;  
  - Lighting, furniture and landscaping at LRT stations, bus stops and key pedestrian locations;  
  - Station platform improvements;  
  - Other stop and station amenities such as sidewalks (locations) and/or sidewalk widening and lengthening;  
  - Self-cleaning bathrooms (2-4 locations);  
  - Real-time information infrastructure (on LRVs and at 17 stations and stops);  
  - Duck outs (most important at Tasman station);  
  - Shuttles between residential areas, businesses and transit stops/stations;  
  - New bus/shuttle stop locations (noted around Tasman LRT station) including dedication of right-of-way.  
  - Bi-directional full priority with ability to cascade calls for green signals for LRT along North First Street;  
  - LRT operations capital improvements such as, but not limited to:  
    - Trackway improvements  
    - Switches  
    - Tail/storage/layover tracks  
    - Platform improvements.  

The City and Redevelopment Agency will work with VTA to educate local businesses and their employees and residents of the County of the benefits of using transit. As the transit systems become more heavily utilized, these educational programs will address the
<table>
<thead>
<tr>
<th>SIGNIFICANT IMPACTS</th>
<th>MITIGATION AND AVOIDANCE MEASURES</th>
</tr>
</thead>
<tbody>
<tr>
<td>realities of the system operations and will support and reinforce ongoing use of the system.</td>
<td></td>
</tr>
<tr>
<td><strong>Less Than Significant Impact with Mitigation Proposed</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Air Quality Impacts</strong></td>
<td></td>
</tr>
</tbody>
</table>
| Project emissions of ozone precursors and PM$_{10}$ would exceed the BAAQMD threshold of significance of 80 pounds per day for regional pollutants. (Significant Impact) | Implementation of relevant General Plan policies will reduce the air quality impacts of the project. These policies are listed in Section II.C(3) of this EIR.  
All employment-generating development projects will be required to develop and implement a Transportation Demand Management program that will include, where feasible, the following elements:  
• Physical improvements, such as sidewalks, landscaping and bicycle parking that would act as incentives for pedestrian and bicycle modes of travel.  
• Connect individual sites with regional bikeway/pedestrian trail system.  
• Provide transit information kiosks.  
• Implement a carpool/vanpool program, e.g., carpool ridematching for employees, assistance with vanpool formation, provision of vanpool vehicles, etc.  
• Develop a transit use incentive program for employees in the project area, such as on-site distribution of passes and/or subsidized transit passes for local transit systems (participation in the VTA EcoPass system would satisfy this requirement).  
• Provide preferential parking for electric or alternatively-fueled vehicles.  
• Provide a guaranteed ride home program.  
• Implement a flextime policy.  
• Provide on-site child care.  
• Provide showers and lockers for employees bicycling or walking to work.  
• Provide secure and conveniently located bicycle parking and storage for workers.  
• Implement parking cash-out program for employees.  
Residential developments will be required to implement measures identified by the |
<table>
<thead>
<tr>
<th>SIGNIFICANT IMPACTS</th>
<th>MITIGATION AND AVOIDANCE MEASURES</th>
</tr>
</thead>
<tbody>
<tr>
<td>BAAQMD to reduce emissions from residential projects. Examples of feasible mitigation measures include:</td>
<td></td>
</tr>
<tr>
<td>• Provide bicycle lanes, sidewalks and/or paths, connecting project residences to adjacent schools, parks, the nearest transit stop and nearby commercial areas.</td>
<td></td>
</tr>
<tr>
<td>• Provide a satellite telecommute center within or near the development.</td>
<td></td>
</tr>
<tr>
<td>• Provide secure and conveniently placed bicycle parking and storage facilities at parks and other facilities.</td>
<td></td>
</tr>
<tr>
<td>• Provide neighborhood-serving shops and services within or adjacent to residential project.</td>
<td></td>
</tr>
<tr>
<td>• Allow fireplaces only consistent with restrictions in Municipal Code.</td>
<td></td>
</tr>
<tr>
<td>• Use electric lawn and garden equipment for landscaping.</td>
<td></td>
</tr>
<tr>
<td>• Construct transit amenities such as bus turnouts/bus bulbs, benches, shelters, etc.</td>
<td></td>
</tr>
<tr>
<td>• Provide direct, safe, attractive pedestrian access from project land uses to transit stops and adjacent development.</td>
<td></td>
</tr>
<tr>
<td>• Utilize reflective (or high albedo) and emissive roofs and light colored construction materials to increase the reflectivity of roads, driveways, and other paved surfaces, and include shade trees near buildings to directly shield them from the sun's rays and reduce local air temperature and cooling energy demand.</td>
<td></td>
</tr>
<tr>
<td>• Provide transit passes to new residents.</td>
<td></td>
</tr>
</tbody>
</table>

The project has design features that would reduce air quality impacts. The project area has access to bus service and light rail. The project also proposes to increase proximate mixed land uses and improved internal circulation, which will facilitate non-auto trips between residential, industrial, and commercial uses. These features and the above measures have the potential to reduce project trip generation by up to 20%. This amount would still be well below the 98% reduction in emissions needed to reduce the project’s impact to a level that is less-than-significant, so project impacts would remain significant after implementation of proposed mitigation measures.

**Significant Unavoidable Impact**
### SIGNIFICANT IMPACTS

The proposed General Plan amendments are not consistent with the population projections in the most recently adopted CAP. The project would, therefore, have a significant impact on long term regional air quality. **(Significant Impact)**

### MITIGATION AND AVOIDANCE MEASURES

Implementation of relevant General Plan policies will reduce the air quality impacts of the project. These policies are listed in Section II.C(3) of this EIR.

The following measures, which reflect the CAP Transportation Control Measures, are included in the Area Development Policy/Deficiency Plan, and would apply to future development within the Rincon Redevelopment area to ensure compliance with the aforementioned General Plan policies and state law.

- Expand employee assistance program. Provide assistance to regional and local ridesharing organizations.
- Improve bicycle access and facilities. Improve access and facilities by implementing the following: 1) improve and expand bicycle lane system by providing bicycle access in plans for all new road construction or modification, 2) establish and maintain bicycle advisory committees in all nine Bay Area counties, 3) designate a staff person as a Bicycle Program Manager, 4) develop and implement comprehensive bicycle plans, 5) encourage employers and developers to provide bicycle access and facilities, and 6) provide bicycle safety education.
- Improve Arterial Traffic Management. Improve arterial traffic management by implementing the following: 1) study signal preemption for buses on arterials with high volumes of bus traffic, 2) improve arterials for bus operations and to encourage bicycling and walking, and 3) continue and expand local signal timing programs, only where air quality benefits can be demonstrated.
- Pedestrian Travel. Implement the following measures: 1) review/revise general/specific plan policies to promote development patterns that encourage walking and circulation policies that emphasize pedestrian travel and modify zoning ordinance to include pedestrian-friendly design standards, 2) include pedestrian improvements in capital improvement programs, and 3) designate a staff person as a Pedestrian Program Manager.
- Promote Traffic Calming Measures. Promote traffic calming measures by implementing the following: 1) include traffic calming strategies in the transportation and land use elements of general and specific plans, and 2) include traffic calming strategies in capital improvement programs.
<table>
<thead>
<tr>
<th><strong>SIGNIFICANT IMPACTS</strong></th>
<th><strong>MITIGATION AND AVOIDANCE MEASURES</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>While many of the project elements, including designating adjacent lands for employment and housing, are specifically consistent with the CAP, the population increase will be inconsistent and the impact will remain significant, based on BAAQMD criteria.</td>
<td>Significant Unavoidable Impact</td>
</tr>
<tr>
<td>Construction activities related to the proposed project, particularly generation of construction dust, could result in significant short-term air quality impacts. <em>(Significant Impact)</em></td>
<td>BAAQMD has prepared a list of feasible construction dust control measures that can reduce construction impacts to air quality to a less than significant level. The measures, which will be required of future development projects by the City of San José, are listed in <em>Section II.C (3)</em> of this EIR.</td>
</tr>
<tr>
<td></td>
<td><strong>Less Than Significant Impact with Mitigation Proposed</strong></td>
</tr>
<tr>
<td>Noise Impacts</td>
<td></td>
</tr>
<tr>
<td>The project would introduce noise-sensitive residential uses into a noisy environment that exceeds the “satisfactory” level for new residential development, according to the City’s General Plan. <em>(Significant Impact)</em></td>
<td>Implementation of relevant General Plan policies will reduce the air quality impacts of the project. These policies are listed in <em>Section II.D(3)</em> of this EIR</td>
</tr>
<tr>
<td></td>
<td>All residential development will be required to conform to state Title 24 by preparing an acoustical analysis that demonstrates noise attenuation that will achieve acceptable interior noise levels, prior to issuance of building permits.</td>
</tr>
<tr>
<td></td>
<td>Conformance with the Residential Design Guidelines standards for provision of private and common open space, and consistency with General Plan guidelines for acceptable noise levels in outdoor activity areas, will ensure that residents have usable outdoor areas that do not exceed General Plan guidelines.</td>
</tr>
<tr>
<td></td>
<td><strong>Less Than Significant Impact with Mitigation Proposed</strong></td>
</tr>
<tr>
<td>SIGNIFICANT IMPACTS</td>
<td>MITIGATION AND AVOIDANCE MEASURES</td>
</tr>
<tr>
<td>---------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>Implementation of the proposed project will generate an increase in traffic along the roadway network in North San José and will substantially increase noise levels near noise sensitive receptors in the project area on a permanent basis. Additionally, there are several roadway links outside of the project area on which existing sensitive receptors will be impacted by significant increases in noise from project-generated traffic. <strong>Significant Impact)</strong></td>
<td>Given the implementation time frame of the project and the incremental contributions from individual developments, there is no nexus for requiring mitigation for traffic noise at affected receptors from individual developments. Implementation of measures available to reduce the project noise level increases would not likely be reasonable or feasible and the impact would therefore be significant and unavoidable. <strong>Significant Unavoidable Impact</strong></td>
</tr>
<tr>
<td>The construction of the individual development and infrastructure that make up the proposed project would temporarily elevate noise levels at adjacent noise-sensitive land uses. <strong>Significant Impact)</strong></td>
<td>Implementation of measures that are consistent with General Plan Noise Policy #9, which states construction operations should use available noise suppression devices and techniques, will reduce construction noise impacts to less than significant levels. Consistent with General Plan policies and current planning practice in the City of San José, each new development project will be required to prepare construction noise reduction plans to minimize impacts on nearby sensitive receptors. <strong>Less Than Significant Impact with Mitigation Proposed</strong></td>
</tr>
<tr>
<td>Development of vacant parcels within the Rincon area would result in significant loss of habitat occupied by Burrowing Owls and other raptors. In addition, development and/or redevelopment of developed sites could result in potential disturbances of active raptor nests, occupied Burrowing Owl burrows, and pallid bat and Townsend’s Big-eared Bat nursery colonies, and/or destruction of members of these species. <strong>Significant Impact)</strong></td>
<td>Implementation of relevant General Plan policies and conformance with other program mitigation measures listed below will reduce impacts of the project to vegetation and wildlife in the Rincon area to a less than significant level. General Plan policies are listed in greater detail in Section II.E (3) of this EIR. In conformance with the Migratory Bird Treaty Act and with federal and state regulations regarding protection of raptors, appropriate surveys for Burrowing Owls following California Department of Fish and Game protocols will be completed prior to any development occurring on sites with foraging or nesting habitat for Burrowing Owls, or prior to redevelopment occurring on sites with large landscaped areas. <strong>Biological Resources Impacts</strong></td>
</tr>
</tbody>
</table>
## SIGNIFICANT IMPACTS

Preconstruction surveys for nesting raptors and bats will be conducted on proposed development or redevelopment sites with buildings and/or mature trees.

If surveys confirm that a site is occupied habitat, or that a nest exists that could be disturbed by proposed development, then additional mitigation measures to minimize or avoid impacts to the raptors, their burrows or nests, and foraging habitat and would be identified and implemented.

While identified mitigation will avoid impacts to individual birds and bats, the proposed development will result in the significant unavoidable loss of approximately 600 acres of vacant land that is presently Burrowing Owl foraging and breeding habitat.

### Significant Unavoidable Impact

Development that is covered by this EIR will be consistent with the City’s adopted Riparian Corridor Policy Study. For the purposes of this EIR, it is assumed that future development or redevelopment will not encroach upon the 100-foot setback from the riparian corridors of the Guadalupe River or Coyote Creek, or otherwise significantly impact these corridors. (Less Than Significant Impact)

### MITIGATION AND AVOIDANCE MEASURES

Implementation of relevant General Plan policies and the mitigation measures listed below will reduce impacts from the project on vegetation and wildlife in the Rincon area to a less than significant level. General Plan policies are listed in Section II.E.(3) of this EIR.

- Specific development proposals on properties containing or adjacent to existing riparian habitat will be evaluated for conformance with design guidelines in the City’s adopted Riparian Corridor Policy Study. Projects consistent with the Policy would observe a 100 foot setback from the edge of the riparian corridor or top of bank, whichever is greater, within which little or no human activity or disturbance would occur.
- Development of parcels containing remnant cottonwood forest or sycamore riparian woodland will preserve the habitat, in order to be consistent with the Riparian Corridor Policy Study. Any area of this habitat impacted by development must be replaced at a minimum ratio of 1:1. Replacement habitat should be designed to expand areas with existing riparian vegetation and could occur within gaps in riparian vegetation that exist along the Guadalupe River.

### Less Than Significant Impact with Mitigation Proposed
<table>
<thead>
<tr>
<th>SIGNIFICANT IMPACTS</th>
<th>MITIGATION AND AVOIDANCE MEASURES</th>
</tr>
</thead>
</table>
| Contaminated runoff from the future development would contribute to the degradation of aquatic habitat in the Guadalupe River. *(Significant Impact)* | Implementation of relevant General Plan policies and the mitigation measures listed below will reduce impacts from the project on vegetation and wildlife in the Rincon area from water quality contamination to a less than significant level. Relevant General Plan policies are listed in *Section II.E.(3)* of this EIR. Future projects will comply with the NPDES General Construction Activity Stormwater Permit administered by the Regional Water Quality Control Board. Prior to construction grading for the proposed land uses with land disturbance of one acre or more, the applicant will file a “Notice of Intent” (NOI) to comply with the General Permit and prepare a Stormwater Pollution Prevention Plan (SWPPP) which addresses measures that would be included in the project to minimize and control construction and post-construction runoff. The SWPPP will be submitted to the City of San José Department of Public Works. The following measures would be included in the SWPPP:  
- Preclude non-stormwater discharges to the stormwater system.  
- Effective, site-specific Best Management Practices for erosion and sediment control during the construction and post-construction periods.  
- Coverage of soil, equipment, and supplies that could contribute non-visible pollution prior to rainfall events or perform monitoring of runoff.  
- Perform monitoring of discharges to the stormwater system.  
The Post-Construction Urban Runoff Management Policy establishes that all new development projects are required to include specific measures for improving the water quality of urban runoff to the maximum extent feasible. In addition, the Policy establishes general guidelines and best management practices for particular land uses, and requires that all post-construction treatment control measures be maintained to operate effectively. Development projects will comply with the City of San José Grading Ordinance, including erosion- and dust-control during site preparation and with the City of San José zoning ordinance requirement for keeping adjacent streets free of dirt and mud during construction. Construction practices will include use of stabilized construction entrances and/or wash racks, street sweeping, use of erosion control devices including straw bales. |
<table>
<thead>
<tr>
<th>SIGNIFICANT IMPACTS</th>
<th>MITIGATION AND AVOIDANCE MEASURES</th>
</tr>
</thead>
<tbody>
<tr>
<td>and/or silt fences, and storm drain inlet protection to minimize contamination of storm water runoff.</td>
<td></td>
</tr>
<tr>
<td><strong>Less Than Significant Impact with Mitigation</strong></td>
<td></td>
</tr>
<tr>
<td>Development of vacant parcels and redevelopment of properties with mature landscaping in the Rincon area could result in the removal of a significant number of ordinance-size trees. <strong>(Significant Impact)</strong></td>
<td>Prior to approval of project-specific development permits, each new development or proposed redevelopment project within the North San José area will obtain a permit for the removal of ordinance trees and provide for replacement of removed trees in accordance with City of San José Tree Removal Controls (San José Municipal Code Title 13 Chapter 13.32). Trees removed with a valid tree removal permit shall be replaced in accordance with the terms of the permit and trees to remain on individual sites within the project area will be protected from damage during construction. <strong>Less Than Significant Impact with Mitigation</strong></td>
</tr>
<tr>
<td><strong>Cultural Resources Impacts</strong></td>
<td><strong>Implementation of relevant General Plan policies will reduce impacts to archaeological resources to a less than significant level. General Plan policies are listed in Section II.F.(3) of this EIR.</strong></td>
</tr>
<tr>
<td>Proposed future development and redevelopment of properties within the Rincon de los Esteros Redevelopment Area is likely to result in significant disturbance of and impacts to prehistoric or historic archaeological resources. <strong>(Significant Impact)</strong></td>
<td>In keeping with General Plan policies and consistent with current planning practice in the City of San José, any specific development proposal to develop or redevelop property in the project area, including any proposal to construct new infrastructure or other physical improvements that would include any disturbance of native soil (i.e., soil that is not imported fill), will be accompanied by a new or an updated Archaeological Resources Assessment Report (as described below) prepared by a qualified archaeologist that identifies the status of the site vis-à-vis known cultural resources. Special attention will be given to proposals to develop the following sites, which are considered likely to contain resources: - East Agnews Complex;</td>
</tr>
</tbody>
</table>
SIGNIFICANT IMPACTS

- Site G – south side of Brokaw Road northeast of US 101;
- Site H – Northwest corner of Skyport Boulevard and North First Street;
- Site I – Northeast corner of Skyport Boulevard and North First Street;
- Site J – East side of North Fourth Street south of US 101; and
- Urban Industrial Core – four areas do not appear to have been inventoried:
  1) parcel fronting on both Trimble Road and Bonaventura Drive; 2) parcel(s) between Component Drive including a small portion south of Charcot Drive; 3) parcels in vicinity of Karina Court and O’Neil Drive; and, 4) parcels bounded by Brokaw Road, the VTA Light Rail tracks, and Highway 101.

The Archaeological Resources Assessment Reports will:

1. address the potential for prehistoric and historic resources through a review of compliance reports completed and on file at the NWIC coupled with any other supplementary archival research including the baseline data in this report;
2. complete a field inventory of the property (only if the property has not been subject to a previous inventory);
3. identify any resources or potential resources that might be affected by the project; and,
4. present project recommendations and a mitigation strategy that focuses on a minimal impact strategy on identified and potential resources and stresses the preservation and/or avoidance of an identified resource rather than mitigation through data recovery.

- Management recommendations should consider either subsurface testing to determine the horizontal and vertical extent, integrity and significance of potential cultural deposits in high sensitivity areas and/or archaeological monitoring of subsurface construction if a site testing program is not possible or inappropriate.
- Reporting and evaluation requirements should be in accordance with current archaeological standards (e.g., Archaeological Resource Management Reports (ARMR): Recommended Contents and Format, California Office of Historic Preservation, Preservation Planning Bulletin 4(a); any internal City of San José reporting standards for cultural resources reports including Guidelines for Historic
<table>
<thead>
<tr>
<th>SIGNIFICANT IMPACTS</th>
<th>MITIGATION AND AVOIDANCE MEASURES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reports) and evaluation criteria (e.g., National Register of Historic Places, California Register of Historical Resources; City of San José Historic Resources Inventory guidelines). All research should be undertaken by professionals who meet the requirements of the California State Office of Historic Preservation for their respective disciplines.</td>
<td></td>
</tr>
<tr>
<td>Whether the project is public or private, appropriate language regarding the sensitivity of the proposed project area for archaeological resources should be inserted in the General Conditions section of any construction contract requiring subsurface disturbance and the contractor cautioned on the legal and/or regulatory implications of knowingly destroying cultural resources or removing artifacts, human remains, bottles and other cultural materials from the project. Furthermore, the language should also detail the procedures to be followed by the contractor for any archaeological monitoring requirements and requirements in the event of an inadvertent exposure of cultural resources.</td>
<td></td>
</tr>
<tr>
<td>• Prior to approval of a Site Development or Planned Development Permit, the preparation of an Historic Properties Treatment Plan (HPTP) by a professional archaeologist will be required for any development project on a property that has: 1) a recorded archaeological site present that has been determined eligible for or is listed on one of the registers and/or is adjacent to a parcel with a recorded site that has been determined eligible for or is listed on one of the registers; or, 2) a potential for significant subsurface cultural resources identified through either archival research and/or site testing (see Table 26). The Urban Industrial Core Area is extremely sensitive for both recorded and unknown prehistoric resources which are likely to yield Native American burials. Residential areas adjacent to the Urban Industrial Core also appear to have some sensitivity.</td>
<td></td>
</tr>
<tr>
<td>The HPTP should provide a background context for the parcel/resources and appropriate guidelines for considering and protecting cultural resources during any future development or modification of the site. The plan should include resource protection and monitoring plans for both prehistoric and historic archaeological resources as well as methods and procedures to deal with inadvertent cultural</td>
<td></td>
</tr>
<tr>
<td><strong>Future development and redevelopment of properties within the Rincon de los Esteros Redevelopment Area that contain historically significant architectural resources are assumed to include preservation and protection of such resources, consistent with definitions in the CEQA Guidelines. (Less Than Significant Impact)</strong></td>
<td>discoveries that may be exposed during subsurface construction. In the case of parcels that have only been partially inventoried but have either known sites or potential cultural resource properties present and/or adjacent, the HPTP should include a records review and field inventory. Any new findings should be incorporated into the HPTP guidelines.</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>Less Than Significant Impact with Mitigation Proposed</strong></td>
<td>Implementation of relevant General Plan policies and the mitigation measures listed below will reduce impacts of the project to architectural resources in the Rincon area to a less than significant level. General Plan policies are listed in Section II.F.(3) of this EIR. Protection of historically significant architectural resources in a manner consistent with CEQA Guidelines §15064.5(b) and the City policies described above would reduce impacts to those resources to a less than significant level. Any proposal to remove historically significant architectural resources or any development that would result in a substantial adverse change in the significance of an historical resource as defined by CEQA Guidelines §15064.5(b), would result in a significant impact that is not covered by this EIR.</td>
</tr>
<tr>
<td></td>
<td>In keeping with General Plan policies and consistent with current planning practice in the City of San José, the following measures will be incorporated into future development review processes for projects in North San José:</td>
</tr>
<tr>
<td></td>
<td>• If baseline data are not available on the presence/absence and significance of architectural properties more than 45 years old, present on or adjacent to a 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 historic report should provide recommendations or mitigation options. Significant properties located adjacent to the proposed development site will be considered in any impact analysis as to the likelihood that they may be indirectly affected by development and/or redevelopment (e.g., noise, vibration, setting, etc). In</td>
</tr>
<tr>
<td>SIGNIFICANT IMPACTS</td>
<td>MITIGATION AND AVOIDANCE MEASURES</td>
</tr>
<tr>
<td>--------------------</td>
<td>-----------------------------------</td>
</tr>
<tr>
<td>keeping with the intent of the General Plan and current planning practice, a Historic Report will be completed for the Agnews East Complex. The report should be prepared prior to approval by the City of any specific development approvals on these parcels.</td>
<td></td>
</tr>
<tr>
<td>• The San José City Council has adopted a Council Policy on the “Preservation of Historic Landmarks.” The policy states that it has the following applicability:</td>
<td></td>
</tr>
<tr>
<td>“This policy affects any designated City Landmark structure, Contributing Structure in a City Landmark Historic District, a structure designated on the State of California Register of Historic Places, the National Register of Historic Places, a Contributing Structure in a National Register Historic District, or a structure that qualifies for any of the above, based on the applicable City, State, or National qualification criteria”</td>
<td></td>
</tr>
<tr>
<td>The Council’s policy requires that “Every effort should be made to incorporate existing landmark structures” into future development plans. The policy also identifies a public process for any proposal to alter or demolish a landmark structure. A comprehensive analysis should be prepared of the economic and structural feasibility of preservation and/or adaptive reuse of the structure, as well as an analysis of potential funding sources for preservation.</td>
<td></td>
</tr>
<tr>
<td>Less Than Significant Impact with Mitigation</td>
<td></td>
</tr>
</tbody>
</table>
SIGNIFICANT IMPACTS | MITIGATION AND AVOIDANCE MEASURES

### Geology and Soils Impacts

Construction of high-rise industrial/office/R&D and high-density residential buildings on compressible clay layers and highly expansive surface soils could result in significant structural damage. Relatively high water table levels could also result in damage to structures from hydrostatic pressure. **(Significant Impact)**

Implementation of relevant General Plan policies will reduce impacts from geology and soil conditions in the project area to a less than significant level. General Plan policies are listed in *Section II.G.(3)* of this EIR.

Consistent with General Plan policies and current planning practice in the City of San José, new construction of industrial/office/R&D and residential buildings will occur in conformance with design-specific geotechnical reports prepared in conformance with requirements of the City Geologist and Building Official.

**Less Than Significant Impact with Mitigation**

Development within the North San José area would result in future industrial and residential development being built on sites subject to seismic hazards, including liquefaction. **(Significant Impact)**

Implementation of relevant General Plan policies will reduce impacts from geology and soil conditions in the project area to a less than significant level. General Plan policies are listed in *Section II.G.(3)* of this EIR.

Seismic shaking hazards would be mitigated by implementation of construction practices in accordance with Seismic Zone 4 building criteria as described in the Uniform Building Code.

**Less Than Significant Impact with Mitigation**

---

### Hydrology and Water Quality Impacts

The project is located in an area of San José subject to periodic flooding from two creeks and possible tidal flooding from the Bay, all of which could expose people or structures to significant risks. **(Significant Impact)**

Implementation of relevant General Plan policies will reduce impacts from flooding in the project area to a less than significant level. General Plan policies are listed in *Section II.H.(3)* of this EIR.

In order to avoid or reduce risks to people and structures, specific development projects proposed in the project area will be subject to the City of San José Floodplain...
<table>
<thead>
<tr>
<th>SIGNIFICANT IMPACTS</th>
<th>MITIGATION AND AVOIDANCE MEASURES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Management Ordinance in place at the time the project application is filed with the City. Consistency with the Ordinance will ensure that significant impacts to persons and property are reduced or avoided.</td>
<td></td>
</tr>
<tr>
<td><strong>Less Than Significant Impact with Mitigation</strong></td>
<td></td>
</tr>
<tr>
<td>In addition to flooding from nearby creeks and tidal flooding from the Bay, the project area is subject to flooding when stormwater flows exceed the capacity of the drainage system. This flooding could pose a significant risk to people and/or structures in the project area. (Significant Impact)</td>
<td></td>
</tr>
<tr>
<td>Implementation of relevant General Plan policies will reduce impacts from flooding in the project area to a less than significant level. General Plan policies are listed in Section II.H.(3) of this EIR.</td>
<td></td>
</tr>
<tr>
<td>In order to avoid or reduce risks to people and structures, future projects proposed in the project area will be subject to the City of San José Floodplain Management Ordinance in place at the time the project application is filed with the City. <strong>Less Than Significant Impact with Mitigation</strong></td>
<td></td>
</tr>
<tr>
<td>In keeping with General Plan policies and consistent with current planning practice in the City of San José, and in order to improve stormwater drainage in the project area and prevent localized flooding due to lack of system capacity, all proposed development in North San José will be evaluated for the adequacy of on-site and off-site stormwater collection systems prior to issuance of Site Development or Planned Development Permits. Some areas will require new or supplemental stormwater lines, catch basins, or other infrastructure. As redevelopment proceeds in the area, priorities may be set for upgrading the storm drainage system. Consistent with City policies, Capitol Improvement Projects will be identified and incorporated into the City’s Five Year CIP process, as appropriate.</td>
<td></td>
</tr>
<tr>
<td>Future development projects will also be subject to any blockage criteria contained in the City’s Floodplain Management Ordinance.</td>
<td></td>
</tr>
<tr>
<td><strong>Less Than Significant Impact with Mitigation Proposed</strong></td>
<td></td>
</tr>
</tbody>
</table>
SIGNIFICANT IMPACTS

Stormwater runoff from the proposed new development and from the anticipated increased levels of activity and traffic in this area could contribute to the degradation of surface water quality of the Guadalupe River, Coyote Creek, and ultimately, San Francisco Bay. (Significant Impact)

MITIGATION AND AVOIDANCE MEASURES

Implementation of relevant General Plan policies will reduce project impacts to water quality to a less than significant level. General Plan policies are discussed in greater detail in Section II H.(3) of this EIR.

Under provisions of the NPDES Municipal Permit, redevelopment projects that disturb more than one acre are required to incorporate Best Management Practices for non-point pollution control in the new development area. These measures may include:

- installation of landscaping that will facilitate the infiltration of stormwater;
- installing bioswales in new landscape and surface parking areas to treat runoff prior to discharge to the stormwater system;
- use of landscape species that minimize irrigation, runoff, pesticide and fertilizer application;
- design landscape areas to be lower in elevation than surrounding paved areas;
- planting new trees within 30 feet of impervious surfaces;
- use efficient irrigation systems to minimize runoff;
- stormwater catch basins will be stenciled to discourage illegal dumping;
- use microretention techniques, such as tree well filters in parking and landscaped areas;
- installation of oil/water separators in parking structures, if required/allowed;
- cover dumpsters and other storage areas and/or protect by a berm or curb;
- use source control Best Management Practices (in vehicle areas, roofs, gutters, downspouts, dumpster/trash areas, floor drains, elevator shaft drains, air conditioning condensate, and outdoor material storage, etc.);
- maintenance of landscaped areas as necessary to maintain soil structure and permeability;
- site maintenance, including routine catch basin cleaning; and
- maintenance of landscaping with minimal pesticide use, including landscape maintenance techniques listed in the Fact Sheet on Landscape Maintenance Techniques for Pest Reduction prepared by the Santa Clara Valley Urban Runoff Pollution Prevention Program.

New Section C.3 requirements of the Municipal Stormwater NPDES Permit, including
### SIGNIFICANT IMPACTS | MITIGATION AND AVOIDANCE MEASURES
--- | ---
Numeric sizing criteria for post-construction treatment control measures, will apply to future projects as project permits will not be approved prior to February 15, 2005. At the time of final design, treatment BMPs to be used on any proposed project site will be analyzed based upon a volume hydraulic design basis or a flow hydraulic design basis, as appropriate under the requirements of the City’s Municipal Stormwater NPDES Permit. **Less Than Significant Impact with Mitigation Proposed**

### Hazardous Materials Impacts

**Development or redevelopment of properties within the project area could expose construction workers and/or the public to hazardous materials during site preparation and construction as a result of one or more of the following:**

1. Hazardous materials that have been accidentally released in the past that contaminated soil or groundwater;
2. The presence of asbestos or lead-based paint in buildings that are demolished; and/or

**Health and Safety Plan(s) prepared in accordance with the California Code of Regulations (Title 8, Section 5192) are required on some construction sites. A Health and Safety Plan is a project-specific plan that describes safety measures to be followed during all phases of remediation on contaminated sites. It is designed to protect the health and safety of construction workers and the public during the remediation and/or construction periods.** **Less Than Significant Impact with Mitigation Proposed**

**Existing or future businesses within the project area could use hazardous materials that pose health or safety risks to nearby sensitive land uses, including new residential development that is proposed as part of this project, or residential support uses, such as schools, that could be developed in the future. **(Significant Impact)**

**Implementation of relevant General Plan policies will reduce hazardous materials impacts to a less than significant level. Relevant General Plan policies are listed in Section II I (3) of this EIR.**

A number of local, State and Federal regulations address the prevention of accidental releases of chemicals that can affect human health. The California Accidental Release Prevention (CalARP) Program aims to prevent accidental releases of regulated hazardous materials that represent a potential hazard beyond the boundaries of property. Facilities that are required to participate in the CalARP program use or store specified...
SIGNIFICANT IMPACTS | MITIGATION AND AVOIDANCE MEASURES
---|---
Quantities of toxic and flammable substances (hazardous materials) that can have off-site consequences if accidentally released. The County of Santa Clara Department of Environmental Health reviews CalARP risk management plans as the Certified Unified Program Agency (CUPA).

Within the City of San José (and neighboring cities of Santa Clara and Milpitas), a number of local regulations govern the use and storage of hazardous materials. A Hazardous Materials Business Plan is generally required of any facility which generates any quantity of hazardous waste or which handles hazardous materials in amounts greater than 55 gallons for liquids, 500 pounds for solids, and 200 cubic feet for compressed gases. Toxic gas storage on industrial and commercial sites must also comply with San José Municipal Code Chapter 17.78 (Toxic Gas Ordinance) and the California Fire Code. Engineering controls, such as secondary containment, automatic shut-off, seismic shutoff, emergency alarms, gas detection and signage may be required depending on the class and quantity of gas stored. The implementation and enforcement of these local, and state and Federal regulations regarding the use, storage and transport of hazardous materials (including setbacks for flammable storage from property lines) reduce the potential for impacts to off-site land uses, in the event of an accidental release. In addition to regulations regarding accidental releases, the routine emission of hazardous materials is locally regulated by the Bay Area Air Quality Management District (BAAQMD). BAAQMD’s Air Toxics Program integrates federal and state air toxics mandates with local goals that have been established by the Bay Area Air Quality Management District's Board of Directors. The Program consists of several elements that are designed to identify and reduce public exposure to toxic air contaminants. BAAQMD programs include preconstruction review with the requirement that new or modified sources of toxic air contaminants use Best Available Control Technology to minimize emissions.

The State Public Resources Code (Sections 21151.4 & 21151.8) and Sections 42301.6 and 42301.7 of the Health and Safety Code specifically apply to schools. These regulations address facilities that may emit hazardous or acutely hazardous air emissions materials and are located within one-quarter mile (1,320 feet) or 1,000 feet of schools. The governing board of the school district in which a school is proposed is required to make findings regarding the health risks from nearby facilities and corrective measures required before a school is occupied.
<table>
<thead>
<tr>
<th>SIGNIFICANT IMPACTS</th>
<th>MITIGATION AND AVOIDANCE MEASURES</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Department of Toxic Substances Control and the Regional Water Quality Control Board are responsible for overseeing cleanup of contaminated soil and water and for overseeing development activities on contaminated sites. For sites where contamination has been found as part of assessments of specific development sites, a Risk Management Plan, Remediation Plan or Clearance Letter approved by one of these agencies that outlines the site history and requirements for further site assessment and cleanup will be required by the City of San José prior to approval of specific residential development.</td>
<td></td>
</tr>
<tr>
<td>Department of Toxic Substances Control's (DTSC’s) Schools Property Evaluation and Cleanup Division is responsible for assessing, investigating and cleaning-up proposed school property sites. Under California Education Code Sections 17210.1 and 17213.1 the Division ensures that selected properties are free of contamination or, if the properties were previously contaminated, that they have been cleaned-up to a level that protects the students and faculty who will occupy the new school. All proposed school sites that will receive State funding for acquisition or construction are required to go through a rigorous environmental review and cleanup process under DTSC's oversight.</td>
<td></td>
</tr>
<tr>
<td>Less Than Significant Impact with Mitigation Proposed</td>
<td></td>
</tr>
<tr>
<td>SIGNIFICANT IMPACTS</td>
<td>MITIGATION AND AVOIDANCE MEASURES</td>
</tr>
<tr>
<td>---------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td><strong>Energy Impacts</strong></td>
<td></td>
</tr>
</tbody>
</table>
| Development proposed by this project would result in a significant increase in energy use. *(Significant Impact)* | Implementation of relevant General Plan policies will reduce energy impacts of the project. Relevant General Plan policies are listed in *Section II K (3)* of this EIR.  
The project shall recycle or salvage a minimum of 50% (by weight) of construction, and demolition waste, in conformance with existing City ordinance.  
All new buildings shall be constructed to meet the requirements of Title 24 of the California Administrative Code, as pertains to energy efficiency.  
In conformance with the existing Plumbing Code, residential developments shall install low-flow showerheads and faucets and low flow toilets.  
Even with inclusion of the proposed mitigation measures, the project will significantly increase energy use. While the nature and location of the proposed land uses are efficient, including placement of jobs and housing in close proximity to each other and transit services, the increase in use may be substantial in relation to currently projected future energy supplies.  
*Significant Unavoidable Impact* |


SUMMARY OF ALTERNATIVES

CEQA requires that an EIR identify alternatives to the project as proposed. The CEQA Guidelines specify that an EIR identify alternatives which “would feasibly attain the most basic objectives of the project but avoid or substantially lessen many of the significant environmental effects of the project.”

A. NO PROJECT ALTERNATIVE

The purpose of having a No Project alternative is to allow the project decision makers to compare the impacts of not approving the project with the impacts of approving the project as it is proposed. Existing policies, zoning, and General Plan designations would allow the ongoing development of additional industrial/office/R&D space in the Rincon area. Recent entitlements granted to eBay and BEA for developments on North First Street allocated all of the remaining surplus FAR, and required that additional surplus FAR be identified and allocated to each of the developments before they could be built out. It is unlikely that substantial additional development could be approved under existing policies. It is possible that development within the constraints allowed by current policies (i.e., up to 0.35 FAR for most properties and up to 0.40 FAR for properties within 2,000 feet of an LRT station) could be approved on the remaining vacant parcels in North San José.

As reflected in the regional transportation model used by the Metropolitan Transportation Agency and VTA, however, projections show that economic development will continue to generate increased traffic congestion in the Bay Area. Under the No Project scenario, this development will occur somewhere other than North San José. Other cities in northern Santa Clara County will continue to approve industrial/office/R&D uses, as will nearby cities in San Mateo and Alameda Counties. Recent patterns indicate that some housing will continue to be developed in San José, but increasing percentages of the housing to serve jobs in Santa Clara County will continue to be approved outside the County.

The No Project Alternative, therefore, assumes some amount of development in North San José under the existing General Plan designations, zoning, and policies. Based on the traffic model maintained by the regional transportation planning agencies, the analysis also identifies the presence of extensive development that would continue to occur outside North San José, producing equivalent levels of traffic and traffic-related impacts such as noise and air pollution. This alternative does not support the project’s goals and objectives. This alternative is feasible, and it may not be substantially environmentally superior to the proposed project. To the extent that more development, especially residential development to house workers in Santa Clara County, occurs outside of the County, this alternative could result in greater impacts to regional air quality and traffic than the proposed project.

B. REDUCED SCALE ALTERNATIVE

The most significant impacts of the proposed project are traffic and air quality. The traffic impacts are identified in a broad geographic area, including intersections in the cities of Santa Clara, Campbell, and Milpitas. The regional air quality impacts would be dispersed throughout much of the air basin. It is not possible to target the air emissions in order to specifically limit their geographic occurrence, especially since some of the work force would commute from outside San José. Downsizing the amount of industrial development proposed by the project could, however, reduce the impacts to roadways in other cities, particularly local street intersections.
As shown on Table 12 of this EIR, the project is projected to significantly impact 15 intersections in three other cities, Santa Clara, Campbell, and Milpitas, ten of which are CMP intersections.

To reduce the impacts at these intersections in other cities to less than significant would require a substantial reduction in project size. The greatest impacts to intersections outside San José are at two intersections in Milpitas, McCarthy/Tasman and I-880/Great Mall Parkway. To reduce the PM peak hour impacts at these two intersections to less than significant would require that the project traffic be reduced by 90 percent. Given the project’s economic development goals and objectives, this alternative is assumed to include no new residential development in North San José, and a substantial reduction in the assumed quantity of industrial development (approximately 75 to 85 percent). This would be equivalent to the No Project Alternative evaluated above.

To reduce impacts to roadways in Santa Clara, which is west of the project area, to a less than significant level, project traffic would have to be reduced by approximately 50 percent. The alternative that avoids significant impacts to Milpitas will, therefore, also avoid significant impacts in Santa Clara.

This alternative would substantially reduce project impacts and would be environmentally superior to the proposed project. This alternative would not be as consistent with most project objectives as is the proposed project. Particularly to the extent that vacant and underdeveloped lands in San José and elsewhere in the County could not be developed under this alternative, even to the extent allowed by existing policies, this alternative may not be feasible from either an economic or regulatory standpoint.

C. WORK FORCE HOUSING ALTERNATIVES

The currently proposed project was developed through an analytic process which included quantitative near term and far term modeling of different combinations of jobs and housing in North San José. Four different scenarios were developed and evaluated for comparison purposes. These included a scenario that was comparable to the currently proposed project, and the following alternatives:

Scenario A (80-10-10) - Add 22 million square feet of new industrial development within Rincon, approximately 17 million square feet of which would be in the Core Area. Approximately 37,800 new dwelling units were assumed in the Rincon area, of a total of 42,600 new dwelling units in San José. The rest of the housing assumed necessary to house the new workforce, approximately 5,000 dwelling units, were assumed to be outside San José.

Scenario B (50-50) - Add 25 million square feet of new industrial development within Rincon, approximately 17 million square feet of which would be in the Core Area. Approximately 27,800 new dwelling units were assumed in the Rincon area, of a total of 53,800 new dwelling units, the number assumed necessary to house the entire new workforce, in San José.

Scenario C (50-25-25) - Add 25 million square feet of new industrial development within Rincon, approximately 17 million square feet of which would be in the Core Area. Approximately 27,800 new dwelling units were assumed in the Rincon area, of a total of
40,400 new dwelling units in San José. The remaining 12,600 dwelling units necessary to house the new workforce were assumed to be outside San José.

As summarized above, all of the alternatives have approximately the same amount of additional industrial development as the proposed project; the differences between the scenarios are in the percentage of the workforce housed in close proximity to the new jobs.

This alternatives analysis was assumed to include new development and redevelopment at most of the same locations as the proposed project evaluated in this EIR, and at approximately the same levels of intensity as the proposed project. More residential development in Rincon means that less land could be redeveloped for industrial purposes, so the scenarios with more residential units have incrementally less new industrial development. Less residential development in Rincon means that incrementally more of the existing industrial and/or commercial uses would remain at their existing locations. Even if some of the industrial sites assumed for residential redevelopment (many of which are underdeveloped or contain aging buildings) do not change land use, they may redevelop in the future with the same or similar uses. Construction impacts, for example, are unlikely to be substantially different under the scenarios, in the long term.

To keep the basis of the analysis consistent and ensure that the analysis compared “apples-to-apples,” the same major transportation improvements were included in all of the alternatives.

The primary differences in impacts among the four scenarios would be traffic and traffic-related impacts. All of the project impacts that are identified as significant in this EIR would still be significant under each of the three alternative scenarios; to the extent that mitigation is identified for the project’s impacts, it would still be relevant for the three other scenarios. Impacts that result directly from the amount of residential development proposed (i.e., the number of dwelling units) would be reduced incrementally within or adjacent to Rincon, depending on how much of the workforce housing is proposed outside of Rincon. Since the workforce necessary for the new development in Rincon would need to live somewhere, the construction of and commute to a more distant residence would likely still result in the same types of impacts, but they would occur somewhere else.

Of the three work force housing scenarios evaluated, Scenario A would be environmentally superior to the proposed project (it would result in less traffic congestion and air pollution from commute traffic), and Scenarios B and C would not be environmentally superior. Scenario A is not fully consistent with the project’s identified goals and objectives. Scenarios B and C are consistent with the project’s goals and objectives. All three alternative scenarios are believed to be feasible at this time.

D. ALTERNATIVE LOCATION IN COYOTE VALLEY

As discussed at the beginning of the Alternatives section, the alternative location that came closest to meeting the site location criteria for the project was Coyote Valley.

The Coyote Valley Location Alternative would place 24,700 dwellings and approximately 20 million square feet of industrial office uses (62,500 jobs) in Coyote Valley instead of locating these uses in North San José, as proposed by the project. Implementation of the this alternative would include General Plan amendments, creation of policies, rezonings and other actions necessary to allow the
proposed development to proceed. This is not the entire “project” whose impacts are evaluated in this EIR. The entire project includes buildout on vacant and underdeveloped properties in North San José that are envisioned by existing General Plan designations, zoning, and implementation policies. This amount of development, 6.7 million square feet of industrial buildings and 7,300 dwelling units, is assumed to occur in North San José under this Alternative. Only the additional increment of 24,700 dwelling units and 20 million square feet of industrial uses would be developed at an alternative location. Under this alternative, this development would occur in Coyote Valley instead of the development currently being considered in Coyote Valley as part of the ongoing Coyote Valley Specific Plan development process described below.

This location alternative includes North Coyote Valley and the Urban Reserve which is in central Coyote Valley. The relative locations of Coyote Valley and Rincon/North San José are shown on Figure 25. While there is an ongoing planning effort to formulate and adopt a Specific Plan for development of Coyote Valley that is of the same approximate magnitude as the North San José project, this Coyote Valley location alternative is included and described here for the purposes of comparing the proposed project’s impacts at the two locations. This alternative would place the proposed project in Coyote Valley instead of any of the planned or previously approved development (i.e., it is not assumed to be in addition to the planned or previously approved development).

As described in more detail below, the impacts of the Coyote Valley Location alternative are, in general, greater than those of the proposed project. This is because the proposed project, when located in North San José, represents intensification of a highly urbanized area that is centrally located whereas the Coyote Valley alternative would place the proposed project at a location that is not now urbanized; rather, it is primarily agricultural or fallow land at the southern edge of San José’s urban area.

At the present time, only North Coyote Valley (refer to Figure 26) is within San José’s Urban Service Area (USA). The mid-Coyote area is designated as Urban Reserve on the General Plan and is outside the USA. It is, however, within the City’s Urban Growth Boundary, which would allow its eventual inclusion within the USA. North Coyote Valley is designated for Campus Industrial uses and portions of it are zoned to allow up to approximately 10 million square feet of industrial development. The Coyote Valley Urban Reserve includes approximately 2,000 acres located on the valley floor between the campus industrial area in the north and the Coyote Valley Greenbelt, which is located at the southerly edge of San José’s Sphere of Influence (refer to Figure 26).

The City of San José is currently preparing a specific plan for Coyote Valley that includes 50,000 jobs (14-16 million square feet) and 25,000 dwellings, which would be consistent with the existing General Plan designations. This plan is currently scheduled for completion at the end of 2005. The Coyote Valley Location alternative consists of replacing the development being considered in the Coyote Valley Specific Plan with the proposed North San José project.

The proposed project is specifically proposed to build on the existing dynamic of the North San José industrial area within the Silicon Valley Golden Triangle. The project evaluated in this EIR, 32,000 new dwelling units and 83,000 new jobs, is proposed to create a substantial new level of development in the existing Rincon de los Esteros Redevelopment Area. The alternative location evaluated, Coyote Valley, cannot accommodate the entire project as it is proposed. Placing even a smaller project at this location would result in most of the same significant impacts associated with the project - traffic congestion, air quality and noise impacts - and will, in addition, result in
additional significant impacts, including loss of agricultural land and open space, significant visual impacts, greater impacts to biological resources, similar or greater impacts related to geology and soils, and similar impacts to cultural resources.

This alternative location would require the construction of virtually all of the infrastructure, public services and public facilities required to serve the amount of development proposed. Although they may be mitigatable, significant impacts could occur as a result of the construction of water, sanitary sewer, storm sewer, electrical and natural gas lines. The necessary construction of schools, parks, recreational facilities, and libraries on agricultural land and visual open space could also result in additional impacts.

This project is not consistent with many of the project’s goals and objectives, including the perceived ability and need to take advantage of North First Street’s reputation immediately, while the demand exists and new development can contribute positively to the area’s economy.

It is not known whether the Coyote Valley location is feasible, but existing General Plan constraints limit the likelihood that the project could be developed in Coyote Valley immediately.

ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The CEQA Guidelines specify that an EIR must identify the environmentally superior alternative among those alternatives discussed. If the environmentally superior alternative is the “No Project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. [§15126.6(3)(2)]

While the No Project Alternative is likely to result in slightly less impact than the proposed project, the environmentally superior alternative among the alternatives identified is the Reduced Scale Alternative (Section IV.B. of this EIR).

KNOWN VIEWS OF LOCAL GROUPS
AND AREAS OF CONTROVERSY

Issues raised by residents of San José and staff of nearby cities have included concerns related to increased traffic and spillover impacts from traffic on residential neighborhoods.
I. DESCRIPTION OF THE PROJECT

A. OVERVIEW OF THE PROJECT

The City of San José is proposing to intensify development allowed within the Rincon de los Esteros Redevelopment Area in the north part of the City. Rincon de los Esteros is an established industrial park area, with scattered enclaves of high and medium-high density residential, and a subarea that supports light and heavy industrial uses. The proposed intensification would encourage taller office/R&D buildings along the established light rail transit (LRT) line on North First Street, and would add residential development both within a newly designated Industrial Core Area, and through expansion of the existing North San José residential areas. In support of these land use policy changes, the City also proposes to upgrade the transportation network in the area, and modify the transportation policies that currently restrict development.

B. PROJECT LOCATION

The location of the proposed project is within the Rincon de los Esteros Redevelopment Area, which is located generally south of State Route 237 (SR 237), east of the Guadalupe River, north and northwest of Interstate 880 (I-880), and west of Coyote Creek. The project area is estimated to be 4,987 gross acres in size. The regional project location is shown in Figure 1; the project location within Santa Clara County is shown in Figure 2; the specific boundaries of the project area are shown in greater detail in Figure 3.

The existing General Plan designations for the project area are shown in Figure 4. The boundary of the proposed Industrial Core Area is shown in Figure 5, as are the locations of the properties proposed for designation as residential land uses.

C. DESCRIPTION OF THE PROPOSED PROJECT

The City of San José proposes to modify its relevant plans and policies in order to encourage a greater intensity of development within the existing Rincon de los Esteros Redevelopment Area. Commonly referred to as both “North San José” and the “Rincon area,” the project location is an established urban area characterized by one- and two-story industrial buildings and warehouses, two-to five-story campus industrial parks with extensive landscaping and large surface parking lots, multi-tenant industrial complexes, and three relatively new high and medium-high density residential projects. Also within the project boundary is a state residential facility for the developmentally disabled, a card club, two mobile home parks, and limited retail commercial/hotel/office development along North First and North Fourth Streets. Under existing policies, industrial development in Rincon has been generally held to a floor area ratio (FAR) of 0.35, with 0.40 allowed on land within 2,000 feet of LRT stations.1 Greater intensities have been approved for specific development projects in the area through the use of transferable floor area credits from properties once designated industrial and redesignated residential, and from the construction of dwelling units within the area. The City proposes to develop new North San José Development policies that would

---

1 “Floor area ratio” is the relationship between the total floor area in a building or buildings, and the total surface area of the parcel on which the building or buildings are located. A two-story building with 43,560 square feet of floor area on a one-acre property (an acre having 43,560 square feet) would have an FAR of 1.0.
incorporate updated versions of the various policy documents pertaining to North San José as described further in this EIR.

Figure 3 is an aerial photograph of the project area, illustrating the level of existing development and relatively coarse grid street network. Figure 4 is an excerpt from the Land Use/Transportation Diagram of the City of San José General Plan for the project area, showing the current land use designations. The major transportation network proposed by this project for the Rincon area is shown in Figure 6.

As described in the Preface, this EIR is both a program level document and a project-specific document, to the extent that impacts of specific development can be identified at this time. Amendments or revisions to existing policy documents, including the City’s General Plan, are addressed at the program level, in conformance with §15146(b) of the CEQA Guidelines. To the extent that a specific amount of development would be permitted by these policy revisions, the impacts of that development are addressed in this EIR, in as much detail as is presently available. Where the analysis indicates that expanded or new infrastructure will be needed to serve the new additional development, the impacts of constructing the infrastructure, so far as can be determined at this time, are also addressed.

**Proposed New Development**

Most of the Rincon area is designated Industrial Park on the City’s General Plan. That designation allows a range of uses in addition to the traditional industrial and manufacturing activities. In recent years, new development in this area has included higher percentages of office, research and development (R&D) associated with high technology businesses, and specialized functions that frequently include extensive computer labs. It is assumed that this pattern will continue, supporting the higher intensity building forms envisioned with this project.

This EIR addresses the impacts of developing approximately 26.7 million square feet of new industrial/office/R&D building space in the Rincon area beyond existing entitlements. Of this 26.7 million square feet, 6.7 million represents full buildout of the project area under the existing FAR cap policy and 20 million square feet would be the net amount of additional development potential created through the proposed changes to current City policies. This amount of total new development would allow for approximately 83,300 new employees.

In addition, the project allows for the development of up to 32,000 new dwelling units within the project area. The proposed policy changes allow for the conversion of 285 acres of existing industrial and public/quasi-public lands to residential use at minimum densities of either 55 DU/AC (utilizing up to 200 acres) or 90 DU/AC (utilizing up to 85 acres). Complete implementation of this conversion would result in a minimum of 18,650 new residential units and could result in additional units. The project also includes a proposal to allow mixed use (residential and industrial) development within a central (Core Area) industrial area. Additional residential development could also occur through the development of properties with an existing residential General Plan designation allowing development at 20+ DU/AC. This would allow a population increase of approximately 56,640 persons.

The proposed General Plan amendments would substantially increase the residential development allowed in North San José, but this EIR does not address any specifically proposed residential
PROPOSED GENERAL PLAN TRANSPORTATION DIAGRAM CHANGES

FIGURE 6
development. The number of new residential units proposed for North San José (32,000) represents a minimum target number of new dwelling units to support the proposed Industrial Core Area development. Because the proposed residential overlay designation does not place an upper limit on density, it could be possible to develop additional units under the proposed policies. Given past residential development patterns in this area, however, the number of new residential units evaluated in this EIR is considered to be the best estimate of the greatest number and density of dwellings that can be reasonably accommodated in close proximity to and within the Core Area. It is estimated that the new residential development could house up to 68 percent of the additional work force that would be located in the additional new industrial/office/R&D development.2

As shown on Figure 5, most of the new industrial/office/R&D development would be concentrated in an Industrial Core Area located on both sides of North First Street, between Montague Expressway and US 101. This Core Area would ultimately have an overall average FAR of 1.2 with full implementation of the proposed policy changes, as described below. Development within the Core Area will be substantially denser than previous development in North San José. It is intended that this area will be characterized by mid-rise four- to 12-story structures built close to the street, designed to facilitate pedestrian access to the LRT stations along North First Street, and with parking structures behind them to serve automobile traffic. Of the 20 million square feet of new industrial/office/R&D development, 16 million square feet are reserved for the Industrial Core Area. The remaining four million square feet could be developed anywhere within the project area. This EIR also addresses the impacts of allowing four million square feet of additional transferable development capacity anywhere within the Policy area; the capacity would be allocated based upon criteria contained within the proposed Policy.

All properties outside the Core Area that are not either designated for residential uses or included within the housing overlay would continue to be allowed to develop at an FAR of 0.35, or 0.40 if they are within 2,000 feet of an LRT station.3 It is estimated that approximately 6.7 million square feet of additional development could occur in the entire Rincon area (core and non-core) if and when all properties were developed or redeveloped at the densities allowed under current policies.

The form and amount of industrial/office/R&D development proposed for the Industrial Core Area is intended to accommodate the most recent development trend in Silicon Valley, illustrated by the recently approved BEA and eBay projects located near the southerly edge of the Core Area, the Equity Office project on the southwest corner of North First Street and Skyport Drive, and similar projects in north Santa Clara (west of the Rincon area). While increasing numbers of industrial/R&D companies want a more intense, vertical style of development intensity, many of the companies also want the dynamism and interactive potential afforded by a location within a predominantly industrial neighborhood, such as that found in Silicon Valley’s “Golden Triangle.”

As shown on Figure 5, the Core Area encompasses almost all of the land generally bounded by Montague Expressway, Zanker Road, Brokaw Road, US 101, and Orchard Parkway in North San José, an estimated total of 591.8 acres. This EIR evaluates the impacts of the development of 16 million additional square feet distributed across properties within the Core Area resulting in an overall average FAR of 1.2. Allocation of this square footage would be based upon criteria included

---

2 This is based on an assumed 1.77 workers per household ratio used by the Association of Bay Area Governments Projections 2003 for San José in 2025.

3 Not all properties within the Housing Overlay will develop with residential uses. Properties that remain industrial would retain the ability to develop or redevelop at 0.35/0.40 FAR, as appropriate.
in the new North San José Area Development Policy. The project would also add four million square feet of additional transferable development capacity that could be used either inside or outside of the Core Area and would also be allocated based upon criteria contained in the proposed policy.

To summarize, this EIR addresses the impacts of an amount of new industrial/R&D development that includes:

1. development resulting from implementation of existing policies (e.g., full build-out allowed under the existing FAR caps) for lands throughout the project area that are and will continue to be designated Industrial Park (approximately 6.7 million square feet of new floor area),

2. development of an additional 16 million square feet within the Core Area, and

3. development of an additional four million square feet that could be built anywhere in Rincon upon assignment from a pool of transferable FAR credits.

The additional square footage would be allocated and development approved based on a number of factors, including identified priorities that implement policies such as proximity to transit, timely completion of planned housing units within the Rincon area, and completion of some major new infrastructure elements to serve this new development, as described below under infrastructure implementation. (See also subsection entitled “Phasing of Development and Improvements” below.)

Specific Project Elements

The individual elements that make up this project are discussed below under the following categories:

1. General Plan Amendments - These include amendments to the Land Use/Transportation Diagram and modifications to existing General Plan policy text and also proposed revisions to the Rincon de los Esteros Redevelopment Plan.

2. Policy Revisions - This includes modifications to the North San José Area Development Policy, the North San José Deficiency Plan, and the Floodplain Management Plan for North San José.

3. Infrastructure Implementation - This discussion identifies the proposed improvements to infrastructure necessary to support the proposed levels of development.

General Plan Amendments

Land Use Designation Changes

The City proposes to create two new General Plan land use designations; Industrial Core Area and Transit/Employment District Residential Overlay will be applied to those areas within which future residential development is planned. The land use designations are defined as:

Industrial Core Area - A mid-rise industrial park area primarily housing industrial office and research and development facilities. While allowed land uses are similar to the Industrial
Park designation, development intensity and site design elements should reflect a more intense, transit-oriented land use pattern than that typically found in Industrial Park areas. This designation permits development with commercial uses on the first two floors, with industrial use on upper floors, as well as wholly industrial projects. Mixed-Use projects incorporating high-density residential development are also permitted, provided that the residential development is integrated within and clearly subservient to an industrial project and generally should account for no more than 25 percent of the total developed site land area. Typical building density ranges from an FAR of 0.7 to 2.0. New development should orient buildings towards public streets and transit facilities and include features to provide an enhanced pedestrian environment.

Transit/Employment District Residential (55+DU/AC) Overlay designation – A high-density residential overlay designation is proposed to be applied to the indicated areas (refer to Figure 5) generally in the vicinity of the Metro, River Oaks, Baypointe and Cisco Way light rail stations. The proposed overlay would not change the current underlying land use designation, but indicates areas in which City Policy supports residential development as an alternate use at a minimum average density of 55 units per acre. This designation permits development with commercial uses on the first two floors with residential use on upper floors, as well as wholly residential projects. Development within this category is intended to make efficient use of land to provide residential units in support of nearby industrial employment centers. While the General Plan continues to support land uses per the underlying designation, residential development is also considered consistent with the General Plan on sites within the overlay area and may be implemented without further modification to the General Plan through the rezoning and development permit processes. Site specific land use issues and compatibility with adjacent uses should be addressed through the rezoning and development permit processes. Land within this overlay area may also be converted for the development of new libraries, schools, and parks as needed to support residential development.

The proposed change to the North San José Area Development Policy would allow within the project area a maximum of 200 acres of land to be converted for residential development at a density of 55 DU/AC or greater. An additional 85 acres may be converted at a minimum density of 90 DU/AC. The Policy does not set forth specific phasing requirements for conversions using these two densities.

The Industrial Core Area designation would be applied to approximately 592 acres of land located on both sides of North First Street from Montague Expressway to US 101 (see Figure 5). These lands are presently designated Industrial Park in the General Plan. The Existing Setting subsection of Section II(A), Land Use, identifies which of these properties are undeveloped, and which are developed.

The City also proposes to apply the Transit/Employment District Residential Overlay to 400 acres of land, as shown in Table 1. These lands would maintain their current General Plan designations but the Policy would support the future conversion of a maximum of 285 acres to residential use.
Table 1
Proposed General Plan Residential Land Use Changes

<table>
<thead>
<tr>
<th>Current Designation</th>
<th>Acreage</th>
<th>Proposed Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public/Quasi-Public</td>
<td>79</td>
<td>Transit/Employment District Residential Overlay (55+ DU/AC)</td>
</tr>
<tr>
<td>Industrial Park</td>
<td>283</td>
<td>Transit/Employment District Residential Overlay (55+ DU/AC)</td>
</tr>
<tr>
<td>Combined Industrial/Commercial</td>
<td>21</td>
<td>Transit/Employment District Residential Overlay (55+ DU/AC)</td>
</tr>
<tr>
<td>Light Industrial</td>
<td>17</td>
<td>Transit/Employment District Residential Overlay (55+ DU/AC)</td>
</tr>
<tr>
<td>Total Acres</td>
<td>400</td>
<td></td>
</tr>
</tbody>
</table>

Transit/Employment District Residential Overlay

Figure 5 illustrates the location of the proposed General Plan Transit/Employment District Residential Overlay designation. In addition, the Assessor’s Parcel Numbers for each of the properties included in the overlay designation is provided in Appendix B.4

The new residential overlay designation is proposed in several existing neighborhood areas in North San José. The first would be proximate to the new North Park complex5 in the north half of the Rincon Area. Residential uses are proposed east of North Park, across Zanker Road, utilizing the land currently occupied by the Agnews Developmental Center (which the State of California has announced will be closed by July 20056), and on land north of North Park, adjacent to Tasman Drive and Zanker Road. The overlay designation is also applied to properties south and east of the Agnews Developmental Center on River Oaks Parkway and Cisco Way. One property north of Montague Expressway between Seeley Avenue and Coyote Creek is also included in the overlay designation. The residential overlay designation is also applied to properties east of the Guadalupe River to provide a continuous residential link to the mixed-use Rivermark development in Santa Clara. The new residential overlay designation is also proposed to be applied at the southern end of the project area (in and near the area covered by the Specific Plan for Rincon South), as an extension of areas already designated for residential use as part of the Specific Plan.

Under the new development policies, up to 200 of the 400 acres within the entire Transit/Employment District Overlay could develop at a minimum density of 55 DU/AC, and up to 85 of the entire 400 acres within the Overlay could develop at a minimum density of 90 DU/AC, but further environmental review would be required for the development entitlements. The proposed ADP does not include upper limits to the development within the Transit/Employment District Overlay. The properties planned for development at the higher density range would be those closer to the LRT line.

---
4 In conformance with City policies, notices of these proposed General Plan changes have been sent to the property owner listed for each parcel on the last equalized tax roll.
5 North Park is on the east side of North First Street and the west side of Zanker Road, north of River Oaks Parkway.
A General Plan text change is also proposed to modify General Plan Urban Design policies for building height for structures within the Core Area. Currently General Plan policy restricts building heights in the Rincon Redevelopment Area to 90 feet. There are specific exceptions for various sites, including the Palm site at the southwest corner of SR 237 and North First Street (120 feet), the eBay site at the southwest corner of SR 87 and North First Street (150 feet), the BEA property at North First Street and Component Drive (210 feet), and the Hyatt property at the southeast corner of US 101 and North First Street (305 feet). It is proposed to amend the General Plan to allow building heights within the Core Area to be limited only by federal airspace safety determinations, to a maximum of 250 feet above ground. General Plan Urban Design policies for building height would also be amended to allow for building heights of up to 120 feet, limited by federal airspace safety determinations, throughout the North San José/Rincon de los Esteros Redevelopment Area. Buildings heights of up to 150 feet would be allowed for parcels within the North San José Transit Areas which includes all sites within 2000 feet of a light rail station (Refer to Figure 7).

Transportation Diagram Changes

Zanker Road is designated on the City’s General Plan Land Use/Transportation Diagram as a major Arterial (115 to 130 feet) from SR 237 south to Montague Expressway. South of Montague Expressway to its terminus at Skyport Drive, Zanker Road is designated as a minor Arterial (80 to 106 feet). The project includes changing the designation on the southerly segment of Zanker Road to the major Arterial category (115 to 130 feet), which would accommodate two more lanes of traffic than the existing condition.

Charcot Avenue is designated on the City’s General Plan Land Use/Transportation Diagram as a minor Arterial (80 to 106 feet). The project includes a text amendment listing the segment of Charcot Avenue from Zanker Road to Old Oakland Road in Appendix E of the General Plan, stating that this section of the roadway will remain two lanes.

The project proposes to designate the junction of Montague Expressway and Trimble Road for grade separation on the City’s General Plan Land Use/Transportation Diagram.

The project also proposes to designate the junction of Montague Expressway and McCarthy Boulevard/O’Toole Avenue as an interchange on the City’s General Plan Land Use/Transportation Diagram.
Phasing of Development and Improvements

The development anticipated under this project is planned to occur over the next ten or more years. It is not necessary that the improvements occur substantially in advance of the development, but it would be imprudent to allow substantial deterioration in roadway operations before constructing planned improvements. The total amount of development proposed for the project area was divided into four phases, with 25 percent of the total amount of development in each category of land use assumed for each phase. This equates to the following amount of development being assumed for each of the indicated phases:

<table>
<thead>
<tr>
<th>Phase</th>
<th>Industrial Space</th>
<th>Residential Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phase 1</td>
<td>7 million square feet</td>
<td>4,000-8,000 dwelling units</td>
</tr>
<tr>
<td>Phase 2</td>
<td>14 million square feet</td>
<td>8,000-16,000 dwelling units</td>
</tr>
<tr>
<td>Phase 3</td>
<td>21 million square feet</td>
<td>16,000-24,000 dwelling units</td>
</tr>
<tr>
<td>Phase 4</td>
<td>26.7 million square feet</td>
<td>24,000-32,000 dwelling units</td>
</tr>
</tbody>
</table>

There is no timeline for these phases. The amount of development and its timing will be determined by the economy, markets, and the decisions made by private sector property owners and developers.

North San José is primarily an industrial area, a center of employment whose ongoing vitality is critical to the City’s economic health, and from which income is essential to maintaining the City’s service levels. While residential development is proposed to support the new job growth, it would be contrary to the City’s planning goals and objectives to encourage or facilitate a substantial conversion of industrial land to residential uses too far in advance of the new job growth. The proposed Area Development Policy therefore limits the number of dwelling units that can be developed too far in advance of new industrial development.

At the other end of the spectrum, development of too much industrial development without associated residential development would quickly overload the roadway system, and limit the internalization of commute trips and utilization of other transportation modes. The Area Development Policy also limits the amount of industrial development that could occur without some residential development occurring in the area.

The result of these two sets of parameters is a range of residential units that must be developed in parallel with the phased industrial development. The impacts analysis in this EIR evaluates the impacts that would occur as a “worst case,” as a result of the proposed phasing described above. The range of assumed dwelling units for each phase, as summarized below, would limit the extent of the impacts, and assure the City that the planned-for balance is maintained in North San José.

| Phase 1 | Up to a maximum of 8,000 dwelling units can be built during Phase 1. At least 4,000 dwelling units must be built or under construction before
construction of industrial floor area in excess of 7 million square feet, or the beginning of Phase 2, can begin.

Phase 2
Up to a maximum of 16,000 dwelling units can be built through the end of Phase 2. At least 8,000 dwelling units must be built or under construction before construction of industrial floor area in excess of 14 million square feet, or the beginning of Phase 3, can begin.

Phase 3
Up to a maximum of 24,000 dwelling units can be built through the end of Phase 3. At least 12,000 dwelling units must be built or under construction before construction of industrial floor area in excess of 21 million square feet, or the beginning of Phase 4, can begin.

Phase 4
Up to a maximum of 32,000 dwelling units can be built through the end of Phase 4. Construction of industrial floor area will not exceed 26.7 million square feet at the end of Phase 4.

The phasing of the improvements was determined based on both the need for the improvements and the patterns identified in area level of service calculations. The phase at which the major improvements would be needed was determined based on the extent to which each would serve the North San José area as a whole. Generally, the major improvements serve as gateways and/or major arterials to and within North San José, and can be evaluated as more or less useful for each of the development phases. The following major improvements will be built in conjunction with the phase indicated. This means that the improvement must be built, under construction, or funded within less than one year of beginning construction before the next phase of development can begin. More detailed descriptions of these Major Improvements are included in Section II.B. Transportation, and in Appendix D.

<table>
<thead>
<tr>
<th>Major Improvement</th>
<th>Associated Phase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Montague Expressway Widening</td>
<td>Phase 1</td>
</tr>
<tr>
<td>US 101/Trimble Road Interchange</td>
<td>Phase 1</td>
</tr>
<tr>
<td>Montague Expressway/Trimble Road Connection</td>
<td>Phase 1</td>
</tr>
<tr>
<td>Transit/Bicycle/Pedestrian Enhancements</td>
<td>Phases 1,2,3,4</td>
</tr>
<tr>
<td>Charcot Avenue Extension</td>
<td>Phase 2</td>
</tr>
<tr>
<td>Zanker Road Widening</td>
<td>Phase 2</td>
</tr>
<tr>
<td>North First Street/SR 237 Interchange</td>
<td>Phase 3</td>
</tr>
<tr>
<td>McCarthy Boulevard/Montague Expressway</td>
<td></td>
</tr>
<tr>
<td>Interchange</td>
<td></td>
</tr>
<tr>
<td>Zanker Road/Skyport Drive Connection</td>
<td>Phase 4</td>
</tr>
<tr>
<td>US 101/Mabury Road Interchange</td>
<td>Phase 4</td>
</tr>
<tr>
<td>North San José Grid System Streets</td>
<td>All Phases</td>
</tr>
</tbody>
</table>

The need for specific intersection improvements during each phase of development was determined based on level of service calculations (see Section II.B. Transportation). Each impacted intersection was evaluated to determine during which phase the project traffic would cause the intersection to be significantly impacted. Minor exceptions were made for intersections for which proposed improvements are minor, and which can readily be completed with the first phase. The timing for intersection improvements must be concurrent with the development of the phase. As with the City’s
current citywide LOS Policy, the improvements must be completed within one year of the project implementation. Development allowed under the subsequent phase cannot, therefore, be approved until all intersection improvements are within one year of completion.

More detailed descriptions of the improvements proposed at each of these intersections are included in Section II.B. Transportation, and in Appendix D.

Phase 1 Intersection Improvements

6 Zanker Road/Montague Expressway
7 River Oaks Parkway/Montague Expressway
8 Trimble Road/Montague Expressway
9 McCarthy Boulevard/Montague Expressway
10 Old Oakland Road/Montague Expressway
12 North First Street/Trimble Road
27 North First Street/Charcot Avenue
37 North First Street and Metro Drive
47 Bering Drive/Brokaw Road
58 Trade Zone Boulevard/Montague Expressway
116 Thirteenth Street/Hedding Street
117 King Road/McKee Road

Phase 2 Intersection Improvements

61 Oakland Road/US 101 (S)
98 San Tomas Expressway/Stevens Creek Boulevard

Phase 3 Intersection Improvements

2 North First Street/SR 237 (S)
6 Zanker Road/Montague Expressway
8 Trimble Road/Montague Expressway
9 McCarthy Boulevard/Montague Expressway
13 Zanker Road/Trimble Road
16 Zanker Road/Brokaw Road
24 Zanker Road/Tasman Drive
38 North First Street/Skyport Drive
43 Zanker Road/Charcot Avenue
45 Junction Avenue/Charcot Avenue
60 Oakland Road/US 101 (N)
124 Capitol Avenue/Cropley Avenue

Phase 4 Intersection Improvements

19 Old Oakland Road/Brokaw Road
22 Lundy Avenue/Murphy Avenue
59 Lundy Avenue/Berryessa Road
97 Capitol Expressway/Capitol Avenue
99 San Tomas Expressway/Moorpark Avenue
Policy Revisions

The adopted General Plan includes a number of goals and policies for providing the services and facilities necessary for “successful development of individual projects,” and which are considered relevant to accommodating citywide economic development. The Level of Service Goals identified in the General Plan include the following:

1. Provide a full range of City services to the community at service levels consistent with a safe, convenient and pleasant place to live and work.
2. Achieve the following level of service for these City services:
   - For transportation, level of service “D”.
   - For sanitary sewers, level of service “D”.
   - For sewage treatment, to remain within the capacity of the Water Pollution Control Plant.
   - For storm drainage, to minimize flooding on public streets and to minimize property damage from storm water.

The General Plan also includes the following policy for traffic levels of service:

An “area development” policy may be adopted by the City Council to establish special traffic level of service standards for a specific geographic area which determines development impacts and mitigation measures. These policies may take other names or forms to accomplish the same purpose. Area development policies may be first considered only during the General Plan Annual Review and Amendment Process; however, the hearing on an area development policy may be continued after the Annual Review has been completed and the area development policy may thereafter be adopted or amended at a public meeting at any time during the year. The City Council has adopted three Area Development Policies for Evergreen, North San José, and Edenvale.

In addition to the City’s own policies, the Santa Clara County Congestion Management Agency (CMA) has identified standards for the operation of regional transportation facilities. If a city in Santa Clara County proposes to approve development that could impact a regional transportation facility that does not meet the relevant CMA standard, a Deficiency Plan must be prepared. The City of San José prepared a Deficiency Plan for North San José that is still in effect.

The Santa Clara Valley Water District (SCVWD) has been planning and implementing flood control improvements along both of the waterways that frame North San José, the Guadalupe River, and Coyote Creek. Additionally, the City of San José has constructed drainage improvements to serve the Rincon area. These various improvements have taken decades to complete. During the interim period, the City of San José has utilized a special “North San José Floodplain Management Plan” that identifies very specific criteria for development between the two waterways.
The City of San José is proposing to modify the policies that have applied to traffic and to both flooding and drainage in North San José. The two subsections below address each subject area separately.

*Transportation Policies*

**Level of Service Policy**

The Citywide General Plan Level of Service (LOS) Policy described above identifies LOS D as the objective for the City’s transportation system. The criteria for implementing and achieving conformance with the General Plan policy is contained in an adopted City Council Policy (5-3). Modifications to the adopted Council Policy have been proposed and evaluated in an EIR entitled *Modifications to the City of San José Transportation Impact Policy*, which has circulated but not yet been certified by the City Council, as of the publication date of this EIR.

The proposed modifications to the City’s policies include identification of certain infill intersections at which LOS D cannot be maintained if the City is to continue to implement other General Plan goals and objectives, including provisions of affordable housing, maintaining a viable economy, and encouraging infill development.

The criteria for selecting intersections to be placed on the “List of Protected Intersections,” include the following, as described in the Draft EIR:

- whether there are additional traffic improvements that could physically be built at the intersections without adversely affecting other transportation modes beyond minimum standards;
- whether there are multiple transportation modes present at the intersections;
- whether the intersections are located in areas that promote infill development and “smart growth;” and
- whether the intersections will be affected by future LRT corridors.

Those intersections that serve, and will continue to serve, primarily vehicular travel are not eligible for inclusion on the List of Protected Intersections.

The North San José project proposes to add the following intersections to the List of Protected Intersections, if the modifications to the LOS Policy and creation of the List of Protected Intersections are approved by the City Council. The impacts of doing so, including the impacts at the listed intersections, are evaluated in this EIR:

- Tenth Street/Hedding Street
- Tenth Street/Julian Street
- Tenth Street/Taylor Street
- Almaden Avenue/Grant Street

*North San José Area Development Policy*

The most recent version of the North San José Area Development Policy (ADP) was adopted in 1988; the text of that policy is available for public review in the Planning Division office during...
regular business hours. The 1988 policy reflected the direction agreed to by the Golden Triangle Task Force, a multi-jurisdictional agency that convened to address the increasing levels of traffic congestion in north Santa Clara County. The cities of Milpitas, San José, Sunnyvale, Mountain View, and Palo Alto and the County of Santa Clara all agreed to work together to increase residential development and to manage the amount of industrial/research and development (R&D) floor space that was being built in the north county.

The adopted North San José ADP has four basic components:

1. Establishing the Golden Triangle Level of Service calculation methodology as the means of evaluating traffic impacts from development proposals in the area.

2. Allowing the use of an overall weighted average level of service for impacts to intersections in the Golden Triangle area. Level of Service “D” was identified as the level below which the weighted average would not be allowed to fall.

3. Excluding regional roadway networks from consideration under the policy. The policy also stated that the City would work with other Golden Triangle cities to develop a regional system for supplementing other funding sources for implementing regional improvements.

4. Identifying the City’s intention that the policy would apply to all impacted intersections, except where cities were not participating in the policy or declined mitigation.

While a number of other jurisdictions adopted the Golden Triangle policies in concept, the full implementation of the regional funding mechanism was never implemented. No other jurisdiction utilizes the Golden Triangle policy or the traffic methodology identified in it. Because the ADP was adopted by San José under the policies in San José’s General Plan, the City has continued to adhere to those elements of the policy that apply only to San José.

In addition to the basic elements listed above, the North San José ADP identified acceptable floor area ratios (FAR) for industrial and commercial lands, including creation of a “pool” of transferable FAR credits; established criteria to be used in allocating credits from the pool; and identified the development of housing in North San José as a priority. The City has used the FAR criteria in evaluating development proposed since adoption of the ADP, has maintained and administered the pool of transferable FAR credits, and has developed 6,675 dwelling units within the Rincon de los Esteros portion of North San José, and a significant number of additional units throughout the greater area, subject to the current ADP. At this point, the pool of transferable FAR credits is fully depleted, and the City has approved development projects for both eBay and BEA that are dependent on eBay receiving approximately 1.2 million square feet of pool credits and BEA receiving approximately 1.4 million square feet of pool credits at some point in the future in order to fully develop. The creation of further surplus FAR would require that additional residential development be approved (both General Plan Amendments and building permits) in the current policy area.

The City is proposing to adopt a new Area Development Policy for North San José. The purposes for modifying the North San José ADP include an identified need to increase development along North First Street in order to take better advantage of both its established character as an employment center and as a desirable location for high-tech companies in Silicon Valley and the Bay Area. The
proposed Policy revisions are intended to manage regional traffic patterns and to establish a framework for “smart growth” as part of an effort by the City to guide anticipated job and population growth to areas of the City where the impacts of that growth will be reduced in contrast to the typical impacts of unplanned growth.

The City wants to promote intensified land use within North San José in order to facilitate the movement of people and goods. The Policy supports the two proposed primary land use changes for North San José: 1) establishment of an Industrial Core Area to encourage and facilitate development of an intensified corporate center along the North First Street corridor and light rail transit (LRT) line, and 2) creation of a Transit/Employment District Residential Overlay area to allow expansion of work force housing in close proximity to this intensified employment center. The Policy would make better use of land in North San José by encouraging intensification of an existing urbanized area in order to significantly increase transit use and discourage sprawl on the outer edges of Santa Clara County and in the Central Valley.

Specific elements of the new ADP include the following:

- Use of the same methodology employed elsewhere in San José for calculating level of service for intersections and regional roadways (which is consistent with the methodology promulgated by the County Congestion Management Agency).
- Adjustment to reflect the unusual nature of traffic in North San José, including its extreme directionality and the regional scope of both the origins and destinations of the trips passing through the area.
- An acknowledgment by the City of San José that the citywide Level of Service policy standards will not ever be achieved in this area.
- Encouragement of a greater reliance on the existing and planned transit system in the area.
- Concentration of new industrial development into a transit-oriented subarea within the ADP boundaries.
- Provision for (and reliance upon) more housing in the immediate area.
- A change in the Plan boundaries.

All of the policies in the proposed ADP are based upon assumptions about more intense development along the North First Street corridor, including explicit increases in the total amount of development allowed on all of the property shown in Figure 5 as the Industrial Core Area, and additional development allowed both within the Core Area and elsewhere on industrial properties in Rincon as major elements of infrastructure are completed. The policy effectively establishes a new FAR “cap” by providing environmental and policy clearance for a set amount of additional development that would be the new base development allowed on industrially designated properties within the Policy Area, and also creates a new transferable FAR “pool” that is subject to an allocation policy.

Floor Area Ratios

The FAR cap and allocation policy would only apply to industrial development that generates peak hour employment. Restrictions on floor area and use of the transferable FAR would not apply to retail, residential, civic, and certain specific low-intensity industrial uses (such as warehouses, utility, and equipment facilities).
The maximum base FAR for peak-hour employment-based industrial development would be as follows:

- Standard throughout Rincon – 0.35.
- On properties within 2,000 feet of an LRT station, but outside the Core Area – 0.40 FAR.
- The allocation of proposed transferable pool credits to properties within the Core Area would result in an average within the Core Area of 1.2 FAR.

**Design Criteria**

The increased amount and density of new development proposed for the Rincon area, particularly for the Core Area, will encourage use of transit because of its proximity to transit facilities, especially LRT stations. This new development can be designed to more explicitly support transit use than does the existing pattern of development in the same area. Instead of low rise buildings separated from the streets by very large parking lots and/or parking structures, development approved within the Core Area and development that is requesting use of FAR from the pool, will be required to conform to the following criteria:

- Buildings will be located along street edges, with active uses and building entrances oriented toward the street.
- Strong pedestrian connections will be provided to the nearest transit facilities.
- Establishing pedestrian connections to the nearest transit station will be given priority in site design.
- Development in the Core Area will be concentrated along the North First Street corridor.
- Parking structures will not be placed along North First Street.
- Use of surface parking lots will be minimized, especially for development in the Core Area, and any surface parking lots (other than drop-off and minimal visitor spaces) will be placed behind buildings, not adjacent to North First Street.

New retail and commercial services will be required to conform to the following criteria:

- New retail and commercial service development will be allowed within the Core Area and residential areas in a vertical mixed-use configuration.
- Retail outside of the Core and residential areas will be allowed per existing Zoning Code and General Plan.
- New retail uses will, however, be limited to supporting retail development integrated into mixed-use projects and intended to support the industrial and residential development located within the Policy area boundaries. Environmental clearance, including traffic analysis, is provided in this EIR for up to 1.7 million square feet of supporting retail uses. Any stand-alone retail development or any retail development of a scale clearly intended to serve an area significantly beyond the boundaries of the Policy area, will need to conform to the General Plan and undergo separate environmental review. No provision is made in this policy for the traffic generated by regional commercial development.

**Transportation Demand Management**

All new development within Rincon would be required to incorporate transportation demand management (TDM) elements into facility design, to the extent possible. This would continue what
has long been the City’s standard practice for the North San José area, as reflected in the existing Deficiency Plan discussed below. Specific requirements for some TDM Measures are also set forth in the City’s Zoning Ordinance and would be applied to the new development within the project area. Improvements must include but would not be limited to:

- On-site bicycle racks and secure lockers;
- Assigned car pool and van pool parking at the most desirable on-site locations;
- On-site support services (food service, ATM, dry cleaner, gymnasium, etc.);
- On-site showers and lockers.

Projects that are covered by this EIR, and which will contribute to the significant increase in traffic congestion, will also be required by the City to include certain ongoing operational features that encourage use of alternate transportation modes. Depending on the size and location of the project, these additional measures required of new development may include some or all of the following:

- Provide an on-site TDM coordinator;
- Make transportation available during the day for emergency use by employees who commute on alternate transportation;\(^7\)
- Provide vans for van pools;
- Provide shuttle access to regional rail stations (Caltrain, ACE, BART);
- Provide or contract for on-site or nearby child care services;
- Provide Eco-passes (or equivalent broad spectrum transit passes) to all on-site employees;
- Encourage use of telecommuting and flexible work schedules;
- Require that deliveries on-site take place during non-peak travel periods.

### Transferable FAR Credits

The City of San José has utilized the principle of transferable FAR credits through a “pool” for over 20 years. Under this concept, the City maintains a record of available credits for transferable FAR. The primary source of the credits in the past included redesignation of land that could have been developed as industrial for non-industrial purposes (usually residential or local serving commercial uses). When the residential land was actually developed, additional FAR was generated to the pool for each dwelling unit completed. The City has allocated almost all of the FAR from the pool at the present time, and has approved development that can only actually be constructed if specific projects receive additional FAR credits in the future. The existing commitments made will be satisfied by the same sources of FAR credits that existed when those previously approved projects were approved. The analysis prepared for the new Policy includes these allocations within the background traffic conditions, so that the existing commitments can be fully met without need of further allocation.

A new system of accruing FAR credits is proposed for implementation with adoption of the new ADP. The new Policy establishes 20 million square feet of new industrial development capacity that may be allocated to projects to allow them to exceed the base FAR caps. The new ADP establishes 16 million square feet of industrial development capacity that may be allocated to sites within the Core Area. The ADP also establishes four million square feet of industrial development capacity that

---

\(^7\) This service may be provided by access to company vehicles for private errands during the workday and/or combined with contractual or pre-paid use of taxicabs, shuttles, or other privately provided transportation.
may be allocated to any site within the project area. The timing for these allocations are limited according to the phasing plan discussed above and summarized in Table 2, below.

Upon issuance of Building Permits for a new residential development within the Policy area, the displaced industrial development capacity (equal to the greater of the existing industrial square footage on site or the amount allowed under the FAR cap for that property) can be reallocated to any other industrial property in the Policy area, provided that the existing industrial buildings have been demolished. Any other displaced entitlement (e.g., square footage included within a Permit or Development Agreement that expires) is also immediately made available for general redistribution. Table 2 below shows the phasing for new industrial development capacity square footage to become available.

<table>
<thead>
<tr>
<th>Phase</th>
<th>Industrial Development Capacity (sq. ft.)</th>
<th>Required Infrastructure Improvements</th>
<th>Min. # of New Residential Development Entitled</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>7 million</td>
<td>Phase I Improvements</td>
<td>4,000-8,000 units</td>
</tr>
<tr>
<td>II</td>
<td>14 million</td>
<td>Phase II Improvements</td>
<td>8,000-16,000 units</td>
</tr>
<tr>
<td>III</td>
<td>21 million</td>
<td>Phase III Improvements</td>
<td>12,000-24,000 units</td>
</tr>
<tr>
<td>IV</td>
<td>26.7 million</td>
<td>Phase IV Improvements</td>
<td>16,000-32,000 units</td>
</tr>
</tbody>
</table>

Under this phasing plan, seven million square feet of industrial square footage and 8,000 residential units are available with each phase of the Policy’s implementation. The Phase I industrial and residential development capacity becomes available upon adoption of this Policy. The industrial development of successive phases is not available until infrastructure improvements have been funded and entitlements issued for the minimum number of residential units as noted. Similarly, the residential development of successive phases is not available until infrastructure improvements have been funded and entitlements issued for the minimum amount of industrial development in the current phase. The infrastructure improvements for each phase must be fully funded before the industrial or residential development of the next phase may be entitled. Fees to pay for the infrastructure improvements are collected as part of the Building Permit entitlement.

Infrastructure improvements will be funded through fees collected at the issuance of Building Permits. Developers may pay the fee directly or utilize a Community Financing District (CFD) or similar mechanism that can fully meet the fee requirements at issuance of Building Permits.

**Deficiency Plan for North San José**

The City of San José adopted the *Deficiency Plan for North San José* on December 1, 1994, in conformance with the Santa Clara County Congestion Management Plan (CMP) and California Government Code §65089.3. The County CMP requires that a city must adopt a deficiency plan if a CMP facility will fall below the LOS standard identified in the CMP. The CMP allows cities to exceed the LOS on a CMP facility if the city implements improvements, programs, or other actions which both improve the level of service of the overall CMP system and improve regional air quality.

In conformance with the CMP requirements, the *Deficiency Plan for North San José* identified the regional facilities whose operations would be adversely impacted by planned development in the area, the planned capitol improvements that would help improve traffic conditions in the area, a
number of operational efforts (such as TDM measures) that would be required in order to reduce congestion, and established an improved condition goal that would be met for the impacted regional facilities.

The analysis done for the Deficiency Plan found that congestion, measured as intersection delay, would continue to worsen in North San José as planned development in San José and elsewhere in north Santa Clara County continued to occur. Using the LOS methodology then recommended by the Congestion Management Agency (CMA), the analysis found an average delay of 85 seconds at 22 identified regional intersections in North San José in 1991 (the baseline year used in the analysis). With anticipated growth in the region, this delay was anticipated to increase to 141 seconds by 1998. With the implementation of both capital and operational improvements identified in the deficiency plan, the delay could be reduced to 82 seconds.

The Deficiency Plan for North San José was adopted by both the City of San José and the Santa Clara Congestion Management Agency. During the past ten years, the City has adhered to the requirements of the deficiency plan, and has implemented improvements and operational actions identified, and/or required them of new development approved within the City of San José. Since 1994, both the City and the CMA have adopted a new methodology for calculating level of service. Using the current methodology, the identified standard for the 22 regional intersections in North San José is 88 seconds, which is the operational equivalent of the 82 seconds in the originally adopted deficiency plan. Based on the most recent monitoring results, the calculated average delay at the 22 intersections is 66 seconds.

The City is proposing to adopt a revised Deficiency Plan for North San José that is consistent with the revised North San José Area Development Policy discussed above, and which reflects current and planned infrastructure and land use policies in the City.

The revised Deficiency Plan for North San José is proposed as a companion to the revised North San José Area Development Policy and both are attached to this EIR as Appendix C. As also described elsewhere in this Project Description, the Deficiency Plan reflects the City’s proposed intensification of development in North San José and the actions proposed to encourage and facilitate transit use in the area.

North San José Floodplain Management Study

In 1983, the City initiated the North San José Floodplain Management Study to provide consistent development criteria for flood protection for new development occurring within the floodplains of Coyote Creek and the Guadalupe River. The study was updated in 1987. By ensuring that new development was elevated above anticipated flood waters, the study minimized damage to structures from flood waters. The study also required that new development not create excessive blockage to the movement of flood waters through the area and provided assurance to federal oversight agencies that fill within the floodplain would not cause anticipated flood levels to significantly increase.

While not formally adopted by the City Council, the floodplain management study was used in CEQA documents approved by the City Council and Redevelopment Agency, and was the basis of most of the development currently existing in North San José. Because of this de facto or working

---

8 Seconds of delay is a measurement of intersection performance, as described in Section III.B., Transportation, in this EIR. Both 85 seconds and 82 seconds of delay would be considered LOS F.
policy, buildings in North San José are generally built on fill to elevate them above flood level, and parking lots are built at lower elevations to compensate for the flood capacity lost to the elevated buildings. Public streets were also built at elevations to allow storage and movement of flood waters. Building masses are oriented so as to allow passage of flood waters, generally from south to north through the area.

The improvements necessary to provide protection from the 100-year flood for North San José were completed in December 2004. The Santa Clara Valley Water District (SCVWD) and the U.S. Army Corps of Engineers (Corps) have completed improvements along the Guadalupe River through Downtown San José and north of Montague Expressway to the Alviso Marina that will allow revision of FEMA maps to remove virtually all of North San José from the 100-year floodplain. It is presently anticipated that any remaining susceptibility to flooding will be the result of localized deficiencies in the capacity of the storm drain system. This EIR addresses the consistency of the proposed level of development with anticipated flooding conditions in the project area.

**Infrastructure Implementation**

North San José is an established urban area that has long been planned for industrial park uses. The proposed changes in land use and land use intensity will, however, also require some modifications in the planned and built infrastructure, especially in the transportation system. The City proposes to provide new local streets that will establish a more fine grained grid system than presently exists within the Core Area. This will include extensions of existing streets, completion of missing segments, and construction of completely new streets. Figure 6 shows the conceptual layout of the new street plan for the Core Area.

Additional infrastructure that will be provided as part of the proposed project will include the intersection and roadway improvements and other utility improvements listed below.

Some of the infrastructure improvements will be funded through a development impact fee collected at the issuance of Building Permits as discussed above. On-site extensions of utility or other services will be constructed by individual developments as they occur.

**Transportation Improvements**

As listed above under the discussion of Phasing, the proposed project includes a number of major transportation improvements, including a new interchange at Mabury Road and US 101, overcrossing for Charcot Avenue and Zanker Road, and widening of several major streets, including Montague Expressway and Zanker Road. More detailed descriptions of the location and scope of each of these major improvements are included in Section II.B. Transportation, and in Appendix D.

**Intersection Improvements in North San José**

Substantial improvements will be installed to increase capacity at 16 intersections in North San José. All of those intersections are listed above and, as can be seen by comparing the list of intersections to the list of Major Roadway Improvements, some of the intersection improvements will be incorporated into the Major Roadway Improvements.
In addition to capacity improvements at intersections within North San José, improvements will be made to 12 intersections outside the project boundary, in order to mitigate the impacts that would be caused by project traffic. The 12 intersections are listed in the Phasing discussion above, and are described in greater detail in Section II.B. Transportation, and in Appendix D.

**Couplet Conversions**

The City Council previously approved the conversion of certain “couplets,” or pairs of one-way streets, to two-way streets in the immediate vicinity of the Downtown Core Area. The actual conversion had been delayed pending identification of funding, but is anticipated to occur during the implementation of the proposed project. The couplet conversion projects generally result in a reduction of intersection capacity and are therefore assumed in the background conditions against which project impacts are assessed. This project will include assistance in the conversion of the following couplet pairs to two-way streets:

- **Third and Fourth Streets:** Convert to two-way operations north of Julian Street, with one travel lane in each direction. Retain one-way operations south of St. James. Convert Third Street in the vicinity of I-280 to two-way operations with one travel lane in each direction.
- **Julian and St. James Streets:** Convert to two-way operations east of Fourth Street, with one travel lane in each direction. Retain one-way operations west of Fourth Street.
- **Tenth and Eleventh Streets:** Convert to two-way operations north of Santa Clara Street, with one travel lane in each direction. Retain one-way operations south of Santa Clara Street, but with two travel lanes (instead of three) and a bicycle lane on each street.
- **Second and Third Streets:** Convert to two-way operations south of San Salvador Street, with one travel lane in each direction.
- **Almaden and Vine Streets:** Convert to two-way operations between I-280 and Alma Street, with one travel lane in each direction.

**Other Infrastructure**

The processes for evaluating the status of and need for (a) improvements to the existing infrastructure in the project area and (b) additional infrastructure capacity are described in Sections II.H. and II.J. of this EIR.

Localized segments of the sanitary sewer system are currently undersized to serve buildout of the proposed project. Expanding those existing lines or supplementing them with additional lines will occur as needed, based on the pattern and specific location of new development in the area. Additional elements of infrastructure to be constructed as the demand increases include:

- Improvements to the water system, including an additional two reservoirs (tanks), four additional wells, and four 1,500 gallon per minute pumps (one per well).
- Parts of the storm drainage system in North San José are sized to accommodate the 3- to 5-year sized storm. As these areas redevelop, the storm drainage systems will be upgraded to accommodate a 10-year storm, consistent with the North San José/Rincon De Los Esteros Storm Drain Master Plan.

Electricity and natural gas are provided by PG&E, who will need to extend and expand the existing service systems in the area.
D. PROJECT GOALS AND OBJECTIVES

The goals and objectives of the City of San José in proposing this project to increase development in North San José include creation of a unique, high quality corporate center whose central focus is along North First Street. The primary goals sought by the proposed modifications to the City’s General Plan and related policies are already described in detail in the “Economic Development Major Strategy” and “Housing Major Strategy” in the existing General Plan.

The series of policy changes and substantially increased development intensities evaluated in this EIR are proposed at this time in order to allow the City to take immediate advantage of the North First Street area’s world-wide reputation as home to many high-tech industries. It is the City’s position that the positive image of this geographic location is a powerful counter-balance to the recent economic slowdown. Enabling more high tech businesses to join the elite community represented by the North First Street address may help to accelerate improvement in the local economy.

Providing for more of these uses in the Rincon area means continuing to allow businesses to develop larger corporate campuses, but at substantially higher densities than have traditionally been developed in the area. The introduction of higher intensity development along the North First Street light rail transit corridor is proposed to reinforce City and regional goals for encouraging transit use and discouraging reliance on single-occupant automobiles for commuters. The proposed land use designation of Industrial Core includes design parameters to support alternative transportation modes.

Other specific objectives for the project include:

- Allow up to 26.7 million square feet of new corporate development within the project area, with an average FAR of 1.2 within the Core Area;
- Create 83,300 jobs;
- House a substantial percentage of the new work force in close proximity to the new jobs;
- Promote a high quality living environment in North San José for approximately 32,000 new residential units;
- In order to reduce adverse effects on the City’s ability to deliver services, replacement of viable industrial development by residential and residential support land uses should be minimized or avoided to the extent possible;
- Locate new housing at locations that will have minimal impact upon existing industrial activities and in proximity to existing residential development;
- Provide transportation improvements and improve transit connections in the area.

It is also the City’s objective to improve the aesthetic character of this major transit corridor by requiring attractively landscaped frontages along North First Street, consistent with the intensified character of the Industrial Core Area.
E. USES OF THE EIR

This EIR will provide decision-makers in the City of San José, responsible and trustee agencies, and the general public with relevant environmental information to use in considering the proposed project. It is proposed that this EIR be used for appropriate project-specific discretionary approvals necessary to implement the project, as proposed. These discretionary actions include, but may not be limited to, the following approvals:

City of San José
- Revised Area Development Policy
- General Plan Land Use and Transportation Diagram Amendments
- General Plan Text Amendment for Building Height
- Revisions to the Deficiency Plan for North San José
- Revisions to the Rincon Redevelopment Plan
- Rezoning(s) and Site Development Permit(s)
- Tentative Map(s)
- Development Agreements
- Infrastructure Improvements
- Annexations
- Addition of Protected Intersections to LOS Policy

San José Redevelopment Agency
- Revisions to Rincon Redevelopment Plan

Regional Water Quality Control Board
- National Pollution Discharge Elimination System Permit (NPDES) (General Construction and Municipal)

Santa Clara County Congestion Management Agency
- Approval of North San José Deficiency Plan
F. CONSISTENCY WITH RELEVANT PLANS AND POLICIES

In conformance with Section 15125(b) of the CEQA Guidelines, the following section discusses the consistency of the proposed project with relevant plans and policies.

1. Regional Plans and Policies

1982 Bay Area Air Quality Plan and 2000 Clean Air Act
ABAG/BAAQMD/MTC

The 1982 Bay Area Air Quality Plan and 2000 Clean Air Plan (2000 CAP) establish regional policies and guidelines to meet the requirements of the Clean Air Act, as amended through 1990. The Bay Area is a non-attainment area for ozone, since federal standards are exceeded for this pollutant. The Bay Area also is a non-attainment area for ozone and PM$_{10}$ under the California Clean Air Act.

The Bay Area 2000 Clean Air Plan is the current regional strategy for improving air quality. The Plan proposes the adoption of transportation, mobile source and stationary source controls on a variety of pollutant sources to offset population growth and provide improvement in air quality. The consistency of the proposed project with this regional plan is primarily a question of the consistency with the population/employment assumptions utilized in developing the Plan. The 2000 CAP was based on the City’s General Plan in effect at the time the CAP was approved, and the Association of Bay Area Governments (ABAG) Projections ’98.

Consistency: The project proposes development in the Rincon area of San José in excess of what the City’s General Plan stated at the time the 2000 CAP was adopted. Since the proposed development exceeds the amount of development included in the 2000 CAP the project is not consistent with the current Clean Air Plan.

San Francisco Bay Regional Water Quality Control Plan

The Regional Water Quality Control Board has developed and adopted a Water Quality Control Plan (Basin Plan) for the San Francisco Bay region. The Plan is a master policy document that contains descriptions of the legal, technical, and programmatic bases of water quality regulation in the San Francisco Bay region. The Regional Board first adopted a water quality control plan in 1975 and the last major revision was adopted in 1995.

The Plan provides a program of actions designed to preserve and enhance water quality and to protect beneficial uses. It meets the requirements of the U.S. Environmental Protection Agency and establishes conditions related to discharges that must be met at all times.

The implementation portion of the Basin Plan includes descriptions of specific actions to be taken by local public entities and industries to comply with the policies and objectives of the Plan. These include measures for urban runoff management and wetland protection.

Consistency: Although development allowed under the North San José Development Policies and existing General Plan would increase stormwater runoff, new development
would conform to the requirements of the City of San José regarding erosion and sedimentation control during construction. In addition, individual projects may be required to prepare and conform to a Stormwater Pollution Prevention Plan which addresses appropriate measures for reducing construction and post construction impacts. As the City continues to adopt increasingly stringent policies for minimizing stormwater runoff, it is foreseeable that redevelopment of existing industrial properties could, in many cases, reduce potential impacts related to stormwater runoff.

**Santa Clara Valley Urban Runoff Pollution Prevention Program**

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

The San Francisco Bay Regional Water Quality Control Board reissued a Municipal Stormwater National Pollutant Discharge Elimination System (NPDES) Permit to the municipalities in Santa Clara Valley, the County of Santa Clara, and the Santa Clara Valley Water District (SCVWD) as co-permittees in 2001. The Urban Runoff Prevention Program assists the co-permittees in implementing the provisions of this permit.

The NPDES stormwater permits that would apply to the project are the general construction activities permit and the municipal permit. Under the provisions of the Municipal Stormwater NPDES Permit, the City is required to take steps within their area of authority to reduce or eliminate pollutants in stormwater to the maximum extent practicable.

As required under Provision C.3 of the Municipal Stormwater NPDES Permit, the City of San José, and other Santa Clara County co-permittees, are currently proceeding with modifications to their development approval process for new and redevelopment projects. Under Provision C.3, conditions of approval for applicable projects are required to ensure that pollutant discharges and runoff flows are reduced to the maximum extent practicable.

**Consistency:** The proposed project will conform to the requirements of the NPDES permitting program. Potential impacts to the water quality of runoff primarily could occur during construction. Projects proposed in the North San José Development Policies Area will include identified mitigation measures proposed to reduce water quality impacts in runoff, both for construction and in the long-term, which are consistent with the standards of the Urban Runoff Pollution Prevention Program. As the City continues to adopt increasingly stringent policies for minimizing stormwater runoff, it is foreseeable that redevelopment of existing industrial properties could, in many cases, reduce potential impacts related to stormwater runoff.
The Santa Clara Valley Transportation Authority (VTA) oversees the Santa Clara County Congestion Management Program (CMP), last updated in December 2001. The relevant State legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county’s share of the increased gas tax revenues. The CMP legislation requires that each CMP contain five mandatory elements: 1) a system definition and traffic level of service (LOS) standard element; 2) a transit service and standards element; 3) a transportation demand management and trip reduction element; 4) a land use impact analysis element; and 5) a capital improvement element. Santa Clara County’s CMP includes the five mandated elements and three additional elements, including: a county-wide transportation model and database element, an annual monitoring and conformance element, and a deficiency plan element.

The Santa Clara County CMP includes subregional roadways within San José that are identified as CMP road facilities. The proposed project would significantly impact a number of CMP facilities, as described in Section II. B., Transportation in this EIR. For the impacted facilities within the City of San José, all of which are within the project boundary, the City has prepared a Deficiency Plan, as required by the CMP.

Consistency: Consistent with CMP policies, a traffic analysis prepared for the project discusses impacts to the regional roadway system. A Deficiency Plan was prepared for all CMP facilities impacted within the City of San José. As discussed in Section II. B. Transportation, the proposed project will comply with the provisions of the CMP.

2. Local Plans and Policies

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

The following text describes those General Plan strategies and policies that are applicable to this project, as well as any inconsistency between the two.

Land Use/Transportation Diagram

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

The existing land use designations for the properties whose General Plan land use designation would change as a result of the project are Industrial Park, Combined Industrial/Commercial, Light Industrial, and Public/Quasi-Public (refer to Figure 4).

Consistency: The project proposes to change the General Plan land use designations on various properties throughout North San José, as shown on Figure 5. The project, by
definition, therefore is not consistent with the Land Use/Transportation Diagram of the General Plan.

**Rincon South Specific Plan**

The Rincon South Specific Plan, incorporated into the General Plan, sets forth specific land use policies and development guidelines for the Rincon South area (bounded by US 101, SR 87, and I-880). The portion of the project area south of US 101 is located within the Rincon South Specific Plan area. Specific Plan goals encourage new development to: support transit use, foster a pedestrian friendly environment, and to improve the visual character of the area. The Specific Plan goals also include the promotion of new and protection of existing residential areas, addition of parklands, promotion of retail development, promotion of economic development including office and other industrial uses, and the minimization of traffic impacts.

The proposed project would make changes to the land use designations within the Rincon South Specific Plan, which are also incorporated into the General Plan. The project would allow residential development to occur on properties currently designated for Industrial Park or Light Industrial uses within the Specific Plan area. All other Rincon South Specific Plan policies would remain unaltered by the proposed project.

**Consistency:** The project proposes to change the General Plan land use designations on various properties within the Rincon South Specific Plan, as shown on Figure 5. The project is therefore, by definition, not consistent with the Land Use/Transportation Diagram component of the Specific Plan. Proposed changes to the properties currently designated for Industrial Park or Light Industrial uses would be inconsistent with the Specific Plan goal of protecting those uses within the Specific Plan area. The proposed project would, however, provide significant benefit to industrial uses throughout the project area as a whole. The project would be consistent with all other stated goals of the Specific Plan. The project would not make other modifications to the Specific Plan and is otherwise consistent with the Specific Plan.

**Major Strategies**

**Economic Development Strategy**

The City of San José’s Economic Development Strategy strives to make San José a more “balanced community” by encouraging more commercial and industrial development to balance the existing residential development. San José currently has a surplus of housing in relation to employment opportunities, which is referred to as a jobs/housing imbalance. This imbalance makes it difficult to provide adequate urban services because residential development does not generate sufficient revenue to cover service demands. Economic development is, therefore, a basic priority for San José.

**Consistency:** The proposed project includes the densification of office/industrial/R&D land uses in the Rincon area of San José. The project also would provide 68 percent of the housing for the increase in employees in the project area. (68 percent represents the ratio of new residents per new jobs due only to General Plan changes; other numbers in this EIR reflect the total amount of development cleared through the EIR.) Overall, the project is consistent with this strategy because it would increase the number of jobs more than it would increase the number of housing units in the project area.
Downtown Revitalization Strategy

The City’s General Plan includes the Downtown Revitalization Strategy for promoting economic development within the Downtown area while also promoting the Downtown’s perceived identity and image. The Strategy identifies important unique characteristics of the Downtown including accessibility to transportation facilities, the presence of high-rise buildings, diversity of land uses and architecture contributing to urban character and the use of the Downtown for civic events. The Strategy also states, “As the City grows there will be more emphasis on revitalization of older neighborhoods, business districts and employment centers throughout the City.”

Consistency: The proposed project would provide for the long-term growth of the North San José area in a manner distinct from but complementary to the Downtown area. The proposed project includes sufficient industrial square footage to raise the average FAR on industrial lands within North San José to approximately 0.5 on 3,370 acres of existing industrial land and to 1.2 within a proposed 600-acre Core Area. Based on these densities, it is anticipated that much of North San José would continue to be developed with two or three story buildings while buildings within the Core Area would likely range from four to 12-stories in height. The project also includes new streets intended to reduce the block size within the Core Area, but the resulting blocks would still be considerably larger than those found in the Downtown. The project also includes new residential areas and the possibility of mixed-use development, but in general would preserve the predominantly industrial park character of North San José and would not allow for the civic uses or the mix of uses found within the Downtown. The development intensities and land uses thus proposed by the project would not have the same characteristics as those promoted within the Downtown area through the Downtown Revitalization Strategy and the two areas would remain clearly distinct in character.

The Downtown Revitalization Strategy includes acknowledgment of the benefits of continued economic development throughout the City including within employment centers such as North San José. Providing the opportunity for additional job growth within the North San José area could contribute to the City’s ongoing fiscal health and provide employment opportunities for Downtown residents in support of the ongoing revitalization of the Downtown areas. New residents within North San José could also make use of the unique civic facilities and other amenities provided within Downtown further supporting its vitality.

For these reasons, the proposed project is consistent with the Downtown Revitalization Strategy.

Housing Strategy

The goals of the City of San José’s Housing Strategy include improving San José’s existing housing resources, meeting the housing needs of all segments of the community, and providing a variety of housing types within the community for all economic levels. The General Plan states that sound growth should be encouraged in the City by designating suitable vacant or
underutilized sites for new residential development. The General Plan Housing Strategy encourages 1) a variety of housing types, 2) the development of mixed uses, 3) development in downtown core areas, and 4) requires developers of projects with ten or more dwelling units to provide at least 20 percent of their units at rents or prices that are affordable to low and moderate income households, provided that Redevelopment Agency housing funds are available.

**Consistency:** The project proposes the designation of land for residential use but does not propose any specific residential project. Projects that would be built under the proposed residential designations would provide a variety of housing types and could include a mixed use component. The residential uses are adjacent to transit and industrial jobs. The proposed project is consistent with the Housing Major Strategy.

**Sustainable City Strategy**

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

**Consistency:** The proposed project includes infill sites adjacent to existing recycled water pipelines, a light rail transit line and other existing City resources. New development consistent with the project will be required to incorporate transportation demand management measures. The City will ensure that projects proposed under the North San José Development Policies are designed and built in accordance with the Sustainable City Major Strategy.

**Growth Management Strategy**

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

**Consistency:** The proposed project would promote the construction of industrial and residential projects at infill and redevelopment sites within the Urban Service Area adjacent to light rail transit and other existing facilities and services and is therefore consistent with the Growth Management Major Strategy.

**Goals and Policies**

**Balanced Community Policy #1**

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

**Consistency:** The proposed project includes a greater density of industrial and residential development in North San José. The project would allow housing in an area adjacent to increased industrial development and improve the balance between jobs and housing in the City of San José. Therefore, the project is consistent with Balanced Community Policy #1.

*Balanced Community Policy #2*

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

**Consistency:** The project proposes high-density residential land uses near the light rail transit line. (The project would support the addition of new residential development within an area of the City with proportionally few housing sites promoting increased distribution of housing opportunities.) The residential land uses proposed by the project are of a greater density than typically found in the City of San José. For these reasons the project is consistent with Balanced Community Policy #2.

*Balanced Community Policy #5*

Developers of large industrial, commercial, or residential projects should be encouraged to identify and appropriately address the potential need generated by these projects for child care facilities or services.

**Consistency:** The project does not specifically propose any child care facilities or services at this time but would provide additional opportunities for mixed-use development and new residential development and would also encourage redevelopment of existing industrial areas that could result in the addition of new child care facilities or services. In particular, by allowing for residential development within the Core Area, the project supports the addition of other supporting uses, including child care, within this area. For these reasons the project is consistent with Balanced Community Policy #5.

*Residential Land Use Policy #1*

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

**Consistency:** The proposed residential land uses are located within the Urban Service Area and their development will be required to incorporate adequate services and facilities. The project therefore is consistent with Residential Land Use Policy #1.
Residential Land Use Policy #3

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

Consistency: The project proposes high density housing adjacent to employment centers, rail transit stations, and along bus routes and therefore is consistent with Residential Land Use Policy #3.

Residential Land Use Policy #4

Due to the limited supply of land available for multiple family housing, public/quasi-public uses, such as schools and churches, should be discouraged in areas designated for residential densities exceeding twelve units per acre on the Land Use/Transportation Diagram except in the Downtown Core Area.

Consistency: The project supports the conversion of existing industrial and public/quasi-public lands for residential use. Some new public/quasi public uses will be necessary to serve the new residential development. Because the project would not result in the conversion of any lands currently with a residential designation to public/quasi-public use and would create a significant net increase in the total amount of land available for multiple family housing, the project is consistent with Residential Land Use Policy #4.

Residential Land Use Policy #5

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

Consistency: While the project proposes the addition of new residential development within an industrial area, the project avoids locating new residential development in close proximity to areas with identified hazards. The project requires that site specific analysis of potential hazards be performed prior to the conversion of a specific site to residential use and that mitigation be incorporated into residential development as necessary. The project therefore is consistent with Residential Land Use Policy #5.

Residential Land Use Policy #11

Residential developments should be designed to include adequate open spaces in either private yards or common areas to partially provide for residents’ open space and recreation needs.

Consistency: The proposed project does not include the development of specific residential projects. At the time residential projects are proposed they will be required to provide for the open space and recreational needs of their residents, therefore, the project is consistent with Residential Land Use Policy #11.
Residential Land Use Policy #17

The City encourages developers of large residential projects to identify and appropriately address the need generated by these projects for child care facilities and services.

**Consistency:** The density of residential land uses proposed by the project will most likely create a need for child care facilities and services in the project area. At the time specific residential projects are proposed, developers will be encouraged to provide these services; therefore, the project is consistent with Residential Land Use Policy #17.

Residential Land Use Policy #20

Roads, buildings and landscaping should be designed and oriented to maximize energy conservation benefits for space heating and cooling to the extent feasible.

**Consistency:** The proposed project does not include the development of specific residential projects. At the time residential projects are proposed, they will be required to incorporate road, building and landscape design elements that maximize energy conservation benefits to the extent feasible. The project is consistent with Residential Land Use Policy #11.

Residential Land Use Policy #21

Substantial expansion of existing non-residential uses (e.g., major structural improvements or expansions) should be discouraged on properties designated for residential use.

**Consistency:** The project does not propose the expansion of any existing non-residential uses on properties designated for residential use and therefore is consistent with Residential Land Use Policy #21.

Residential Land Use Policy #22

High density residential and mixed residential/commercial development located along transit corridors should be designed to: 1) create a pleasant walking environment to encourage pedestrian activity, particularly to the nearest transit stop; 2) maximize transit usage; 3) allow residents to conduct routine errands close to their residence; 4) integrate with surrounding uses to become a part of the neighborhood rather than an isolated project; 5) use architectural elements or themes from the surrounding neighborhood; and 6) ensure that building scale does not overwhelm the neighborhood.

**Consistency:** The proposed project includes high density residential land uses located adjacent to transit and some existing neighborhoods. When specific residential developments are proposed, they will be required to provide pedestrian amenities and to integrate with surrounding uses and neighborhoods and therefore would be consistent with Residential Land Use Policy #22.
**Residential Land Use Policy #23**

New high-density residential development in Transit-Oriented-Development Corridors and BART Station Area Nodes should be designed to protect residents from any potential conflicts with adjacent uses.

**Consistency:** The project proposes residential land uses along the Guadalupe Corridor in North San José but does not include specific residential developments. At the time residential developments are proposed, they will be designed to be consistent with Residential Land Use Policy #23.

**Residential Land Use Policy #24**

New residential development should create a pedestrian friendly environment by connecting the features of the development with safe, convenient, accessible, and pleasant pedestrian facilities. Such connections should also be made between the new development, transit access points, and nearby commercial areas.

**Consistency:** Future residential developments on the proposed residential land use designations will provide pedestrian facilities linking the developments to transit and commercial areas and therefore would be consistent with Residential Land Use Policy #24.

**Industrial Land Use Policy #1**

Industrial development should incorporate measures to minimize negative impacts on nearby land uses.

**Consistency:** The industrial development proposed by the project would be subject to any mitigation measures required in this EIR, and the City’s Industrial Design Guidelines to reduce impacts to nearby residential land uses and therefore would be consistent with Industrial Land Use Policy #1.

**Industrial Land Use Policy #2**

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

**Consistency:** The proposed project would allow for the redevelopment of industrial uses with higher density industrial development along an existing light rail transit line and therefore is consistent with Industrial Land Use Policy #2.

**Industrial Land Use Policy #7**

The City encourages developers of large industrial projects to identify and appropriately address the potential need generated by these projects for child care facilities or services. The provisions of on-site child care may be considered for a single tenant building in industrial areas primarily for use by employees of the industrial facility.
**Consistency:** The project proposes the establishment of a new General Plan designation that would allow commercial and residential development within an industrial core area. Such a mixed-use environment will provide increased opportunities for the incorporation of child care facilities within new large industrial developments. The project does not include the development of specific industrial projects at this time, but future developments will be encouraged to incorporate child care facilities to the extent feasible. The project therefore is consistent with Industrial Land Use Policy #7.

*Industrial Land Use Policy #12*

Employee intensive uses should be encouraged to locate near transit facilities.

**Consistency:** The proposed project includes intensified industrial development adjacent to the Guadalupe Corridor of the light rail transit line and therefore is consistent with Industrial Land Use Policy #12.

*Industrial Land Use Policy #19*

New industrial development should create a pedestrian friendly environment by connecting the features of the development with safe, convenient, accessible, and pleasant pedestrian facilities. Such connections should also be made between the new development and adjacent public streets.

**Consistency:** New industrial development proposed by the project will be built along the street edge and have pedestrian connections to LRT stations. The project includes measures intended to foster the development of new and/or improved pedestrian facilities as part of new industrial development. For these reasons the project is consistent with Industrial Land Use Policy #19.

*Economic Development Policy #1*

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

**Consistency:** The project proposes more jobs than housing which will help to balance the jobs and employed resident imbalance in the City. The project therefore is consistent with Economic Development Policy #1.

*Economic Development Policy #2*

To enhance its economic development goals and increase employment opportunities for San José citizens, the City should: 1) seek to attract businesses and industries which are particularly suited to the area; 2) protect the industrial lands designated exclusively for industrial uses; and 3) attract a diverse mixture of businesses and industries that can provide jobs suitable for the City’s unemployed and under-employed labor force.
**Consistency:** Although the project would convert some industrial lands to residential use, it would also establish a new land use area specifically intended to attract high-profile businesses and industries to the North First Street corridor, provide increased protection against conversion for other industrial lands and allow for a greater density of industrial uses on existing industrial lands contributing to a diverse mix of industrial uses in the City. For these reasons, the project is consistent with Economic Development Policy #2.

*Economic Development Policy #4*

The City should actively promote economic development through the provision of capital improvements, a simplified project review process, designating areas for exclusive and mixed industrial uses, and by implementing other economic development incentives and programs particularly those available through the Office of Economic Development and the Redevelopment Agency.

**Consistency:** The proposed project includes new roadways throughout the Rincon area to accommodate increased traffic created by the greater density of industrial and residential uses. The project provides a fair share mechanism for funding transportation improvements necessary to support the ongoing economic development of the project area. The project would also provide traffic analysis for future development projects thus simplifying their review process. The project would allow commercial uses on the first two floors of new developments in the project area. For these reasons, the project is consistent with Economic Development Policy #4.

*Economic Development Policy #7*

The City encourages a mix of land uses in the appropriate locations which contribute to a balanced economic base, including industrial suppliers and services, commercial support services, “green industries” (industries related to recycling or environmental preservation), as well as high technology manufacturers and other related industries.

**Consistency:** The proposed project would specifically support the growth of high-technology businesses and would create a greater mix of uses in the Rincon Area than is currently allowed and therefore is consistent with Economic Development Policy #7.

*Greenline/Urban Growth Boundary Policy #1*

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

**Consistency:** All of the development being considered as part of this project is within the existing Greenline/Urban Growth Boundary of San José. By allowing intensification within the Urban Growth Boundary, the project reduces the pressure to develop outside of the boundary; therefore, the project is consistent with the Greenline/Urban Growth Boundary Policy #1.
**Urban Design Policy #1**

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

**Consistency:** Buildings constructed as a result of the project would apply strong architectural and site design controls through consistency with both existing guidelines and policies and new guidelines incorporated into the project. The project would therefore be consistent with Urban Design Policy #1.

**Urban Design Policy #2**

Private development should include adequate landscaped areas. Landscaped areas should utilize water efficient plant materials and irrigation systems. Energy conservation techniques such as vegetative cooling and wind shielding should also be utilized. All landscaped areas should include provision for ongoing landscape maintenance.

**Consistency:** While the proposed project allows for intensification of an existing industrial area, it is anticipated that the amount of landscaping in the new development will be comparable to existing conditions. Redevelopment will facilitate improvements to landscaped areas to increase their conformance with newer standards. When specific industrial developments are proposed, they will be required to provide landscaped areas consistent with the City’s policies and therefore would be consistent with Urban Design Policy #2.

**Urban Design Policy #4**

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

**Consistency:** The project includes some residential land use designations adjacent to open space along the Guadalupe River and Coyote Creek. At the time specific residential developments are proposed, they will be encouraged to provide access to parks and open space and would therefore be consistent with Urban Design Policy #4.

**Urban Design Policy #5**

The design review process should take into consideration the long-term maintenance ramifications of the design of private streets and other private infrastructure improvements.

**Consistency:** The industrial uses proposed by the project are unlikely to require private streets and private infrastructure. Residential uses proposed by the project will also be developed at high densities but it is unknown at this time whether private infrastructure improvements will be proposed. At the time specific residential developments are proposed, the long-term maintenance of private infrastructure will be considered; therefore, the project is consistent with Urban Design Policy #5.
Urban Design Policy #6

Proposed structures adjacent to existing residential areas should be architecturally designed and sited to protect the privacy of the existing residences.

Consistency: The proposed project designates land for residential use adjacent to existing residential development. At the time specific residential development is proposed, it will be designed to protect the privacy of existing residences; therefore, it will be consistent with Urban Design Policy #6.

Urban Design Policy #7

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

Consistency: The proposed project will include the undergrounding of all distribution utility lines serving the project sites; therefore, the project is consistent with Urban Design Policy #7.

Urban Design Policy #8

Design solutions should be considered in the development review process which address security, aesthetics and public safety.

Consistency: The City will review the design of projects proposed as a result of the North San José Development Polices project considering security, aesthetics, and public safety. For this reason, the project is consistent with Urban Design Policy #8.

Urban Design Policy #16

When development is proposed adjacent to existing or planned parks or park chains, that development should include public park-frontage roads, wherever feasible, in order to maximize access to park lands, to provide a reasonable separation between urban land uses and park lands without the use of “back-up” design, and to maximize exposure of park lands for scenic and security purposes.

Consistency: The project designates residential lands adjacent to the Guadalupe River and Coyote Creek. When specific residential developments are proposed, site specific improvements to separate urban and park land uses and to maximize public access to park lands will be provided in order to be consistent with Urban Design Policy #16.

Urban Design Policy #17

Development adjacent to creekside areas should incorporate compatible design and landscaping including plant species which are native to the area or are compatible with native species.

Consistency: At the time residential development is proposed on sites adjacent to the Guadalupe River and Coyote Creek, projects will be designed and landscaped to be
compatible with native riparian species. The project will therefore be consistent with Urban Design Policy #17.

_Urban Design Policy #18_

To the extent feasible, sound attenuation for development along City streets should be accomplished through the use of landscaping, setback and building design rather than the use of sound attenuation walls. Where sound attenuation walls are deemed necessary, landscaping and an aesthetically pleasing design shall be used to minimize visual impact.

**Consistency:** New development proposed as a result of the project will use appropriate methods, not including sound attenuation walls, to mitigate noise impacts and would, therefore, be consistent with Urban Design Policy #18. Noise impacts and mitigation are further discussed in Section III. D., Noise, of this EIR.

_Urban Design Policy #22_

Design guidelines adopted by the City Council should be followed in the design of development projects.

**Consistency:** The development of industrial uses included in the proposed project will adhere to the _Industrial Design Guidelines_ approved by the City of San José. Future residential projects developed on land designated for residential use as part of this project will adhere to the City’s _Residential Design Guidelines_. For these reasons, the project is consistent with Urban Design Policy #22.

_Urban Design Policy #24_

New development projects should include the preservation of ordinance-sized and other significant trees. Any adverse affect on the health and longevity of such trees should be avoided through appropriate design measures and construction practices. When tree preservation is not feasible, the project should include appropriate tree replacement.

**Consistency:** In the event ordinance-sized trees and any other significant trees are not able to be saved as a result of development under the proposed North San José Development Policies, the specific projects will include appropriate tree replacement which is consistent with Urban Design Policy #24.

_Urban Design Policy #27_

Child care facilities should be considered in the design of transit-oriented projects and mixed use projects that are suitably located for such facilities.

**Consistency:** The proposed project does not include the development of specific transit-oriented or mixed-use projects. At the time specific transit-oriented or mixed-use development is proposed, the incorporation of child care facilities will be considered as part of the City review of the proposed development. Therefore, the project is consistent with Urban Design Policy #27.
Urban Design Policy #29

To the extent practical, all new development should use construction products that are either made from recycled and/or salvaged materials, or can be reused and/or recycled.

Consistency: The proposed project does not include the construction of specific buildings. At the time of development, proposed building construction will be reviewed for conformance with this policy. Therefore, the project is consistent with Urban Design Policy #29.

Urban Design Policy #31

All streets should provide for pedestrian safety, convenience, and accessibility.

Consistency: The proposed project includes improvements to existing streets and the construction of new streets. Providing for pedestrian safety, convenience and accessibility is a primary goal for the improvement of existing streets. The design of new streets will meet City standards for pedestrian facilities and their construction will improve pedestrian accessibility throughout the project area. Therefore, the project is consistent with Urban Design Policy #31.

Urban Design Policy #32

Amenities should be added to create a pleasant walking environment. These measures include ample sidewalk widths, crosswalks, street furniture, pedestrian-activated crossing lights, and street trees.

Consistency: The proposed project includes funding for the construction of new pedestrian amenities as part of improvements to existing streets and the construction of new streets. Providing a pleasant walking environment is a primary goal for the street improvements included within the project; therefore, the project is consistent with Urban Design Policy #32.

Urban Design Policy #33

All developments should provide pedestrian friendly design features including, but not limited to, pedestrian pathways connecting public streets to building entrances and other features of the site.

Consistency: The proposed project will require that all new development within the project area include pedestrian friendly design features; therefore, the project is consistent with Urban Design Policy #33.

Urban Design Policy #34

To create a more pleasing pedestrian environment, building frontages should include design elements with a human scale, varied and articulated facades, and entries oriented to public sidewalks or pedestrian pathways. Windows and/or entries should be provided along sidewalks and pathways.
Consistency: The proposed project will require that all new development within the project area include pedestrian friendly design features. New development will also be reviewed for consistency with the City’s design guidelines that address design features related to a pleasing pedestrian environment. The project therefore is consistent with Urban Design Policy #34.

Urban Design Policy #35

New development should increase neighborhood connectivity by providing access across natural barriers (i.e., rivers) and man-made barriers (i.e., freeways).

Consistency: The proposed project includes the addition of two new street crossings of existing freeways. The project also includes the construction of new local streets to reduce the block size of existing blocks. These measures would improve neighborhood connectivity consistent with Urban Design Policy #35.

Housing Policy #1

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

Consistency: The proposed project would allow residential development at various sites throughout the Rincon Area. The project will include a variety and mix of housing types and will conform to the City’s Inclusionary Housing Policy in Redevelopment Project Areas. For these reasons the project is consistent with Housing Policy #1.

Housing Policy #3

To facilitate the integration of households with various incomes into all neighborhoods and the diversification of the housing stock, the City encourages the dispersal of affordable housing throughout San José.

Consistency: The project will comply with the City’s Inclusionary Housing Policy in Redevelopment Project Areas and would therefore be consistent with Housing Policy #3.

Level of Service Policy #2

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

Consistency: The proposed project includes the implementation of a development impact fee or formation of a Community Facilities District to finance infrastructural improvements required as a result of the project. The project would therefore be consistent with Level of Service Policy #2.
Level of Service Policy #5

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

Consistency: The project proposes to revise the existing North San José Development Policy (NSJDP). By definition, therefore, the project is not consistent with this policy.

Level of Service Policy #6

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

Consistency: Construction of additional sanitary sewer lines is anticipated to be necessary as development occurs consistent with the proposed project. As development permits are issued, sanitary sewer capacity will be reviewed and necessary improvements to the sanitary sewer system will be made as part of specific development proposals or through City initiated capital improvement projects. For these reasons the project is consistent with Level of Service Policy #6.

Level of Service Policy #7

The City should monitor and regulate growth so that the cumulative sewage treatment demand of all development can be accommodated by San José’s share of the treatment capacity of the San José/Santa Clara Water Pollution Control Plant.

Consistency: The proposed project would not exceed San José’s share of the treatment capacity of the San José/Santa Clara Water Pollution Control Plant. The City will continue to monitor Plant capacity as development occurs to verify that Plant capacity is adequate. The project will likely include expansion of the City’s recycled water program further reducing the potential demand for Plant capacity. For these reasons the project is consistent with Level of Service Policy #7.

Level of Service Policy #9

The City should continue to encourage water conservation programs which result in reduced demand for sewage treatment capacity.

Consistency: The proposed project does not include the construction of specific buildings. At the time of development, proposed building construction will be reviewed for conformance with this policy. The project therefore is consistent with Level of Service Policy #9.
Level of Service Policy #12

New projects should be designed to minimize potential damage due to storm waters and flooding to the site and other properties.

Consistency: The proposed project does not include modifications to the City’s current flooding policies. New development will need to meet design requirements intended to minimize the potential damage due to storm waters and flooding. The project therefore is consistent with Level of Service Policy #12.

Level of Service Policy #16

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

For police protection, achieve a response time of six minutes or less for 60 percent of all Priority 1 calls, achieve a response time of eleven minutes or less for 60 percent of all Priority 2 calls.

For fire protection, a 4-minute average response time to all calls.

For parks and recreation, 3.5 acres of neighborhood and community serving recreational lands per 1,000 population, of which a minimum is 1.5 acres of neighborhood, community or locally serving regional/City-wide park lands and up to 2 acres of school playgrounds, and all of which is located within a reasonable walking distance of the project; 7.5 acres of regional/City-wide park lands per 1,000 population; and 500 square feet of community center floor area per 1,000 population.

For libraries, 10,000 square feet of library space per 36,000 population, 18.3 weekly service hours per 10,000 population, and an annual acquisition rate of 1 volume per 6 people for the first 500,000 population and 1 volume per 8 people over 500,000 population.

Consistency: While the proposed project supports the future conversion of industrial land for residential use within designated areas, the conversion of specific sites will be considered separately through future actions. Such future proposals will need to be evaluated for conformance with this policy. The proposed project identifies land that could be made available for new parklands, schools, and other services as such needs are identified. The proposed project specifically addresses the need for new parklands consistent with City policies. The project therefore is consistent with Level of Service Policy #16.

Level of Service Policy #21

Residential development should be approved only in conformance with the School Facility Availability Ordinance and City Council Policy.

Consistency: While the proposed project supports the future conversion of industrial land for residential use within designated areas, the conversion of specific sites will be considered
separately through future actions. Such future proposals will need to be evaluated for
conformance with this policy. The project therefore is consistent with Level of Service
Policy #21.

Transportation Policy #3

Public street right-of-way dedication and improvements should be required as development
occurs.

Consistency: The proposed project includes right-of-way dedications for new roads and
improvements to existing roads in order to accommodate traffic flows generated by the
project. For these reasons the project is consistent with Transportation Policy #3.

Transportation Policy #4

Additional public street right-of-way beyond that designated on the Land Use/Transportation
Diagram may be required to facilitate left-turn lanes, bus pullouts, and right-turn lanes in
order to provide additional capacity at some intersections.

Consistency: The proposed project includes additional public street right-of-way in several
locations to accommodate project traffic and, therefore, is consistent with Transportation
Policy #4.

Transportation Policy #7

The traffic impacts on regional transportation facilities should be taken into consideration
when reviewing major General Land Use Diagram amendments.

Consistency: This EIR includes a discussion of impacts to local and regional transportation
facilities as a result of the project; and therefore is consistent with Transportation Policy #7.

Transportation Policy #8

Vehicular, bicycle, and pedestrian safety should be an important factor in the design of streets
and roadways.

Consistency: Streets will be designed to conform to the Transportation Bicycle Network
included in the 2020 General Plan and therefore the project would be consistent with
Transportation Policy #8.

Transportation Policy #9

Neighborhood streets should be designed to discourage through traffic and unsafe speeds.

Consistency: Although the number and design of neighborhood streets is unknown at this
time, future streets will be designed to discourage through traffic and unsafe speeds in order
to be consistent with Transportation Policy #9.
Transportation Policy #10

New development should be required to install indented curbs for bus pullouts, bus shelters and other transit-related public improvements, where appropriate.

Consistency: The project will install needed transit improvements where appropriate and therefore is consistent with Transportation Policy #10.

Transportation Policy #22

Pedestrian pathways and public sidewalks should provide connectivity between uses, such as neighborhoods, schools, parks, libraries, open space, public facilities, shopping centers, employment centers, and public transit.

Consistency: The project includes the construction of pedestrian facility improvements for existing roadways, improvements to regional trail systems and the construction of new streets intended to support increased pedestrian circulation. All of these actions will improve connectivity and therefore the project is consistent with Transportation Policy #22.

Transportation Policy #24

In order to provide pedestrian comfort and safety, all pedestrian pathways and public sidewalks should provide buffers between moving vehicles and pedestrians where feasible (e.g., trees, planting strips, and parked cars).

Consistency: The project will comply with the standard street design guidelines of the Public Works Department which includes a requirement for the provision of street trees in new developments and therefore the project is consistent with Transportation Policy #24.

Transportation Policy #31

Industrial and commercial development should be planned so that truck access through residential areas is avoided. Truck travel on neighborhood streets should be minimized.

Consistency: Access to the project area is provided by several freeways and major arterials. Truck travel on neighborhood streets would be minimal; therefore, the project is consistent with Transportation Policy #31.

Transportation Policy #33

Adequate off-street parking should be required in conjunction with all future developments.

Consistency: The proposed project will adhere to the City’s parking requirements; therefore, it will be consistent with Transportation Policy #33.

Transportation Policy #47

Development in the vicinity of airports should be regulated in accordance with Federal Aviation Administration guidelines to:
• Maintain the airspace required for the safe operation of these facilities.
• Avoid reflective surfaces, flashing lights and other potential hazards to air navigation.

**Consistency:** The project would amend the General Plan to allow building heights within the Core Area up to 250 feet above ground subject to building-specific airspace safety determinations made by the Federal Aviation Administration. Specific development projects that exceed current General Plan height limits would be referred to the Federal Aviation Administration for review for conformance with their guidelines. The project therefore is consistent with Transportation Policy #47.

*Transportation Policy #49*

As a condition of approval of development in the vicinity of airports, the City should require aviation easement dedications.

**Consistency:** The project proposes mid-rise structures in an area subject to Airport height restrictions and noise impacts. At the time specific development projects are proposed they will be required to grant aviation easements to the City and therefore would be consistent with Transportation Policy #49.

*Transportation Policy #51*

Bike lanes are considered generally appropriate on arterial and major collector streets. Right-of-way requirements for bike lanes should be considered in conjunction with planning the major thoroughfares network and in implementing street improvement projects.

**Consistency:** The proposed project will conform to the Transportation Bicycle Network included in the 2020 General Plan and therefore the project would be consistent with Transportation Policy #51.

*Historic, Archaeological and Cultural Resources Policy #9*

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

**Consistency:** This EIR includes a cultural resources report and discusses impacts of the project on cultural resources in Section II. F. Cultural Resources. This section discusses impacts on cultural resources from the project and includes appropriate mitigation; therefore, the project is consistent with Historic, Archaeological and Cultural Resources Policy #9.

*Park and Recreation Policy #1*

The City should consider as an objective the provision of a neighborhood or community park within reasonable walking distance for each resident. That portion of a Citywide or regional
park which provides recreational accessibility for nearby residents in the same manner as a neighborhood or community park should be considered as meeting this objective.

**Consistency:** New residential development proposed in the project area will be subject to the Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) and will be required to meet additional requirements for accessibility to existing or new parklands. The project therefore is consistent with Park and Recreation Policy #1.

*Park and Recreation Policy #3*

Through the development review process, private open space and recreation facilities should be encouraged in high density residential projects, mixed use projects and major employment complexes in the vicinity of major transit corridors in order to meet a portion of the open space and recreation needs of residents, employees and visitors that will be generated by that development.

**Consistency:** The proposed project includes high-density residential land uses located adjacent to transit and some existing neighborhoods. When specific residential developments are proposed they will be reviewed for conformance with the City’s design guidelines and required to provide open space and recreation facilities and to integrate with surrounding uses and neighborhoods. The project therefore would be consistent with Park and Recreation Policy #3.

*Trails and Pathways Policy #1*

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

**Consistency:** The project includes the designation of land along both the Guadalupe River and Coyote Creek that could convert to residential use. Future development adjacent to these waterways would be subject to the recommendations of the Riparian Corridor Policy and therefore the project would be consistent with Trails and Pathways Policy #1.

*Trails and Pathways Policy #2*

When new development occurs adjacent to a designated Trails and Pathways Corridor, the City should encourage the developer to install and maintain the trail.

**Consistency:** The proposed project includes construction of trails along the bordering Guadalupe and Coyote corridors and therefore would be consistent with Trails and Pathways Policy #2.

*Riparian Corridor and Upland Wetlands Policy #2*

New public and private development adjacent to riparian corridors should be consistent with the provisions of the Riparian Corridor Policy Study.
**Consistency:** The proposed project includes the potential redevelopment of industrial uses and the development of new residential uses along the Guadalupe and Coyote riparian corridors. When specific development is proposed, it will be reviewed for conformance with the City’s Riparian Corridor Policy Study. The project therefore is consistent with the Riparian Corridor and Upland Wetlands Policy #2.

*Riparian Corridor and Upland Wetlands Policy #3*

New development within the Urban Service Area should be set back from the outside edge of riparian habitat (or top of bank, whichever is greater) a distance sufficient to buffer the impacts of adjacent human activities and provide avenues for wildlife dispersal.

**Consistency:** The proposed project includes the potential redevelopment of industrial uses and the development of new residential uses along the Guadalupe and Coyote riparian corridors. When specific development is proposed, it will be reviewed for conformance with the setback requirements included within the City’s Riparian Corridor Policy Study. The project therefore is consistent with the Riparian Corridor and Upland Wetlands Policy #3.

*Riparian Corridor and Upland Wetlands Policy #4*

New development should be designed to protect adjacent riparian corridors from encroachment of lighting, exotic landscaping, noise and toxic substances into the riparian zone.

**Consistency:** The proposed project includes the potential redevelopment of industrial uses and the development of new residential uses along the Guadalupe and Coyote riparian corridors. When specific development is proposed, the design of lighting, landscaping and hazardous materials storage as part of the development will be reviewed for conformance with the requirements included within the City’s Riparian Corridor Policy Study. The project therefore is consistent with the Riparian Corridor and Upland Wetlands Policy #4.

*Species of Concern Policy #4*

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

**Consistency:** The project does include the potential redevelopment of currently vacant lands suitable for Burrowing Owl habitat. Surveys to determine the presence of Burrowing Owls will be required as part of any development of vacant lands and measures will be incorporated into the project to avoid injury to owls. The project does not include provisions to provide for additional Burrowing Owl habitat and therefore is not consistent with Species of Concern Policy #4.

*Urban Forest Policy #2*

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

**Consistency:** New development as part of the project will include the preservation and protection of existing ordinance-sized trees to the extent feasible. The project therefore is consistent with Urban Forest Policy #2.

*Urban Forest Policy #8*

Where urban development occurs adjacent to natural communities (e.g., oak woodland, riparian forest), landscape plantings should incorporate tree species native to the area to the greatest extent feasible.

**Consistency:** Landscaping included as part of new development under the project will include the use of native species trees and plant materials to the extent feasible. The project therefore is consistent with Urban Forest Policy #8.

*Water Resources Policy #12*

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

**Consistency:** As development occurs, construction and post-construction measures will be incorporated into specific projects consistent with City policies. The project therefore is consistent with Water Resources Policy #12.

*Air Quality Policy #5*

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

**Consistency:** The proposed project includes specific requirements for the incorporation of design measures to promote pedestrian activity. As development occurs, projects within 1000 feet of a transit station will be designed to encourage the use of public transit consistent with City policies. The project therefore is consistent with Air Quality Policy #5.

*Energy Policy #1*

The City should promote development in areas served by public transit and other existing services. Higher residential densities should be encouraged to locate in areas served by primary public transit routes and close to major employment centers.
**Consistency:** The proposed project would promote the development of high-density residential uses and the intensification of existing industrial uses in areas currently served by public transit. The project therefore is consistent with Energy Policy #1.

*Energy Policy #2*

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

**Consistency:** The proposed project would allow for the placement of new residential and commercial development in close proximity to existing industrial land uses and therefore is consistent with Energy Policy #2.

*Energy Policy #4*

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

**Consistency:** The proposed project does not include the construction of specific buildings. At the time of development, proposed building construction will be reviewed for conformance with this policy. The project therefore is consistent with Energy Policy #4.

*Energy Policy #7*

The City should require low-pressure sodium vapor lighting for outdoor, unroofed areas in all new developments and encourage existing development to retrofit using low-pressure sodium vapor lighting.

**Consistency:** Any new development or redevelopment occurring through the project will be required to use low-pressure sodium vapor lighting. The project therefore is consistent with Energy Policy #7.

*Hazards Policy #1*

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

**Consistency:** The proposed project would not result in any development in areas where potential danger to the health, safety, and welfare of the residents of the community can be mitigated to an acceptable level. The project therefore is consistent with Hazards Policy #7.

*Soils and Geologic Conditions Policy #6*

Development in areas subject to soils and geologic hazards should incorporate adequate mitigation measures.
**Consistency:** The proposed project does not include the construction of specific buildings. At the time of development, proposed building construction will be reviewed for conformance with this policy. The project therefore is consistent with Soils and Geologic Conditions Policy #6.

*Soils and Geologic Conditions Policy #9*

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

**Consistency:** The proposed project does not include the construction of specific buildings. At the time of development, proposed building construction will be reviewed for conformance with this policy. The project therefore is consistent with Soils and Geologic Conditions Policy #9.

*Earthquake Policy #1*

The City should require that all new buildings be designed and constructed to resist stresses produced by earthquakes.

**Consistency:** The proposed project does not include the construction of specific buildings. At the time of development, proposed building construction will be reviewed for conformance with this policy. The project therefore is consistent with Earthquake Policy #1.

*Earthquake Policy #7*

Land uses in close proximity to water retention levees or dams should be restricted unless such facilities have been determined to incorporate adequate seismic stability.

**Consistency:** The proposed project does not include the construction of specific buildings. At the time of development, proposed building construction will be reviewed for conformance with this policy. The project therefore is consistent with Earthquake Policy #7.

*Earthquake Policy #3*

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

**Consistency:** The proposed project does not include the construction of specific buildings. At the time of development, proposed building construction will be reviewed for conformance with this policy. The project therefore is consistent with Earthquake Policy #8.

*Flooding Policy #1*

New development should be designed to provide protection from potential impacts of flooding during the “1%” or “100-year” flood.
**Consistency:** The proposed project does not include modifications to the City’s current flooding policies. New development will need to meet design requirements intended to minimize the potential damage due to storm waters and flooding. The project therefore is consistent with Flooding Policy #1.

*Flooding Policy #7*

The City should require new urban development to provide adequate flood control retention facilities.

**Consistency:** The proposed project does not include the construction of specific buildings. At the time of development, proposed building construction will be reviewed for conformance with this policy. The project therefore is consistent with Flooding Policy #7.

*Fire Hazards Policy #6*

New development should provide adequate access for emergency vehicles, particularly fire fighting equipment, as well as provide secure evacuation routes for the inhabitants of the area.

**Consistency:** The proposed project does not include the construction of specific buildings. At the time of development, proposed building construction will be reviewed for conformance with this policy. The project therefore is consistent with Fire Hazards Policy #6.

*Noise Policy #1*

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

**Consistency:** The proposed project would result in increased noise due to automobile traffic and the placement of new sensitive receptors within a noisy environment. The proposed project does not include the construction of specific buildings. Analysis will be performed as part of the review of specific development proposals and measures to mitigate any noise impacts will be incorporated into the development in conformance with this policy. The project therefore is consistent with Noise Policy #1.

*Noise Policy #5*

The City should continue to require safe and compatible land uses within the International Airport noise zone (defined by the 65 CNEL contour as set forth in State law) and should also encourage operating procedures which minimize noise.

**Consistency:** The project would not result in the placement of any unsafe or incompatible land uses within the International Airport noise zone. The project therefore is consistent with Noise Policy #5.
Noise Policy #11

When located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses, non-residential land uses should mitigate noise generation to meet the 55 DNL guideline at the property line.

**Consistency:** The project would not result in any new non-residential uses being located adjacent to existing residential areas except that it does provide for the potential redevelopment of existing non-residential areas adjacent or in proximity to existing residential uses. The project would place new residential uses within proximity to existing non-residential uses that potentially generate noise in excess of 55 DNL. All new residential development will be reviewed for conformance with the City’s noise policies and will be required to incorporate measures necessary to mitigate interior noise levels to acceptable levels. Noise mitigation measures will also be incorporated into the redevelopment of existing non-residential land uses to the extent feasible. The project therefore is consistent with Noise Policy #11.

Hazardous Materials Policy #1

The City should require proper storage and disposal of hazardous materials to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal.

**Consistency:** The proposed project does not include the construction of specific buildings. At the time of development, proposed building construction will be reviewed for conformance with this policy. The project therefore is consistent with Hazardous Materials Policy #1.

Hazardous Materials Policy #3

The City should incorporate soil and groundwater contamination analysis within the environmental review process for development proposals. When contamination is present on a site, the City should report this information to the appropriate agencies that regulate the cleanup of toxic contamination.

**Consistency:** The project includes the potential conversion of existing non-residential lands to residential use. When a specific residential development is proposed, soil and groundwater contamination analysis will be required as part of the review of the proposed development consistent with this Policy. The project therefore is consistent with Hazardous Materials Policy #3.

Hazardous Waste Management Policy #9

Proper storage and disposal of hazardous wastes shall be required to prevent leaks, explosions, fires, or the escape of harmful gases, and to prevent materials from combining to form hazardous substances and wastes.
**Consistency:** The proposed project does not include the construction of specific buildings. At the time of development, proposed building construction will be reviewed for conformance with this policy. The project therefore is consistent with Hazardous Materials Policy #9.
II. ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION

This EIR is identified as both a “program” level document, and a “project specific” EIR. The proposed project includes various levels of entitlement that will occur over a relatively long period of time, and addresses impacts in varying degrees of specificity. The mitigation measures that are appropriate to the types of approvals being considered also differ in terms of their specificity and degree of entitlement and enforceability. While CEQA requires that mitigation measures should be “fully enforceable,” it also acknowledges that impacts from adoption of a plan or policy can best be mitigated by measures incorporated into the plan or policy [Guidelines §15126.4(a)(2)].

The new General Plan designations and revised policies that are part of this proposed project are expected to be implemented over many years. Designs, technology, and markets will change over time. General Plan policies are therefore the most relevant statement of how and to what degree impacts can be avoided or reduced, even though they are not project specific. General Plan policies represent the City’s standards. Since there is no specific development proposed and no specific design developed at this time for any of the land uses planned, the City’s adopted policies represent the most likely indication of what would be approved in the future.

Where it is possible or appropriate, some mitigation can be accomplished by other implementation policies, ordinances, or laws that are already in place. Like General Plan policies, this “program” level mitigation is identified where it exists or is proposed for adoption.

The currently proposed project also includes some infrastructure that is proposed to reduce some of the impacts of the proposed project. While the project includes preliminary information on how the infrastructure will be funded and implemented, detailed design has not yet been done. Where the infrastructure will serve as mitigation, or where the infrastructure may have secondary impacts of its own, that information is also provided.

Both impacts and mitigation can only be evaluated at the level of specificity that is appropriate to the information available on the proposed project. There is no specifically proposed development that is evaluated in this EIR. There cannot, therefore, be a detailed analysis of specific impacts and mitigation measures. There are reasonable assumptions that can be made about possible future mitigations, based on the City’s current and past practices for evaluating and approving development.

Throughout this EIR, there are measures identified as “Mitigation Measures to be Considered,” which list possible specific mitigations that might reasonably be required of future development. Since there is no individual project design, and no individually proposed development that can be conditioned to provide these mitigations at this time, “Mitigation Measures to be Considered” are not “legally enforceable” and the conclusions in this EIR do not reflect their inclusion in the individual future developments. In the future, these mitigations may be proposed by development, or they may be required as conditions of approval by the City of San José.
A. **LAND USE**

1. **Existing Setting**

The proposed project is located within the Rincon de los Esteros Redevelopment Area which is located generally south of SR 237, east of the Guadalupe River, north and northwest of I-880, and west of Coyote Creek. A portion of the project area extends east to Lundy Avenue (refer to Figures 2 and 3). The Redevelopment project area is approximately six square miles in size.

The Rincon Redevelopment Area is located within a heavily developed urban area. Most of Rincon is between two major urban waterways, the Guadalupe River and Coyote Creek, that are also the boundaries between San José and two neighboring cities: Santa Clara to the west and Milpitas to the east.

The Rincon de los Esteros Redevelopment Area is presently comprised mostly of one- and two-story industrial buildings and warehouses, two- to five-story campus industrial parks, multi-tenant industrial complexes, and several new high and medium-high density residential projects. There are a number of major four- and six-lane roadways. The Rincon area is also known as the “Golden Triangle,” for the three major freeways that bracket it. Many of the major streets are lined with trees planted as part of public or private landscaping. North First Street contains a light rail transit (LRT) line, with landscaped stations, in its median. The LRT line is also within the median of Tasman Drive, where it crosses both waterways to reach Santa Clara and Milpitas.

Also present within the project area are a State residential facility for the developmentally disabled, a card club, two mobile home parks, and limited retail commercial/hotel/office development along North First and North Fourth Streets.

Industrial development has been occurring in North San José for over 30 years. As a result, the age and condition of development in the area varies significantly. Most of the industrial land uses, including the manufacturing, office, research and development, and incubator buildings are characterized by the presence of very large paved parking lots. Newer development also has substantial perimeter landscaping and landscaping islands in the parking lots.

Residential development in North San José falls within three primary categories: 1) mobile home parks created before industrial development was well established in North San José, 2) high density residential projects built in the 1990s and since, after industrial development had become well established in the area; and 3) older housing, much of it rental, built south of US 101 in garden apartment configurations. Two-thirds of the newer high-density residential projects are located along North First Street, close to the LRT line. Adjacent to the project area on the west side of North First Street between Sonora Avenue and Gish Road, older two-story multi-family housing is built with little or no setback from the sidewalk along North First Street.

---

9 “Incubator” buildings are generally single story structures with multiple small tenancies. The buildings usually have shared parking and service areas.
There are also a number of hotels and motels in North San José, most relatively new and built under City policies that limited new hotels outside the Downtown Core Area to 100 rooms or fewer. The hotels are clustered along North First and North Fourth Streets or just north of US 101.

**General Plan and Zoning**

**General Plan Land Use Designations**

As shown in Figure 4, most of Rincon is designated *Industrial Park*. Land south of Brokaw Road and east of Zanker Road is designated *Heavy Industrial*. There are existing residential communities within Rincon that are designated for a variety of residential densities including two mobile home parks designated *Medium Low Density Residential (8 DU/AC)* and *Medium Density Residential (8-16 DU/AC)*, two mixed density residential projects designated *High Density Residential (25-50 DU/AC)*, and a large partially built high density development designated *Transit Corridor Residential (20+ DU/AC)*. An existing State residential facility for the developmentally disabled is designated *Public/Quasi-Public*, as is the Valley Transportation Authority bus yard north of it. Land along the two rivers is designated *Public Park/Open Space*, as is the small existing park on North First Street. There are small properties designated *General Commercial* near designated residential areas on both River Oaks Parkway and Montague Expressway. Near the intersection of North First Street and US 101, land is designated *Combined Industrial/Commercial*.

The project area south of US 101 and north of I-880 is all within the area designated as the *Rincon South Planned Community*. Land use designations within the Planned Community include *Medium Low Density Residential (8 DU/AC)* for an established single family neighborhood, *Transit Corridor Residential (25-65 DU/AC)*, *Public/Quasi-Public*, *Combined Industrial/Commercial*, *General Commercial, Industrial Park, Light Industrial*, and *Public Parks and Open Space*. There are also a number of sites designated for hotels.

Table 3 lists all of the land use designations and summarizes the definitions of each of those designs in the City’s General Plan.

<table>
<thead>
<tr>
<th>Land Use Designation</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial Park</td>
<td>An exclusive industrial designation intended for a wide variety of industrial users such as research and development, manufacturing, assembly, testing, and offices. Any functional or operational characteristics of a hazardous or nuisance nature should be mitigated through design controls.</td>
</tr>
<tr>
<td>Heavy Industrial</td>
<td>Intended for industrial uses with nuisance or hazardous characteristics which for reasons of health, safety, environmental effects, or welfare are best segregated from other uses. Extractive and primary processing industries are typical of this category.</td>
</tr>
<tr>
<td>Medium Low Density Residential (8 DU/AC)</td>
<td>Typified by the 6,000 square foot subdivision lot. The density at which most of San José’s single-family housing has been built.</td>
</tr>
<tr>
<td>Land Use Designation</td>
<td>Definition</td>
</tr>
<tr>
<td>---------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Medium Density Residential (8-16 DU/AC)</td>
<td>Density typified by patio houses, townhouses, and duplexes.</td>
</tr>
<tr>
<td>High Density Residential (25-50 DU/AC)</td>
<td>Density typified by three- to four-story apartments or condominiums over parking. Planned primarily near the Downtown Core Area, near commercial center and in the vicinity of the rail stations within the Transit-Oriented Development Corridors.</td>
</tr>
<tr>
<td>Transit Corridor Residential (20+ DU/AC)</td>
<td>Designation intended for medium-high and high density residential uses within, or very near, Transit-Oriented Development Corridors and BART Station Area Nodes, Housing Initiative Area, or major bus routes.</td>
</tr>
<tr>
<td>Public/Quasi-Public</td>
<td>Used to designate public land uses (schools, corporation yards, libraries), joint development projects with public and private participation, public utilities, institutions (churches, hospitals).</td>
</tr>
<tr>
<td>Public Park/Open Space</td>
<td>Publicly owned lands used for primary open space purposes. Where no specific site for a planned park has been identified, a “floating” designation may be utilized.</td>
</tr>
<tr>
<td>General Commercial</td>
<td>Intended to permit miscellaneous commercial uses, including strip commercial and freestanding businesses. Business and professional office uses are allowed. Shopping centers are not encouraged. Can include mixed commercial/industrial operations.</td>
</tr>
<tr>
<td>Combined Industrial/Commercial</td>
<td>Intended to allow a mixture of compatible commercial and industrial uses. Uses of the Industrial Park, Light Industrial, Neighborhood/Community Commercial, and General Commercial designations are all allowed. Not intended for suburban-type shopping centers.</td>
</tr>
<tr>
<td>Rincon South Planned Community Land Use Designations</td>
<td></td>
</tr>
<tr>
<td>Medium Low Density Residential (8 DU/AC)</td>
<td>Typified by the 6,000 square foot subdivision lot. Single-family housing, smaller-lot, detached patio homes, and single-family attached residences are all appropriate uses.</td>
</tr>
<tr>
<td>Transit Corridor Residential (25-65 DU/AC)</td>
<td>Very high density residential uses; allows commercial uses on the first two floors. Expected to be oriented to transit facilities and to encourage transit use. Auto-oriented development is strongly discouraged.</td>
</tr>
<tr>
<td>Public/Quasi-Public</td>
<td>Public land uses such as the Bachrodt Elementary School or lands owned by public agencies.</td>
</tr>
<tr>
<td>Combined Industrial/Commercial</td>
<td>A mixture of compatible commercial and industrial uses, or either commercial or industrial use in areas which already exhibit such a mixed land use pattern that it is difficult to define boundaries for each category.</td>
</tr>
<tr>
<td>General Commercial</td>
<td>Used only in combination with the Industrial Park and Transit Corridor Residential land use designations. Allows a combination of General Commercial types of uses with high density residential or industrial and office land uses.</td>
</tr>
<tr>
<td>Industrial Park</td>
<td>Industrial uses whose hazardous or nuisance characteristics can be mitigated through design controls. Office and supportive retail sales are appropriate. Future development should facilitate pedestrian movements and transit use.</td>
</tr>
<tr>
<td>Light Industrial</td>
<td>Allows a variety of industrial uses but excludes unmitigated hazardous or nuisance effects. May include service establishments.</td>
</tr>
</tbody>
</table>
Table 3

Existing General Plan Land Use Designations†

<table>
<thead>
<tr>
<th>Land Use Designation</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Parks/Open Space</td>
<td>Parklands which serve the residents living in Rincon South and area employees and transit users.</td>
</tr>
</tbody>
</table>

†See Section V of the City’s adopted General Plan for more detailed definitions of these land use categories.

**General Plan Roadway Designations**

The General Plan Land Use/Transportation Diagram identifies the following roadways and designates them as indicated:

- **SR 237** State Transportation Corridor
- **US 101** State Transportation Corridor
- **I-880** State Transportation Corridor
- **Montague Expressway** Expressway
- **North First Street** Major Arterial (115-130 ft.)
- **Zanker Road** Major Arterial (115-130 ft.) north of Montague/Minor Arterial (80-106 ft.) south of Montague
- **Tasman Drive** Major Arterial (115-130 ft.)
- **Trimble Road** Major Arterial (115-130 ft.)
- **Charcot Avenue** Minor Arterial (80-106 ft.)
- **North Fourth Street** Minor Arterial (80-106 ft.)
- **Orchard Parkway** Minor Arterial (80-106 ft.) between Trimble/Charcot
- **Brokaw Road** Major Arterial (115-130 ft.)
- **Skyport Road** Minor Arterial (80-106 ft.) between Fourth/Guadalupe
- **River Oaks Parkway** Minor Arterial (80-106 ft.) between First/Zanker

In addition, North First Street between I-880 and US 101 has an Intensification Corridor overlay.

**Zoning Districts**

Most of the land designated for Industrial Park uses in the General Plan is zoned **IP - Industrial Park**. Most of the land designated for Heavy Industrial uses is zoned **HI - Heavy Industrial**. All of the property currently designated for residential uses is zoned Planned Development, as is all of the property designated for and/or developed with retail commercial uses. Additionally, substantial acreage of Industrial Park designated lands is also zoned Planned Development in order to allow taller buildings, a wider variety of uses, or other deviations from the IP zoning district.

South of US 101, within the Rincon South area, properties east of North First Street are primarily zoned **CN - Neighborhood Commercial, CG - General Commercial, LI - Light Industrial, and IP - Industrial Park**. There are two small parcels zoned **R-2 - Duplex** and a large residential development is zoned Planned Development.
West of North First Street, most of the property is zoned Planned Development for industrial park, office, high density residential, and commercial uses. Some properties with frontage on North First Street are zoned CP - Professional Office, CN and CG. Some parcels fronting on Technology Drive are zoned IP. The existing single family residential neighborhood and elementary school are both zoned R-1-8 - Single Family Residential. The residential properties closest to Guadalupe Parkway are zoned R-2.

Visual and Aesthetic Context

The entire Rincon Redevelopment Project area is a developed urban area. There are a few as-yet-undeveloped and partially developed properties remaining within the Redevelopment Project boundary, but the visual context is predominantly urban. As shown on the aerial photograph of the area (Figure 3), the largest and most visible remaining vacant enclaves are found at the southeasterly quadrant of SR 237 and North First Street, the north side of River Oaks Parkway between North First Street and Zanker Road, and the proximate properties owned by eBay and BEA on the west side of North First Street, north and south of Charcot Avenue. All of these sites, and the other vacant properties remaining in the area, are closely bounded by developed lands and major urban roadways.

The predominant character of the visual and aesthetic environment in the project area is that of a modern industrial neighborhood. There are differences, especially between the older, heavier industrial land uses in the southeasterly portion of the project area and the newer industrial parks along the North First Street and Zanker Road corridors. The older industrial development is generally characterized by single-story buildings, many of which are warehouses or include warehouses. There is less landscaping and less parking and the FARs are higher. The industrial park developments built within the last 20 years along North First Street and Zanker Road are also mostly one- and two-story buildings. There is a higher percentage of office buildings, multi-tenant “incubator” buildings, and the sites have substantially more surface parking and landscaping than older development.

The newest developments, which are scattered but generally located along North First Street or on Zanker Road north of Trimble Road, include taller buildings (three to five stories). There is very little or no structured parking in this area, so virtually all of the newer developed sites have high percentages of the properties covered by paved parking lots.10

Most of the properties have substantial building setbacks, with landscaping and parking adjacent to the streets. Building architecture varies widely.

Residential land uses in Rincon include the mobile home parks found on North First Street and Zanker Road south of SR 237; the newer high density residential developments built in the last ten years north of Montague Expressway and south of SR 237; and the older mixed densities that predate the Redevelopment Project, located between North First and North Fourth Streets south of US 101. The mobile home parks tend to be set back from the street behind flood protection berms, and are not visually obtrusive. The newer high density residential projects are mid-rise structures above structured parking and two- to three-story structures in landscaped settings on large sites, with minimal setbacks from the major public

---

10 The few parking structures in Rincon are found in South Rincon, with the office buildings west of North First Street.
streets and some perimeter landscaping. The mixed neighborhood south of US 101 and west of North Fourth Street is made up of industrial and heavy commercial uses between North First and North Fourth Streets and a significant number of hotels and motels. West of North First Street and south of US 101, there are commercial and office uses, including mid-rise office buildings and hotels. The north side of Archer Street between North First and North Fourth contains new, high-density housing.

The visual resources within the project area are, therefore, primarily a variety of urban buildings built mostly within the last 35 to 40 years and vacant parcels that are periodically disked or mowed to control vegetation.\textsuperscript{11} Approximately 30 acres on the north side of River Oaks Parkway is still in active agriculture.

**Scenic Views**

There are no prominent viewpoints (other than buildings) within or adjacent to the project area; this portion of the Santa Clara Valley is flat. The baylands that surround San Francisco Bay are located approximately one-half mile to the north, but neither the baylands nor the Bay are visible from within North San José south of SR 237. The most visually prominent scenic resource in this region are the hillsides that border Santa Clara Valley on three sides (east, south, and west). The hills closest to North San José are those to the east. While air pollution and/or moisture in the air sometimes obscure all views of the hills, it is generally possible to see the east foothills from within North San José. Under existing conditions, views of the eastern foothills for people within North San José are limited to glimpses seen between buildings, trees, and utility poles, usually when driving along the east/west streets. It is also sometimes possible to see glimpses of the foothills between buildings from short stretches of sidewalk or from the levees of the Guadalupe River or Coyote Creek. Since many of the trees in North San José are deciduous, it is possible to see the hills more frequently in the winter. If “scenic vista” is assumed to refer to a clear or uninterrupted view of natural scenery, there are few viewpoints where a scenic vista still exists in North San José. The exceptions from which the eastern foothills are clearly visible would be from Tasman Drive as it crosses Coyote Creek, from some of the properties along the eastern edge of the project area (immediately adjacent to Coyote Creek), and from the upper stories of some of the existing buildings within the area.

**Constraints to Development**

Physical conditions in or near the Rincon Redevelopment area which might affect the suitability of the area for the proposed development include:

- the existence of heavy industrial development within and adjacent to the area,
- the existence of residential development within and adjacent to the area,
- the existence of the Agnews Developmentally Disabled residential facility,
- the existence of major overhead electrical transmission lines and the presence of two electrical cogeneration facilities, one at Agnews and one north of SR 237,
- the proximity of the WPCP,
- the presence of the underground Hetch-Hetchy aqueduct,

\textsuperscript{11} A City ordinance prohibits disked of vacant property to avoid destruction of occupied Burrowing Owl nests. Mowing vegetation for fire control purposes is encouraged.
• the proximity of two waterways and the San Francisco Bay,
• the proximity of Norman Y. Mineta-San José International Airport,
• noise from traffic and aircraft,
• the existence of hazardous materials contamination,
• the ongoing use of hazardous and acutely hazardous materials.

Heavy industrial land use designations are present in the project area east of US 101 and Zanker Road, and south of Brokaw Road. Heavy industrial uses are also designated along Coyote Creek between Charcot and Montague Expressway. Heavy industrial properties are more apt to include land uses that generate noise, dust and odors and which involve outdoor storage and outdoor activities; the uses are therefore more likely to result in off-site impacts.

As stated above, residential land uses are present in the project area at various locations along North First Street from SR 237 to the southerly edge of the project area. Additionally, a major residential development is also located at Montague Expressway and River Oaks Parkway. The Agnews state residential facility for the developmentally disabled contains several hundred persons of limited mobility, many of whom are also physically fragile.

Other physical conditions within the project area that might create a constraint to development include high levels of noise, the existence of a floodplain, the existence in soil and groundwater of hazardous materials contamination from past uses in the area, substantial existing infrastructure and conditions (such as underground pipes or overhead lines) associated with that infrastructure. The project area is also bordered by two creeks which are characterized by varying amounts of remaining riparian habitat.

Noise is generated in the project area from a number of sources. The most noticeable noise sources in the area include: airplanes using Norman Y. Mineta San José International Airport southwest of the project area; traffic on freeways, expressways and major streets; and construction equipment, including pile drivers. A more detailed discussion of noise and its relationship to the proposed project is found in Section II(D), Noise, in this EIR.

Potential sources of flooding in the project area include Coyote Creek, the Guadalupe River, and, in the northernmost portions of Rincon, tidal action. Section II(H), Hydrology, discusses the potential for flooding impacts on the proposed development. The Hydrology section also discusses the two watersheds of Coyote Creek and Guadalupe River, and their role in local drainage. The quality of remaining habitat along the waterways is described in Section II. E., Biological Resources.

Hazardous materials, including agricultural chemicals, were used in the project area for most of the 20th century. Elevated levels of residual chemicals used in association with agricultural practices (which in this area included greenhouses) may be present on vacant lands throughout the project area. Some developed properties have also been contaminated by accidental or other releases of hazardous materials used for industrial purposes. Existing industrial companies in the project area use a variety of hazardous and acutely hazardous materials that could affect off-site receptors. A discussion of possible impacts from hazardous materials use and contamination is contained in Section II(I), Hazardous Materials, of this EIR.
Existing infrastructure capacity and the extent to which the project will generate requirements in excess of that capacity is discussed in Section II(J), Utilities and Service Systems and Section III, Public Facilities and Services. The project area includes a number of underground utility lines, most of which are in existing public streets. Lines which are not in streets include the Hetch-Hetchy aqueduct\(^{12}\) and high pressure natural gas lines, all of which cross the project area generally in an east-west direction. The project area also includes an electrical substation and a number of electrical transmission and distribution lines, some of which are underground and some are overhead. While most of the electric lines are in or adjacent to public street rights-of-way, all are not. Adjacent to the Agnews campus is an electrical cogeneration facility. Electro-magnetic frequencies which may be generated by electrical facilities are discussed below.

Farther north of the project boundary is the regional San José/Santa Clara Water Pollution Control Plant (WPCP). The WPCP treats sewage from most of Santa Clara County, and is permitted for a maximum of 164 million gallons per day (MGD), although presently operating at a lower level. The Hetch-Hetchy Aqueduct and the WPCP are discussed in more detail below.

The following subjects are discussed in detail in other sections of this EIR, and will not be addressed any further in this Land Use section:

<table>
<thead>
<tr>
<th>Impact Area</th>
<th>Section of EIR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noise from traffic and aircraft</td>
<td>III.D. Noise</td>
</tr>
<tr>
<td>Odors from WPCP</td>
<td>III.C. Air Quality</td>
</tr>
<tr>
<td>Riparian habitat</td>
<td>III.E. Biology</td>
</tr>
<tr>
<td>Contamination/use of hazardous materials</td>
<td>III.I. Hazardous Materials</td>
</tr>
</tbody>
</table>

**EMF**

There are existing PG&E lines in North San José, including transmission lines that traverse both the project area and individual residential and industrial sites proposed by the project. The lines travel generally in a southerly direction, parallel to Zanker Road. The transmission line heads west on Trimble Road then south on First Street. At Component Drive, the transmission line again heads west at which point it connects to a PG&E substation.

Electric current traveling in transmission lines produces both electric and magnetic fields, and some studies have found an association between exposure to electric and magnetic fields and health problems. In recent years there has been considerable controversy regarding the potential health effects resulting from long-term exposure to electromagnetic fields (EMFs). While EMFs occur naturally and are present in everything from visible light to radio waves to X-rays, attention has focused on whether exposure to EMFs associated with alternating-current electricity is hazardous.

The strength of an EMF is dependent upon the amount of current flow; the more power, the stronger the EMF. The electric field strength component of EMF falls off dramatically with distance and can be shielded by trees or structures. The magnetic field component of EMF is

\(^{12}\) The Hetch-Hetchy Aqueduct is owned and maintained by the City and County of San Francisco.
produced as a result of the movement (current) of electricity through a conductor. As with electric fields, magnetic field strength decreases dramatically with distance from the source; however, the magnetic field component passes through most materials so magnetic fields cannot be effectively shielded by normal building materials.

Hundreds of laboratory and epidemiological studies have been conducted on the relationship between EMF exposure and health effects. Scientists to date have found no threshold value, dose response or causative relationship that demonstrates evidence of any adverse physical effect from EMF.

Because magnetic fields cannot be effectively shielded, most health-related research has focused on the potential hazards associated with the magnetic field component of EMFs. Magnetic fields are measured in units of milliGauss (mG).

The City of San José does not have any setback requirements in place related to EMF. The only statewide mandate of any kind that has been established is the State of California School Siting Rules. The policy requires that schools be sited a minimum of: 1) 100 feet from the right-of-way edge of a 100/115 kV line; 2) 150 feet from the right-of-way edge of a 220/230 kV line; and 3) 250 feet from the edge of the easement of any 345 kV and higher voltage transmission line.

**Hetch-Hetchy Aqueduct**

The City and County of San Francisco transfers water from the Sierra Nevada to users in the Bay Area (including the City of San José) by way of the Hetch-Hetchy Aqueduct. This major water line travels through the project area within the 80-foot wide parcel owned by the City and County of San Francisco. Development has occurred along the right-of-way throughout Silicon Valley, and uses which include parking, streets, driveways, and landscaping have been placed in the right-of-way. Project landscaping in the right-of-way cannot include trees or deep rooted plant species.

**San José/Santa Clara Water Pollution Control Plant**

The WPCP is a tertiary-level wastewater treatment facility serving most of the residents and businesses in Santa Clara County. The approximately 1,600 acre WPCP site contains treatment facilities which include outdoor sludge ponds and other potential sources of odor. The southerly 690 acres of the WPCP site is primarily open space maintained as a buffer space between the Plant and SR 237. The Calpine electrical generating facility referenced earlier is located in part on WPCP buffer lands.

The WPCP uses chlorine for wastewater disinfection and sulfur dioxide to remove any residual chlorine remaining in the effluent prior to its discharge into San Francisco Bay. These compounds are classified as acutely hazardous materials by Title 40 of the Code of Federal Regulations. Both chlorine and sulfur dioxide are delivered to the WPCP in rail cars via a spur line. Chlorine is typically delivered in 85 or 90 ton rail cars; sulfur dioxide is normally delivered in 90 ton rail cars. The rail cars are stored on the WPCP property at a location approximately three-quarters of a mile northwest of the project boundary.
**Norman Y. Mineta-San José International Airport**

The Norman Y. Mineta San José International Airport is located west and southwest of the project area. The Rincon area is subject to building height restrictions under Federal Aviation Regulations, Part 77, which is administered by the Federal Aviation Administration (FAA) and incorporated into Santa Clara County Airport Land Use Commission policy. Under these regulations, any proposed structure that would exceed an FAA imaginary surface restriction of 200 feet above ground level, is required to be reviewed by the FAA for an airspace safety evaluation. Most of the project area is currently subject to an imaginary surface restriction of 208 feet above mean sea level (AMSL). The ground elevation within the project area ranges in height from 15 to 50 feet above AMSL.

**List of Protected Intersections**

**Land Uses**

The policy modifications proposed as part of this project includes adding four intersections to the “List of Protected Intersections” that is currently under consideration. The four intersections include:

- Almaden Avenue and Grant Street
- Tenth and Hedding Streets
- Tenth and Julian Streets
- Tenth and Taylor Streets

The land uses near and adjacent to these intersections are described below.

**Almaden Avenue and Grant Street** - This intersection is adjacent to Interstate 280 and Grant Street provides direct westbound access on to the interstate. The northeast and northwest corners of the intersection are undeveloped lands that buffer the interstate right-of-way. The southwest corner of the intersection is developed with an older commercial retail building that is currently vacant. The commercial building has a minimal setback. The southeast corner is developed with single-family residences.

**Tenth and Hedding Streets** - Two of the four corners contain industrial uses with buildings that are set back from the property lines at the corners. A third corner contains a small commercial building with no setback. The fourth corner is vacant and may be former railroad right-of-way. Hedding Street is two-way at this intersection; Tenth Street is one-way southbound.

**Tenth and Julian Streets** - Three of the four corners are commercial land uses, on two of which the structures have minimal to no setback from the property lines. The third commercial corner is a gas station with landscaping on the corner. The fourth corner is a single family house that fronts onto Tenth Street, with minimal setback from Julian. Julian Street is one-way westbound at this intersection; Tenth Street is one-way southbound.

**Tenth and Taylor Streets** - Two of the four corners contain industrial uses, one is a gas station, and the fourth corner contains a single family house. The industrial and gas station
buildings are all set back from the property lines at the corners. Taylor Street is two-way at this intersection; Tenth Street is one-way southbound.

Open Space and Agriculture

There is relatively little vacant land left within Rincon, and what there is left is scattered throughout the project area (see Figure 3). There are limited views of open space from SR 237 and US 101, but these visual open space areas are actually portions of previously approved development sites (3COM, eBay, etc.). There are substantial open space areas visible from SR 237 to the north, including the 30,000 acres of the Don Edward San Francisco Bay National Wildlife Refuge.

While North San José was cultivated for over a hundred years for a variety of crops, including orchards, field crops, and greenhouse-grown flowers, very little agriculture remains. All of the land within the project area has been designated for urban uses for over 30 years, and all of the land south of SR 237 and between the two waterways has been within a Redevelopment Project area for over 20 years.

There are no Williamson Act contracts remaining within the project area. In 1998 an FEIR was prepared for the Moitozo Ranch Residential Project on a 94.7 acre parcel at the northeast corner of North First Street and River Oaks Parkway. The project proposed to develop the northern 60 acres of the site immediately and the southern 34.7 acres at a later date. The southern 34.7 acres remains undeveloped at this time and is the only prime farmland remaining in the North San José project area. The project approved on that site was found to result in a significant and unavoidable land use impact due to the loss of agricultural land. Findings adopted by the San José City Council identified overriding considerations which warranted approval of the project despite this impact.

Since the approval of the original rezoning for 94.7 acres, most of the Moitozo Ranch property has been developed. The small remaining parcel is still in cultivation, but its size and proximity to urban uses, especially residential uses, has reduced its viability for long-term agriculture. The impact associated with development of most of the property has occurred; the remaining agricultural land has existing entitlements that would allow its future development with residential and commercial uses. The remaining loss of that agricultural land would not be an impact of the discretionary decisions currently facing the City Council and which are the subject of this EIR. This land use impact therefore will not be further addressed in the impact sections of this EIR.

2. Land Use Impacts

Thresholds of Significance

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

- have a substantial adverse effect on a scenic vista; or
- create a new source of substantial light or glare which would adversely affect day or nighttime views in the area; or
• substantially degrade the existing visual character or quality of the site and its surrounds; or
• induce substantial growth or concentration of population; or
• physically divide an established community; or
• substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings with a state scenic highway; or
• convert prime farmland, unique farmland, or farmland of statement importance to non-agricultural use; or
• conflict with existing zoning for agricultural use, or a Williamson Act contract; or
• involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use;
• physically divide an established community;
• conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect;
• conflict with any applicable habitat conservation plan or natural community conservation plan.

Land Use Conflicts

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

Impacts to the Project

The proposed residential overlay sites in the northern Rincon area are primarily located east of Zanker Road along River Oaks Parkway, Cisco Way, and Seeley Avenue, north and south of Tasman Drive on the west side of Zanker Road; and along the eastern bank of the Guadalupe River, north of Montague Expressway. In south Rincon, the proposed residential overlay sites are adjacent to US 101 east and west of North First Street, between US 101 and North Fourth Street, and west of North First Street, on the north side of Skyport and the north side of Sonora (refer to Figure 5). Additionally, some residential development will be allowed in combination with new industrial/R&D uses within the new Core Industrial Area.

The new industrial/office/R&D development covered by this EIR could occur throughout the area. The very dense high rise office/R&D will be concentrated within the new Core Industrial Area along the North First Street/LRT spine.
These types of conflicts are impacts to the industrial users because complaints from residents can often result in limits being placed on the industrial businesses. Some legal activities permitted by both zoning and General Plan, such as the use of hazardous materials, may have to be discontinued due to liability concerns. Limitations on the industrial businesses adversely impact their viability in particular areas, which would be inconsistent with a number of General Plan policies, including the Economic Development Strategy and Economic Development Policies.

The most likely source of new land use conflicts will be the introduction of a much larger residential population into Rincon. A residential population is more sensitive to what would otherwise be sources of annoyance or nuisance to a workplace population. Residences are also more likely to include more sensitive receptors, such as children, the elderly, and the chronically ill. Residents are more vulnerable to hazards at home because they may be sleeping or otherwise less mobile.

The extent to which residential land uses might be impacted by hazardous materials, odors, and noise is addressed in the relevant sections of this EIR, as specified earlier.

Placing new residential projects within an established industrial neighborhood creates the potential for conflicts between the two land uses. Residents frequently object to nighttime noise from loading docks, truck traffic, movement of heavy equipment, and parking lot sweepers. Residents are also more likely to object to very bright outdoor lighting, odors, and outdoor storage. While most of the sites within the proposed overlay for new residential development are not near the existing heavy industrial areas south of Brokaw Road, even industrial park sites usually require truck loading and unloading, parking lot maintenance, and other outdoor activities that may adversely impact residential land uses. The smallest parcel in the residential overlay proposed by the project is 5.8 acres. While legal parcels may be smaller than the sites designated, parcel size in Rincon is larger than average. Redevelopment on larger sites allows for design flexibility and the inclusion of adequate buffers. Development of new high density residential projects that are consistent with the City’s adopted Residential Design Guidelines would require setbacks and building orientation that minimize conflicts. This can be accomplished by placing less sensitive uses (parking, driveways and private streets, outdoor recreation, passive landscaping) between residential units and incompatible industrial facilities.

- **Land use conflicts between proposed new residential development and existing industrial land uses can be minimized by conformance with the City’s adopted Residential Design Guidelines in design of new residential projects. (Less Than Significant Impact)**

  
  *Localized Circulation Impacts*

Development of residential projects directly adjacent to existing industrial uses may create possible conflicts between vehicle and pedestrian/bicycle circulation. Industrial facilities are more likely to be served by large trucks that can arrive around the clock. Residential development is more likely to include substantial pedestrian and bicycle activity, including children going to and from school, school bus stops, parks, etc. High density residential projects built in conformance with the City’s Residential Design Guidelines will include
separation of vehicular and pedestrian traffic to minimize such conflicts. An important component of the proposed project overall is the introduction of more pedestrian and bicycle facilities to encourage alternative transportation use throughout Rincon. As congestion increases in the area, conflicts between all residential traffic (including automobiles) and industrial traffic are more likely to occur. In exclusively industrial areas, businesses may have become accustomed to parking trucks on streets, or using streets and sidewalks for maneuvering during loading or unloading. As pedestrian and bicycle traffic associated with both the residential and non-residential land uses increases in the area, conflicts with traditional industrial development are likely to occur.

All land uses in Rincon, including existing industrial facilities, will be encouraged to facilitate the use of alternative transportation – bicycle and pedestrian connections to the LRT and buses, as well as between jobs and housing in Rincon. All industrial development approved in Rincon over the last 20 years has been required to include bicycle racks/lockers, on-site showers and lockers, and pedestrian pathways to facilitate access to transit. The proposed project will increase the amount and intensity of development, and will substantially increase pedestrian and bicycle activity within the area from all sources.

- **The significant increase in residential development in direct proximity to existing industrial facilities will increase the likelihood of conflicts between industrial vehicles and residents, especially pedestrians and bicycles. Increased development intensity, including increased bicycle and pedestrian activity will further add to non-vehicular traffic in the area. This could create significant safety impacts.** (Significant Impact)

**Impacts from the Project**

**Land Use Compatibility Impacts**

Some of the sites planned for residential use in the project area are near heavy industrial land uses. Residential sites adjacent to these land uses may cause restrictions to be placed on industrial businesses that are near the residential development and could limit the types of businesses that are acceptable at these sites.

The General Plan land use designation of *Heavy Industrial* is intended to protect businesses having characteristics that make them incompatible with residential and other sensitive land uses. Outdoor storage, extensive use of heavy equipment, primary material processing, heavy manufacturing, processing of solid waste, etc. are uses and activities allowed by the *Heavy Industrial* land use designation and zoning. New residential development located near heavy industrial businesses, even if the residences are not directly adjacent to the businesses, can generate complaints.

The City’s General Plan *Industrial Park* land use category, which is the existing designation for most of the Rincon area, does not allow hazardous or “nuisance” activities unless they can be limited by design controls. Nevertheless, some industrial activities, such as loading docks and other trucking operations, nighttime operations (which can include equipment movements, use of forklifts, etc.), as well as the use and storage of hazardous materials, may be considered unacceptable by nearby residents.
Other characteristics of all industrial operations which could impact residents can include the presence of dust, litter, unsightly garbage storage, outdoor lighting, odors and pollution from idling diesel truck engines, and the presence and use of emergency generators and large air conditioning units. Most industrial developments approved in San José in the past 20 years have included appropriately sized garbage enclosures, zero cutoff light fixtures and, where possible, provisions to minimize nuisance odors and dust leaving these industrial sites. The City’s Industrial Park zoning forbids noise, dust and odors from being perceptible at the property line of industrial sites.

The new land use designations proposed for this project anticipate densities that would require tall buildings, frequently above structured parking. While the taller structures would separate residents more from ground level industrial activities, they would also give clearer views of residences and residential open space from industrial properties.

Most of Rincon is already developed. There are existing businesses in place. Future residents will know prior to occupancy that there are industrial businesses in the area. While this may limit future complaints, it will probably not preclude them.

There are a number of possible interface points where future residential land uses could trigger complaints and subsequent limitations being placed on industrial businesses in the area. This would be especially likely for the heavy industrial businesses existing and planned east of Zanker Road and south of Brokaw Road.

Most of the existing parcels within the Transit/Employment District Residential Overlay, however, are large enough for site design to incorporate appropriate buffers and site design controls to minimize and/or avoid interface impacts. The heavy industrial properties are all separated by a major public street from the nearest site proposed for designation as a residential land use. Conformance with the City’s adopted Residential Design Guidelines would require that future residential development recognize the presence of potentially incompatible land uses and that the site design be appropriate for the context. Likewise, future development and/or redevelopment of industrial sites would be reviewed for consistency with the City’s adopted Industrial Design Guidelines.

Future development proposals for residential projects will require rezoning and site design review, as well as site-specific CEQA review. Part of the analysis done at that time will include identification of the potential for impacts from adjacent sources of noise (such as air conditioning equipment), and sources of possible health hazards (such as emissions from emergency generators and/or diesel truck idling) that could adversely impact future residents. Within the context of the known conditions and processes described above, there are mechanisms such as site design, setbacks and buffers, and soundproofing that could avoid or reduce possible impacts to less than significant. Development in accordance with adopted design guidelines will limit the likelihood that significant land use compatibility impacts will occur.

- Future development built in conformance with adopted design guidelines would reduce possibly significant land use compatibility impacts to less than significant levels. (Less Than Significant Impact)
Traffic and Traffic Spillover

As discussed in detail in Section II.B. Transportation, the proposed project will result in significant increases in traffic and traffic congestion at a number of locations. In some instances, as discussed in detail in Section II.D. Noise, the traffic increases will be substantial enough to also cause significant increases in noise. Several of these locations are streets serving residential neighborhoods, including streets such as the one-way couplets that occur south of Rincon, in and near Downtown.

Traffic Spillover

A recurring concern in residential neighborhoods is the likelihood that residential streets will become “cut-throughs,” shortcuts or bypasses used by non-neighborhood traffic. While some use of residential streets by such traffic occurs in most areas, substantial quantities of through traffic can result in impacts such as noise, safety impacts to pedestrians, impaired driveway access, interference with emergency vehicle access, increased dust and litter, and similar annoyances that adversely affect the residential character of the neighborhood. The most effective way to reduce the likelihood that traffic will use local residential streets as cut-throughs, is to minimize congestion on the major streets, the collectors, and arterials that are intended to carry through traffic. Since the major collectors and arterials are usually the most direct routes, traffic will use those routes as long as congestion is not excessive.

The proposed North San José project includes improvements to most of the significantly congested intersections in order to maintain through traffic movement and minimize the likelihood of cut-through traffic using minor residential streets. In some cases, as listed in Table 21, there is no feasible mitigation identified. In those circumstances, it is more likely that some traffic will leave the major roadways and spill over into nearby neighborhoods. This is less likely to occur where there are parallel routes on major streets to which some of the spillover traffic will resort.

On the couplet streets, including Tenth and Eleventh Streets and Third and Fourth Streets, significant congestion is anticipated on all of these parallel north/south routes. The project is also anticipated to have significant congestion impacts at intersections of Julian, Hedding, and Taylor with Tenth, Eleventh, and Fourth Streets, and on the parallel routes on First and Thirteenth Streets. As a result, spillover traffic is very likely to occur during peak commute periods in the residential neighborhoods near these streets. It cannot be accurately estimated how much spillover traffic could neighborhood streets, nor to what extent significant land use impacts might occur. Substantial quantities of commute traffic on local residential streets could result in limitations on access and possible safety impacts, as well as secondary impacts such as noise and air pollution. While the amount of spillover traffic cannot be predicted precisely, the grid street pattern in this area and the congestion along the parallel arterials and collectors is assumed to encourage cut-throughs and the impact could be substantial. The occurrence of significant cut-through traffic would be inconsistent with General Plan Transportation Policies 1, 8 and 9, and therefore is considered significant.
Traffic noise increases of three decibels or more, as is demonstrated by Table 21 in Section II.D., is generally triggered by a doubling of traffic. This amount of traffic would be a substantial change on streets that directly serve front-on residences, especially single family houses and duplexes that have usable front yards and driveways that normally require parked vehicles to back out. Those segments of East Julian and East Taylor Streets, and of North Tenth and Eleventh Streets that are predicted to experience these significant increases in traffic and traffic noise would also be subjected to the secondary land use impacts of that traffic – the inconvenience of delays in backing out of or entering residential driveways, limitations on the use of front yards, and increased odors, litter and dust. While decreased property values are not environmental effects, the loss of value is related to a perception of decreased desirability for residences on streets with very heavy traffic and is generally related to the difficulties and annoyances associated with living in such an environment. The deterioration in the livability and quality of the front-on residences that would be subjected to these increases in traffic would be a significant land use compatibility impact.

Specific locations where these impacts could be significant include segments of East Julian Street between North Tenth and North Eighteenth Streets; segments of East Taylor Street between North Fourteenth and North Third Street; and segments of North Eleventh Street between East Hedding and East St. James Streets. While the relative increases in traffic volumes (and related increases in traffic generated noise) along Tenth Street are not predicted to be as great as those on Eleventh, the project traffic volumes on Tenth Street between St. James and Hedding Streets are likely to result in land use impacts similar to those experienced along parallel segments of Eleventh Street.

Other residential development that exists near streets where significant traffic and traffic noise increases would occur include development on North First Street, Zanker Road, Old Oakland Road and Montague Expressway. The residential projects that exist along these roadway segments include mobile home parks and multi-family residential development. The mobile home parks that are nearest to the impacted roadway segments are not immediately adjacent to the roadways where the traffic increases are projected to occur; they are all set back, with access from internal driveways, and with usable open space located internal to the development. Likewise, the multi-family developments that exist along the impacted roadway segments do not have a front-on relationship; all have dwelling unit access that is internal to the project, with internal circulation and usable open space that is not directly adjacent to the impacted public roadways. While these mobile homes and multi-family dwelling units may be impacted by the traffic noise (see discussion in Section II.B.), they will not be subjected to the significant indirect land use impacts that affect the quality of life and livability of the single family houses and duplexes located immediately adjacent to impacted roadways, as described above.

- The amount of development proposed in North San José will result in significantly increased congestion along major arterials and residential collectors. This congestion is likely to result in the generation of cut-through traffic using the grid streets in nearby residential neighborhoods, which would be inconsistent with General Plan Transportation Policies for protecting such residential neighborhoods. Additionally, many of the residential streets that will directly experience significant
traffic increases serve front-on residences, both single family houses and duplexes, that would be adversely impacted by the secondary effects of significant traffic increases. (Significant Impact)

Land Use Impacts
From New Protected Intersections

The proposed project includes adding four intersections to a List of Protected Intersections which the City of San José is proposing to create through a separate action. The four intersections for which no feasible mitigation could be identified include: Eleventh and Taylor Streets; Tenth and Hedding Streets; Tenth and Julian Streets; and Almaden Avenue and Grant Street. In order to avoid future improvements to these intersections that would be inconsistent with commitments made to the neighborhood about not substantially increasing street capacity, these intersections will be retained at the size proposed as part of the City’s couplet conversion project, after the streets have been converted from one-way to two-way operations.

The noise and air quality impacts of the increased congestion at these four intersections are evaluated in the noise and air quality sections of this EIR. The land use impacts associated with intersection operations are the same ones discussed above as resulting from traffic increases along some of the same street segments (Tenth, Eleventh, Hedding, Julian, Taylor).

- Traffic increases at the four intersections proposed to be added to a List of Protected Intersections will be the same traffic anticipated to result in significant land use impacts to residential uses along the streets that lead to those intersections: Tenth, Eleventh, Hedding, Julian, and Taylor Streets. (Significant Impact)

Shade and Shadow Impacts

Shade and shadow impacts occur when a structure reduces access to natural sunlight. In an urban environment, virtually all land uses are subject to shading from adjacent properties to some extent. During summer, shading may even be desirable. The City of San José has typically identified significant shade and shadow impacts as occurring when a building or other structure substantially reduces natural sunlight on private or public open spaces, measured midday on the first day of winter and on the two equinoxes.

The proposed project includes a revision to General Plan policy to allow building heights up to 250 feet above existing grade in the proposed Industrial Core Area. Building heights necessary to accommodate the amount of proposed industrial/office/R&D uses in the project area, in combination with the proposed maximum building height, could shade residences and residential open space of existing development on the west side of the Guadalupe River in the City of Santa Clara. The shading would only reach across the creek late in the

---

13 See Modifications to the City of San José Transportation Impact Policy Environmental Impact Report, City of San José.
14 On the first day of winter, the sun is lowest in the sky and shading is greatest. On both the vernal and autumnal equinoxes, the sun is at the same location, over the equator. This threshold evaluates shading from September 21 through March 21.
afternoon, at about 4:00 p.m., however. At 3:00 p.m. on the first day of winter, the shadows would not cross the creek.

Very tall buildings constructed near the northwest corner of the Industrial Core Area could shade future residential development built north of Montague Expressway. In the absence of specific site design, it cannot be determined that such shadows would have adverse impacts on outdoor space or usable living spaces.

Development at the proposed maximum height within the Industrial Core Area could shade the planned trail along the Guadalupe River, both in the morning and mid-afternoon on the first day of winter. The shade would not reach the trail after 10:00 a.m., until almost 3:00 p.m. During the most common use period in winter, around the lunch hour, the development is not anticipated to shade the trail.

Because there are no actual buildings proposed at this time, this analysis was based on the following assumptions:

- That all buildings would be built to the maximum allowable height of 250 feet;
- That tall buildings would occur all along the western border of the proposed Industrial Core Area land use designation;
- That the tall buildings would be built with no setbacks from the western property lines.

These assumptions are extremely conservative. All buildings will not be built to the maximum height, and the need for parking structures and on-site drainage requirements will further limit placing all of the taller buildings close to the western border of the Project area. Even with these conservative assumptions, the project would not have significant shade and shadow impacts.

- Development at the intensity and height proposed within the Industrial Core Area would not result in significant shade and shadow impacts on existing residences in the City of Santa Clara or on the public trail along the Guadalupe River. (Less Than Significant Impact)

Airport Operational Impacts

Implementation of the proposed project would allow an increase in the height of buildings within the project area up to 250 feet. A structure built at this height would be the tallest structure in North San José, and one of the tallest in the City. Due to the project area’s proximity to Norman Y. Mineta San José International Airport, however, building heights are subject to restrictions under Federal Aviation Regulations, Part 77. Under these regulations, any proposed structure that would exceed an FAA imaginary surface restriction, or which would stand at least 200 feet above ground level, is required to be submitted to the Federal Aviation Administration for an airspace safety evaluation. Most of the project area is currently subject to an imaginary surface restriction of 208 feet above mean sea level (AMSL), with a small portion of the project area closest to the north end of the Airport (generally bounded by Highway 101, Trimble Road, and the Guadalupe River) subject to a more restricted imaginary surface. The ground elevation in the project area ranges from 15 to
50 feet AMSL. To comply with this height restriction, buildings would be constructed at maximum heights of 158 to 193 feet above the ground surface.

To comply with federal regulations and General Plan Aviation Policy No. 47, the project proponent must obtain FAA airspace review and issuance of a “Determination of No Hazard” during the development permit stage. The elevation limits specifically determined to be acceptable by the FAA, as well as any specific marking/lighting or building material requirements will be incorporated into the development permit approval. In addition, consistent with General Plan Aviation Policy No. 49, required dedication of avigation easements to the City (as airport operator) will be a condition of development permit approval.

- Through compliance with General Plan Aviation Policies 47 and 49, as applicable, high-rise development within the project area would not exceed the height limits deemed acceptable by the FAA, and would not create a significant airspace safety impact on the Norman Y. Mineta San José International Airport. (Less Than Significant Impact)

Visual and Aesthetic Impacts

Aesthetic values are very subjective. Particular opinions as to what constitutes a degradation of visual character will differ among individuals. The best available statement of what constitutes a visually acceptable standard for new buildings are the Design Guidelines adopted by the City Council for Residential and Industrial development.

The proposed project would eventually result in the removal of existing buildings, parking lots, and landscaping, and their subsequent replacement with (in most cases) larger buildings, parking structures, and slightly less landscaping. Vacant properties, all of which are planned for urban development and many of which already have approved development entitlements, would all be fully developed under full project implementation.

The appearance of this Redevelopment Project area would be changed by approval and implementation of the project. It would become incrementally more urban, with bigger buildings and less open space. Future proposed development will be evaluated for consistency with the City’s adopted Residential and Industrial Design Guidelines and Zoning Ordinance as part of the design review process required for approval of Site Development or Planned Development Permits. Although this new development would be visually different from what is currently in place, future development that is consistent with the City’s Design Guidelines would not be a degradation of the visual character of Rincon.

While there are few uninterrupted “scenic vistas” visible in or from most of Rincon, there are still glimpses of the foothills that surround the Santa Clara Valley available from within the area. These views are intermittent, usually obtained between buildings and trees, and primarily available to pedestrians or vehicles traveling on east/west streets. Redevelopment of much of the area at the proposed intensities and FARs, particularly the proposed Industrial Core Area and within the Transit/Employment District Overlay, will reduce the availability of views of the foothills. The only places where relatively unobstructed views of the foothills are available now are from Tasman Drive over Coyote Creek, from properties just west of
Coyote Creek, and perhaps from some existing buildings. This project will not change the easterly view from Tasman Drive, and the views from the properties just west of Coyote Creek will only change if the properties themselves redevelop. While future development may interfere with views from existing buildings, the views from the new, taller buildings, would probably improve.

The proposed project will incrementally reduce the availability of views of the foothills, but will not have a substantial effect on a scenic vista.

- **Full implementation of the proposed project in conformance with the adopted Residential and Industrial Design Guidelines would not result in a substantial degradation of the visual character of the area, and would not significantly affect a scenic vista.** *(Less Than Significant Impact)*

**Light and Glare**

The amount of development that would occur with approval and implementation of the proposed project would incrementally increase lighting levels in the project area. The addition of the new grid streets would include new street lights. The replacement of surface parking lots with structured parking would mean fewer outdoor light standards, but some lighting would spill out from the parking structures, and pedestrian pathways would require appropriate lighting.

Outdoor use areas for the residential developments would probably have some outdoor lighting, but City design standards specify that the fixtures must be designed to avoid spillover onto adjacent properties. This would also be true of any public recreational facilities that might be developed to serve the new residents.

Taller buildings, and buildings on properties now vacant, would generally increase the sources of light. Street lighting fixtures would be low pressure sodium, which minimizes glare. The City’s Design Guidelines specify that parking lot lighting be high pressure sodium fixtures that are designed to avoid spillover onto adjacent properties. The City’s adopted Riparian Corridor Policy specifies that no artificial lighting is allowed within the buffer areas of 100 feet identified for riparian corridors.

While lighting levels would increase incrementally within the Rincon area, the redevelopment and development of remaining vacant properties are unlikely to result in substantial new sources of light or glare that would affect views in the area.

- **The proposed development would not be a significant new source of light or glare that would impact views in the area.** *(Less Than Significant Impact)*

**Loss of Agricultural Land**

Approximately 30 acres of the Moitozo Property on the northeast corner of North First Street and River Oaks Parkway is still designated as prime farmland. The property has been zoned for residential and commercial development. That property would not be affected by the proposed policies. Remaining agricultural activities also occur on small parcels within the project area, all of which have been approved previously for development projects.
• The proposed project would not result in the loss of prime agricultural land.  (Less Than Significant Impact)

Loss of Open Space

Development of the remaining vacant land in Rincon will result in buildings and parking lots replacing what is now visual open space.  This development will constitute a change in the visual character of the individual properties and an incremental change for the area as a whole.  Because there are few remaining vacant lands scattered throughout the Rincon area, the development of these properties will not create a significant visual impact, in and of themselves.

The Rincon Redevelopment Project area has been designated for urban uses for approximately 30 years.  It is entirely within the City of San José’s Urban Service Area.  Although there are substantial other properties near and within a two-mile radius of the project area which are planned to remain permanently in open space, this area has long been planned for urban development.15 Development on land designated for urban uses, within a developed urban area, is specifically compatible with the environmental goals and policies of the City of San José’s General Plan, and does not conflict with General Plan policies related to the preservation of open space.  The loss of open space represented by the remaining privately owned vacant sites in Rincon would not be a significant impact within the context of the extensive planned open space in this area and the location of the project area within the urban envelope.

• The development of the few vacant properties in the Rincon Redevelopment area as a result of the project will cause an incremental loss of open space which would not be a significant environmental or visual impact.  (Less Than Significant Impact)

Population and Housing

The City of San José is a housing-rich city.  The most recent projections released by the Association of Bay Area Governments (ABAG) estimates that the City of San José had 516,452 employed residents and 442,670 jobs in 2000.  The City’s General Plan contains a number of strategies and policies aimed at improving the jobs/housing ratio.  Identified reasons for increasing jobs in the City include meeting economic goals, and environmental purposes such as reducing the length of the commute for residents within the City and avoiding some of the impacts of that commute.  In addition, the General Plan addresses the costs of providing services to residential land uses as exceeding the revenue generated by residential development, and identifies the need for industrial development to help offset those costs.

Among the strategies for increasing industrial development and the number of jobs, within San José, is encouragement of development within the City’s industrial redevelopment areas,

---

15 Lands planned for permanent open space within two miles of the Rincon Redevelopment Project area include the 30,000 acre National Wildlife Refuge, the County Marina Park in Alviso, the rights-of-way for the two adjacent creeks, the Santa Clara Golf and Tennis Club, Ulistac Natural Area, Guadalupe Gardens, and smaller neighborhood parks in San José, Santa Clara, and Milpitas.
particularly Rincon. The estimated level of development evaluated in this EIR could result in the creation of approximately 83,300 jobs and 32,000 new dwelling units in North San José. This is a net increase of 68,000 jobs and 24,700 dwelling units beyond those already allowed by the General Plan in this area. The residents of this new housing would not be “induced” or related growth, however. These additional jobs and residents are directly proposed by and a part of the project.

The proposed project would create substantially more jobs than housing in the project area. Based on ABAG Projections ‘03, there were approximately 1.77 employed residents per household in the City of San José in 2000. The number of units proposed by the project would, therefore, accommodate an estimated 68 percent of the employees needed with buildout of the new land use designations and implementation of the proposed policies within the project area. This addition of more jobs than dwelling units would help to improve the City’s jobs/housing imbalance, consistent with General Plan policy.

- Development and redevelopment of properties in the project area consistent with the proposed project will increase both jobs and housing in North San José. The proposed land use changes and policy revisions would result in a greater increase of jobs than housing in North San José, which is consistent with the City’s General Plan policies. (Less Than Significant Impact)

3. **Mitigation and Avoidance Measures**

   **General Plan Policies**

Some of the policies in the City of San José General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. Generally, conformance with General Plan policies will serve to reduce impacts to less than significant levels. All future development addressed by this EIR would be subject to General Plan policies, including the following:

- *Urban Conservation Policy #1* states that in the development review process and in designing service and capital facility programs, the City should strive to create an environment in which the highest value is placed on people.

- *Urban Conservation Policy #2* states the City should encourage new development which enhances the desirable qualities of the community and existing neighborhoods.

- *Industrial Land Use Policy #1* states industrial development should incorporate measures to minimize negative impacts on nearby land uses.

- *Industrial Land Use Policy #2* states the City should encourage the development of new industrial areas and the Redevelopment of existing older or marginal industrial areas, particularly in locations which facilitate efficient commute patterns. The use of Redevelopment tax increment financing to provide necessary public improvements is one means of encouraging this economic development and revitalization.

---

16 Based on 516,452 employed residents divided by 291,370 households, equals 1.77 workers per household.
• *Industrial Land Use Policy #7* states the City encourages developers of large industrial projects to identify and appropriately address the potential need generated by these projects for child care facilities or services. The provisions of on-site child care may be considered for a single tenant building in industrial areas primarily for use by employees of the industrial facility. Off-site, free-standing child care facilities should not be considered in industrial areas, except for those areas that have been designated with the Mixed Industrial Overlay.

• *Industrial Land Use Policy #10* states interface problems between existing residential and new industrial areas should be resolved through the site design and discretionary permit process.

• *Industrial Land Use Policy #12* states employee intensive uses should be encouraged to locate near transit facilities.

• *Industrial Land Use Policy #19* states new industrial development should create a pedestrian friendly environment by connecting the features of the development with safe, convenient, accessible, and pleasant pedestrian facilities. Such connections should also be made between the new development and adjacent public streets.

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

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

• *Residential Land Use Policy #4* states due to the limited supply of land available for multiple family housing, public/quasi-public uses, such as school and churches, should be discouraged in areas designated for residential densities exceeding twelve units per acre on the Land Use/Transportation Diagram except in the Downtown Core Area.

• *Residential Land Use Policy #5* states residential development should be allowed in areas with identified hazards to human habitation only if these hazards are adequately mitigated.

• *Residential Land Use Policy #9* states when changes in residential densities are proposed, the City should consider such factors as neighborhood character and identity, compatibility of land uses and impacts on livability, impacts on services and facilities, including schools, to the extent permitted by law, accessibility to transit facilities, and impacts on traffic levels on both neighborhood streets and major thoroughfares.

• *Residential Land Use Policy #11* states residential developments should be designed to include adequate open spaces in either private yards or common areas to partially provide for residents’ open space and recreation needs.
- **Residential Land Use Policy #17** states the City encourages developers of large residential projects to identify and appropriately address the need generated by these projects for child care facilities and services.

- **Residential Land Use Policy #22** states high density residential and mixed residential/commercial development located along transit corridors should be designed to:
  - create a pleasant walking environment to encourage pedestrian activity, particularly to the nearest transit stop;
  - maximize transit usage;
  - allow residents to conduct routine errands close to their residence;
  - integrate with surrounding uses to become a part of the neighborhood rather than an isolated project;
  - use architectural elements or themes from the surrounding neighborhood; and
  - ensure that building scale does not overwhelm the neighborhood.

- **Residential Land Use Policy #23** states new high-density residential development in Transit-Oriented Development Corridors and BART Station Area Nodes should be designed to protect residents from any potential conflicts with adjacent land uses.

- **Residential Land Use Policy #24** states new residential development should create a pedestrian friendly environment by connecting the features of the development with safe, convenient, accessible, and pleasant pedestrian facilities. Such connections should also be made between the new development, the adjoining neighborhood, transit access points, and nearby commercial areas.

- **Urban Design Policy #1** states that the City should continue to apply strong architectural and site design controls on all types of development to ensure the proper transition between areas with different types of land uses.

- **Urban Design Policy #5** states the design review process should take into consideration the long-term maintenance ramifications of the design of private streets and other private infrastructure improvements.

- **Urban Design Policy #17** states development adjacent to creekside areas should incorporate compatible design and landscaping including plant species which are native to the area or are compatible with native species.

- **Urban Design Policy #18** states to the extent feasible, sound attenuation for development along City streets should be accomplished through the use of landscaping, setback, and building design rather than the use of sound attenuation walls.

- **Urban Design Policy #22** states that design guidelines adopted by the City Council should be followed in the design of development projects.
• *Noise Policy #11* states when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses, non-residential land uses should mitigate noise generation to meet the 55 DNL guideline at the property line.

• *Noise Policy #12* states noise studies should be required for land use proposals where known or suspected peak event noise sources occur which may impact adjacent existing or planned land uses.

**Program Mitigation Measures**

*Level of Service Policy*

The City is evaluating a revision to the Transportation Level of Service Policy that does not allow future mitigation for traffic congestion impacts to eliminate or reduce capacity for alternative transportation modes. The effect of this policy modification will be to minimize the likelihood that future intersection or roadway widening will degrade or eliminate bicycle lanes, sidewalks, bus stops, or other elements of the City’s transportation infrastructure.

*Design Review Process*

All new development in North San José will be subject to a design review process that includes review of site planning and architecture as well as consistency with the assumptions in this EIR. Most industrial development, including development in the newly designated *Industrial Core Area*, will be processed through Site Development Permits. Mixed-use projects in which residential and industrial uses are combined on the same site may be processed through Planned Development zoning and PD Permits.

Residential development, including residential/commercial mixed-use development, will be processed through PD zoning and PD Permits.

Both processes (Site Development Permits and PD zoning/permits) include specific review of building architecture and site design, evaluation of parking adequacy, access, landscaping, lighting, adherence to relevant standards for on-site security and provision of appropriate on-site services and amenities (trash enclosures, usable open space, etc.). The design review process would evaluate the projects for conformance with the adopted Design Guidelines (as discussed below) and for the inclusion of appropriate environmental mitigation and consistency with assumptions and conclusions in this EIR.

*Industrial Design Guidelines*

The City of San José Industrial Design Guidelines describe certain standards for project design, interfaces with sensitive land uses, landscaping, and other aspects of industrial development in San José, including the amount and location of appropriate landscaping. Adherence to these standards will avoid adverse visual and aesthetic impacts, and will reduce or avoid potentially significant conflicts with nearby and adjacent land uses through implementation of measures at individual project sites which include the following:
• New development should avoid adverse impacts, such as noise, dust, and traffic, on nearby properties. [Policy 1A2]
• Activities generating noise, traffic, dust, or odor and activities on adjacent properties whenever possible. The location of these activities in proximity to residential or other sensitive uses, such as schools or offices, should be avoided. [Policy 1C1]
• Loading areas, access and circulation driveways, trash and storage areas, and rooftop equipment should be located as far as possible from adjacent residences. Any negative effects on adjacent properties should be fully mitigated. [Policy 1C2]
• To maintain a livable environment, residential and non-residential uses should be separated using masonry walls, landscaping, building orientation, and activity limitations. [Policy 1C3]
• To protect residential privacy and to reduce visual mass, single-story industrial buildings adjacent to residential properties of less than thirty-five feet in height should be placed at the setback applicable to the adjacent residential development. Multi-story industrial buildings adjacent to residential properties up to 35 feet in height should be set back one and one-half feet for each one-foot of building height. Setbacks for industrial buildings adjacent to residential developments over 35 feet in height should be similar to the residential setback if the scale of the residential and industrial buildings is similar. [Policy 1C5]
• Window orientation for industrial buildings should preclude a direct line of sight into adjacent, residential private open spaces. First floor windows may be appropriate if screened with appropriate fencing. [Policy 1C6]
• When industrial buildings back up to the common open spaces of residential projects, the industrial setback area should be landscaped as well as functionally and/or visually combined with the residential open space where possible. [Policy 1C7]
• Projects should conform to the City Council adopted guidelines for land located in proximity to high pressure natural gas pipelines. [Policy 1C8]
• Service yards should not be located near residential areas. [Policy 4A4]
• Trash/recycle enclosures should be located away from residential uses and should not create a nuisance for adjacent properties. [Policy 4B3]
• Loading docks should not be located within 100 feet (50 feet if fully enclosed within a building) of residential uses. [Policy 4C1]
• Loading areas and vehicle access doors should not be visible from public streets or from neighboring residential uses. All loading areas, vehicle access doors, docks and truck circulation aisles should be separated from residential properties by a minimum seven-foot high masonry wall and a minimum two-foot wide heavily planted landscape strip to provide full visual screening. [Policy 4C2]
• Loading areas should be located away from highly visible areas of the site, preferably at the rear of buildings. Vehicle access doors should not face public streets, freeways or expressways. [Policy 4C3]
• Outdoor storage areas should be located at the rear of the site but not adjacent to residential areas. [Policy 4C3]
• Chain link fences should not be used adjacent to residential properties or when visible from the street. [Policy 4D3]
• Mechanical equipment should be located and operated in a manner that is not a nuisance for adjacent properties. [Policy 4F4]
• Light fixture heights should not exceed eight feet when adjacent to residential uses unless the setback of the fixture from property line is twice the height of the fixture. Light fixtures should not exceed 25 feet in height. [Policy 4G2]
• Design consideration should be given to staging areas where hazardous materials are loaded and unloaded to assure containment of spills and provision of maximum safety. [Policy 4I4]
• The maximum height for screen walls and fences adjacent to public streets and residential or commercial uses should be seven feet unless additional height is necessary to screen outdoor equipment. [Policy 4J3]
• Parking lots should be accessed from non-residential streets. [Policy 5A2]
• Truck access should use existing or planned median island turn pockets and should be from non-residential streets. [Policy 5D4]

**Residential Design Guidelines**

The City of San José has adopted Residential Design Guidelines which are applicable to all attached residential development and small lot single family development in San José. The following specific policies in the Residential Design Guidelines will avoid adverse visual and aesthetic impacts and will reduce or avoid land use conflicts between new high density and very high density residential development and nearby land uses:

*Chapter 5-Perimeter Setbacks:* Residential structures of three stories or more are to be set back a minimum of 15 feet from incompatible uses. Residential structures of three stories or more are to be set back a minimum of 25 feet from public open space.

*Chapter 9-Landscaped Areas:* Landscaping should be provided in all setback areas between project walls and/or fences and the rights-of-way of public streets and sidewalks. The landscaping should be generous and should include trees and/or shrubs as well as groundcover. Tall shrubs or vines should be planted to help screen walls and fences and provide protection from graffiti.

*Chapter 11-Building Design:* This chapter specifies minimum façade articulation, vertical and horizontal roof articulation, the quality of building materials and details, stylistic consistency, and the need for care and attention to detail in design of street facades.

*Chapter 14-Solar Access:* Within a project, buildings should not be located in positions that will result in substantial shading of the private open space of adjacent units in the project.

**Traffic Calming Policy**

The City Council has adopted a policy on Traffic Calming that describes the methods for implementing and the scope of programs to reduce traffic impacts on residential neighborhoods and near schools. The policy identifies how a neighborhood can be considered for traffic calming measures, including timelines and procedures. All traffic calming measures are to be designed and implemented subsequent to a professional evaluation and analysis of the circumstances effecting a neighborhood, and may include
improved enforcement of traffic regulations, installation of traffic control devices, education, and/or installation of roadway design features.

This adopted policy also stipulates that all private and public development proposals will be reviewed for possible traffic calming issues to determine the need for traffic calming measures to avoid or minimize creation or aggravation of an adverse traffic condition.

Proposed Mitigation and Avoidance Measures

Airport Compatibility

At the time specific developments are proposed with building heights that exceed an FAA imaginary surface, or which would stand at least 200 feet in height above ground, they will be required to notify the FAA and receive a “Determination of No Hazard” prior to approval of the development permit. In addition, conditions of development permit approval shall include incorporation of any FAA requirements specified in the “Determination of No Hazard” as well as dedication of avigation easements to the City for development on the specified project site.

Infrastructure

The proposed Area Development Policy includes requirements for all new industrial development to include on-site bike racks and lockers, showers and personal lockers, and the design standards emphasize inclusion of pedestrian and bicycle paths, and easy access to transit facilities.

4. Conclusion

The amount of development proposed in North San José will result in significantly increased congestion along major arterials and residential collectors. This congestion is likely to result in the generation of substantial cut-through traffic on the existing grid streets serving residential neighborhoods, which would be inconsistent with General Plan Transportation Policies for protecting such residential neighborhoods. Implementation of Traffic Calming measures described above will lessen this impact, but will probably not reduce the impacts to less than significant. (Significant Unavoidable Impact)

Additionally, many of the residential streets that will directly experience significant traffic increases serve front-on residences, both single family houses and duplexes, that would be adversely impacted by the secondary effects of significant traffic increases. (Significant Unavoidable Impact)

Traffic increases at the four intersections proposed to be added to a List of Protected Intersections will be the same traffic anticipated to result in significant land use impacts to residential uses along the streets that lead to those intersections: Tenth, Eleventh, Hedding, Julian, and Taylor Streets. (Significant Unavoidable Impact)
B. TRANSPORTATION

The following section is based in part on information contained in a traffic impact analysis prepared by Hexagon Transportation Consultants, Inc. That report addresses in detail the near-term and long-term traffic impacts anticipated to occur if the proposed policy revisions are implemented. The report also evaluates the effects of the proposed levels of development and policy changes on alternative forms of transportation, other than roadways. A complete copy of the traffic impact analysis report is included in this EIR as Appendix D.

1. Existing Setting

Transportation System Overview

The scale of the analysis done for this EIR required that roadways within a number of different jurisdictions be evaluated. This included local streets, some of which occur in multiple jurisdictions; regional streets which also may cross city or county boundaries; regional expressways that usually cross city boundaries; and freeways that are the responsibility of the state and which virtually always cross multiple jurisdictional boundaries. For the purposes of this discussion, the facilities are evaluated as streets and freeways. Streets are local roads or expressways owned and maintained by the cities and county. Freeways are limited access regional roadways owned and maintained by the state.

The existing roadway network in the project area in North San José is shown in Figure 8. This section also describes the existing physical transportation system within the project area, including major roadway facilities, transit systems, bicycle, and pedestrian facilities.

Existing Roadway Network

Freeways serving the North San José area include State Route 237 (SR 237), US 101, Interstate 880 (I-880), and State Route 87 (SR 87). These facilities are described below.

SR 237 is a six-lane freeway located along the northern boundary of the North San José area. It extends in an east/west direction between Sunnyvale and Milpitas and provides access to I-880 and US 101. Two of the six lanes (one in each direction) are designated as high occupancy vehicles (HOV) lanes. Access to the North San José area is provided via its interchanges with Great America Parkway, North First Street, Zanker Road, and McCarthy Boulevard.

US 101 is an eight-lane freeway (three mixed-flow lanes and one HOV lane in each direction) north of Cochrane Road in Morgan Hill. South of Cochrane Road, it narrows to six-lanes with no HOV lanes provided. US 101 provides connections to I-880, SR 237, and SR 87. Existing access to and from the North San José area is provided via interchanges at North First Street, Trimble Road, and Montague Expressway.

I-880 is a six-lane freeway between its transition from SR 17 in Los Gatos to Montague Expressway. North of Montague Expressway four lanes in each direction are provided. It extends north to Oakland and south to Campbell at which point it makes a transition into
EXISTING ROADWAY NETWORK & STUDY INTERSECTIONS IN THE PROJECT AREA

FIGURE 8
SR 17 to Santa Cruz. I-880 provides connections to both US 101 and SR 237. Access to the North San José area is provided via interchanges at Old Bayshore Highway, Brokaw Road, Montague Expressway, and Tasman Drive.

SR 87 connects from SR 85 in south San José to US 101 near the San José airport. It is a four-lane freeway from SR 85 to US-101, with auxiliary lanes near the I-280 interchange. Portions of the freeway north of Coleman Avenue were recently upgraded from an arterial street with signalized intersections to a freeway. SR 87 provides direct service to the North San José area through its termination at Guadalupe Parkway and connection to North First Street.

Major arterials serving the North San José area are North First Street, Zanker Road, Tasman Drive, Montague Expressway, Trimble Road, and Brokaw Road. These roadways are described below.

*North First Street* is a four-lane arterial running through the center of North San José. It extends from downtown San José to Alviso. It provides access to the North San José area from all freeways serving the area. The Santa Clara County Light Rail Transit (LRT) system operates in the median of the roadway between downtown San José and Tasman Drive.

*Zanker Road* runs in a north-south direction through North San José. It extends south from Alviso to its termination at Old Bayshore Highway. Direct freeway access is provided via its interchange with SR 237. Between SR 237 and River Oaks Parkway, Zanker Road is a six-lane roadway. South of River Oaks Parkway, the cross-section of this facility varies from two to four lanes.

*Tasman Drive* is an east/west arterial that extends from Lawrence Expressway to I-880. The roadway is generally a four-lane facility in the North San José area, but widens to six-lanes east of McCarthy Boulevard in Milpitas.

*Montague Expressway* is a six-lane expressway that extends in an east-west direction between I-880 and US 101. Montague Expressway serves as the primary east-west arterial through the North San José area.

*Trimble Road* is an east-west arterial that extends from Montague Expressway to US 101. It is a six-lane facility from Montague Expressway to Orchard Parkway, and a four-lane street west of Orchard Parkway across the four-lane bridge over the Guadalupe River. At its intersection with De La Cruz Boulevard, near the US 101 interchange, Trimble Road becomes De La Cruz Boulevard.

*Brokaw Road* is a six-lane east/west arterial that extends from US 101 to I-880. It provides connections to North First Street and Zanker Road.

**Existing Bicycle and Pedestrian Facilities**

The City of San José Transportation Bicycle Network and the Valley Transportation Agency’s *Santa Clara Valley Bikeways Map* identify numerous city- and county-designated bikeways within North San José. These include those listed in Table 4.
Though other roadway facilities in the vicinity of the project area do not provide designated bike lanes, there are identified bike routes as listed in Table 4. Streets designated as bike routes are rated according to the following three categories: extreme caution, alert, and moderate. Streets are classified in the extreme category due to the heavy traffic volumes, high traffic speeds, and narrow-width travel area for bicycles. Streets are classified in the alert category when they are characterized by moderate traffic volumes, moderate speeds, and a medium-width travel area for bicycles. Streets are classified in the moderate category if they have low traffic volumes, moderate to low speeds, and wide travel area for bicycles. Bicycles are permitted on Montague Expressway. Although not specifically designated as bike routes, most neighborhood streets are also suitable for bicycle travel due to the low traffic volumes and low vehicle speeds.

<table>
<thead>
<tr>
<th>Facility Type</th>
<th>Description</th>
<th>Location</th>
<th>Street Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bike Lanes</td>
<td>First Street</td>
<td>SR 237 to Brokaw Road</td>
<td></td>
</tr>
<tr>
<td>Bike Lanes</td>
<td>Zanker Road</td>
<td>SR 237 to Taylor Street</td>
<td></td>
</tr>
<tr>
<td>Bike Lanes</td>
<td>Oakland Road</td>
<td>Great Mall Parkway to US 101</td>
<td></td>
</tr>
<tr>
<td>Bike Lanes</td>
<td>Tasman Drive</td>
<td>Guadalupe River to Zanker Rd</td>
<td></td>
</tr>
<tr>
<td>Bike Lanes</td>
<td>Trimble Road</td>
<td>US 101 to Montague Expwy</td>
<td></td>
</tr>
<tr>
<td>Bike Lanes</td>
<td>Brokaw Road</td>
<td>Guadalupe River to I-880</td>
<td></td>
</tr>
<tr>
<td>Bike Path</td>
<td>SR 237</td>
<td>Lafayette Street to First Street</td>
<td></td>
</tr>
<tr>
<td>Bike Route</td>
<td>First Street</td>
<td>Gold Street to SR 237</td>
<td>Alert</td>
</tr>
<tr>
<td>Bike Route</td>
<td>First Street</td>
<td>South of Brokaw Road</td>
<td>Extreme</td>
</tr>
<tr>
<td>Bike Route</td>
<td>Grand Boulevard/Los Esteros</td>
<td>First Street to Zanker Road</td>
<td>Alert</td>
</tr>
<tr>
<td>Bike Route</td>
<td>Headquarters Drive/Holger Way</td>
<td>First Street to Zanker Road</td>
<td>Alert</td>
</tr>
<tr>
<td>Bike Route</td>
<td>Tasman Drive</td>
<td>Zanker Road to McCarthy Blvd</td>
<td>Alert</td>
</tr>
<tr>
<td>Bike Route</td>
<td>Montague Expressway</td>
<td>US 101 to Milpitas Boulevard</td>
<td>Expressway</td>
</tr>
</tbody>
</table>
### Table 4
**Existing Bicycle Facilities Serving North San José**

<table>
<thead>
<tr>
<th>Facility Type</th>
<th>Description</th>
<th>Location</th>
<th>Street Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bike Route</td>
<td>Charcot Avenue</td>
<td>Zanker Road to I-880</td>
<td>Alert</td>
</tr>
</tbody>
</table>

*Source: VTA Santa Clara County Bikeways Map.*

### Existing Transit Service

Existing transit service within the North San José area is provided by the Valley Transportation Agency (VTA), Caltrain, Altamont Commuter Express (ACE), and Amtrak. VTA operates both bus services and the light rail transit facilities. Caltrain, ACE, and Amtrak are all heavy rail systems. Elements of these facilities within or near North San José are described below.

#### Bus Service

Bus lines that presently serve North San José are listed in Table 5 below.

### Table 5
**Existing Bus Routes Serving North San José**

<table>
<thead>
<tr>
<th>Bus Line</th>
<th>Route Description</th>
<th>Primary Roadways</th>
<th>Headway (min.)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Local Bus Routes</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>Baypointe LR Stn-Weller &amp; Main</td>
<td>Tasman/McCarthy</td>
<td>30</td>
</tr>
<tr>
<td>44</td>
<td>Santa Clara Caltrain Stn-First &amp; River Oaks</td>
<td>Trimble/First St/River Oaks</td>
<td>30-60</td>
</tr>
<tr>
<td>56</td>
<td>Fair Oaks &amp; El Camino-Milpitas</td>
<td>Trimble/First St/O’Toole</td>
<td>30-40</td>
</tr>
<tr>
<td>58</td>
<td>West Valley College-Alviso</td>
<td>First Street</td>
<td>30</td>
</tr>
<tr>
<td>59</td>
<td>Great America-East San José</td>
<td>Trimble/First St/Brokaw</td>
<td>30-40</td>
</tr>
<tr>
<td>66</td>
<td>Santa Teresa Hospital-Milpitas</td>
<td>Old Oakland Road</td>
<td>15</td>
</tr>
<tr>
<td>74</td>
<td>Eastridge-Baypointe LRT Stn</td>
<td>Montague Expressway</td>
<td>30</td>
</tr>
<tr>
<td><strong>Limited Stop/Express Routes</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>104</td>
<td>Piedmont Hills-Palo Alto</td>
<td>SR 237</td>
<td>30-45</td>
</tr>
<tr>
<td>140</td>
<td>Fremont BART Stn-Sunnyvale Caltrain Stn</td>
<td>Tasman Drive</td>
<td>30-45</td>
</tr>
<tr>
<td>180</td>
<td>San José Diridon Stn-Fremont BART Stn</td>
<td>I-880</td>
<td>15-20</td>
</tr>
</tbody>
</table>
Table 5
Existing Bus Routes Serving North San José

<table>
<thead>
<tr>
<th>Bus Line</th>
<th>Route Description</th>
<th>Primary Roadways</th>
<th>Headway (min.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>321</td>
<td>Eastridge-Lockheed Martin</td>
<td>Montague Expressway</td>
<td>30-45</td>
</tr>
<tr>
<td>330</td>
<td>Almaden Expressway-Camden Avenue-North San José</td>
<td>Tasman Drive</td>
<td>30-60</td>
</tr>
<tr>
<td>520</td>
<td>Fremont BART Stn-Shoreline Industrial Park</td>
<td>SR 237</td>
<td>30-75</td>
</tr>
</tbody>
</table>

Source: VTA Santa Clara County Bus and rail Map, July 2002.

Light Rail Transit Service

The North San José area is served by two light rail transit lines. Both LRT lines provide service on 15-minute headways during commute and midday hours. The Guadalupe Corridor LRT line provides service between Santa Teresa in south San José and the Tasman Corridor LRT line in North San José. The Guadalupe line runs along the center of North First Street with six stations located between Brokaw Road and Tasman Drive. The Tasman Corridor LRT line provides service between the Mountain View Caltrain Station and I-880 in Milpitas. The Tasman line runs along the center of Tasman Drive with four stations located between the Guadalupe River and I-880.

Caltrain

Although the North San José area is not served directly by Caltrain, there are shuttle services and bus lines that connect Caltrain stations to areas in North San José. The Caltrain Commuter rail provides service between San Francisco and Gilroy. The nearest Caltrain stations are the Lawrence and Santa Clara stations each approximately 3-4 miles from the center of the North San José area. Caltrain provides service with approximately 30-minute headways during commute hours.

Amtrak/ACE

Commuter rail service between Stockton and San José is provided by the Altamont Commuter Express (ACE). The station nearest to North San José is the Great America ACE/Caltrain station and transit center located approximately 1.5 miles away. ACE provides service with three trains during each of the AM and PM commute periods. VTA provides shuttle service from the station to bus lines and LRT.

Existing Traffic Conditions

Information included in the following subsection consists of lists of all roadway facilities that were examined in the preparation of this EIR. These are the streets, freeway segments, and freeway ramps that were subjected to qualitative analysis. In addition to the specific facilities analyzed, there is a brief description of the analytical method used to evaluate levels of congestion for each of the types of facility. City of San José General Plan and Council
policies, General Plan or other policies of the neighboring cities, and the technical methodologies promulgated by the Santa Clara County Congestion Management Agency (CMA) rely on level of service as an indicator and measure of congestion. Levels of service are used to evaluate the congestion that occurs at street intersections and on freeways. The last subsection is entitled “Existing Congestion” and identifies which of the facilities are presently operating at levels of congestion below that considered acceptable, based on the standards of the relevant jurisdiction.

The traffic analysis done for this EIR evaluates conditions at 220 intersections, 124 freeway segments, and 75 freeway ramps. Because reporting on each stage of the analysis (existing conditions, background conditions, impacts, and mitigated conditions) for all of these facilities would create an unmanageable volume of numerical tables that would be difficult to follow in the text, only those facilities that are predicted to operate at unacceptable levels of congestion are listed in the tables in this text section. Any facility not listed in a table should be assumed to be operating at an acceptable level for that aspect of the project. The full results of the analysis for all stages of the evaluation can be found in the traffic report in Appendix D.

**Street Intersections Analyzed**

The impact analysis done for this EIR looked at traffic far beyond the project area, and evaluated impacts on roadways well outside the project boundary. The traffic report that is Appendix D of this EIR evaluated conditions at 220 intersections in San José, Santa Clara, Campbell, Cupertino, Sunnyvale, Mountain View, and Milpitas. These included both local and regional (CMP) intersections, local streets, and County expressways.

The following list identifies all of the intersections evaluated in the traffic analysis; the intersections are grouped according to both the city within which they are located and their status as CMP facilities. San José intersections are also grouped according to whether or not they are in North San José (the project area) or elsewhere in the City. Each intersection is numbered in the following list and shown in Figures 8-18, and the same numbers are used consistently throughout this EIR and in the traffic report in Appendix D.

**North San José CMP Intersections**

1. North First Street and SR 237 (North)
2. North First Street and SR 237 (South)
3. Zanker Road and SR 237 (North)
4. Zanker Road and SR 237 (South)
5. North First Street and Montague Expressway
6. Zanker Road and Montague Expressway
7. River Oaks Parkway and Montague Expressway
8. Trimble Road and Montague Expressway
9. McCarthy Boulevard and Montague Expressway
10. Old Oakland Road and Montague Expressway
11. De La Cruz Boulevard and Trimble Road
12. Zanker Road and Trimble Road
13. North First Street and Brokaw Road
14. US 101 and Brokaw Road
16 Zanker Road and Brokaw Road
17 I-880 and Brokaw Road (West)
18 I-880 and Brokaw Road (East)
19 Old Oakland Road and Brokaw Road
20 North First Street and I-880 (North)
21 North First Street and I-880 (South)
22 Lundy Avenue and Murphy Avenue

Other North San José Intersections

23 North First Street and Tasman Drive
24 Zanker Road and Tasman Drive
25 Airport Parkway and Old Bayshore Highway
26 North First Street and Headquarters Drive
27 North First Street and Charcot Avenue
28 North First Street and Old Bayshore Highway
29 North First Street and Rose Orchard Way
30 North First Street and Rio Robles
31 North First Street and River Oaks Parkway
32 North First Street and Orchard Parkway
33 North First Street and Plumeria Drive
34 North First Street and Bonaventura Drive
35 North First Street and Component Drive
36 North First Street and Karina Court
37 North First Street and Metro Court
38 North First Street and Skyport Drive
39 Zanker Road and Holger Way
40 Zanker Road and River Oaks Parkway
41 Zanker Road and Innovation Drive
42 Zanker Road and Plumeria Drive
43 Zanker Road and Charcot Avenue
44 Junction Avenue and Trimble Road
45 Junction Avenue and Trimble Road
46 Junction Avenue and Charcot Avenue
47 Junction Avenue and Brokaw Road
48 Bering Drive and Brokaw Road
49 Orchard Parkway and Guadalupe Parkway
50 Orchard Parkway and Trimble Road
51 Renaissance Drive and Tasman Drive
52 Vista Montana and Tasman Drive
53 Champion Court and Tasman Drive
54 Rio Robles and Tasman Drive
55 Morgridge Drive and Tasman Drive

Other San José CMP Intersections

56 Great America Parkway and SR 237 (North)
57 Great America Parkway and SR 237 (South)
58 Trade Zone Boulevard and Montague Expressway
59 Lundy Avenue and Berryessa Road
60 Oakland Road and US 101 (North)
61 Oakland Road and US 101 (South)
62 The Alameda and Hedding Street
63 The Alameda and Taylor Street
64 SR 87 and Julian Street (West)
65 SR 87 and Julian Street (East)
66 Market Street and San Carlos Street
67 Almaden Boulevard and San Carlos Street
68 Bird Avenue and San Carlos Street
69 US 101 and Blossom Hill (East)
70 US 101 and Blossom Hill (West)
71 Alma Avenue and Monterey Road
72 Saratoga Avenue and Campbell Avenue
73 Meridian Avenue and Hillsdale Avenue
74 Saratoga Avenue and Kiely Boulevard
75 King Road and Tully Road
76 McLaughlin Avenue and Tully Road
77 Saratoga Avenue and Moorpark Avenue
78 Quimby Road and Tully Road
79 Saratoga Avenue and Stevens Creek Boulevard
80 Senter Road and Tully Road
81 Winchester Boulevard and Stevens Creek Boulevard
82 Bascom Avenue and Moorpark Avenue
83 Almaden Expressway and Branham Lane
84 Almaden Expressway and Blossom Hill Road
85 Almaden Expressway and Coleman Road
86 Almaden Expressway and Camden Avenue
87 Almaden Expressway and SR 85 (North)
88 Almaden Expressway and SR 87 (South)
89 Snell Avenue and Capitol Expressway
90 Senter Road and Capitol Expressway
91 McLaughlin Avenue and Capitol Expressway
92 Silver Creek Road and Capitol Expressway
93 Capitol Expressway and Aborn Road
94 Capitol Expressway and Quimby Road
95 Capitol Expressway and Tully Road
96 Capitol Expressway and Story Road
97 Capitol Expressway and Capitol Avenue
98 San Tomas Expressway and Stevens Creek Boulevard
99 San Tomas Expressway and Moorpark Avenue
100 Lawrence Expressway and I-280/Calvert
101 Lawrence Expressway and Moorpark Avenue
102 Lawrence Expressway and Prospect Road
103 Lawrence Expressway and Saratoga Avenue
CITY OF SAN JOSE STUDY INTERSECTIONS

FIGURE 9
CITY OF SAN JOSE STUDY INTERSECTIONS

FIGURE 13
CITY OF SANTA CLARA STUDY INTERSECTIONS

Figure 14
CITY OF CAMPBELL STUDY INTERSECTIONS

FIGURE 15
CITIES OF CUPERTINO & SUNNYVALE STUDY INTERSECTIONS

Figure 16
Other San José Intersections

104 Saratoga Avenue and Williams Road
105 Bascom Avenue and San Carlos Street
106 Bascom Avenue and Naglee Avenue
107 Bascom Avenue and Hedding Street
108 Leigh Avenue and Southwest Expressway
109 Leigh Avenue and Hamilton Avenue
110 Leigh Avenue and Curtner Avenue
111 Senter Road and Keyes Street
112 Coleman Avenue and Taylor Street
113 First Street and Taylor Street
114 Fourth Street and Hedding Street
115 Eleventh Street and Taylor Street
116 Thirteenth Street and Hedding Street
117 King Road and McKee Road
118 Jackson Avenue and McKee Road
119 Capitol Avenue and McKee Road
120 White Road and McKee Road
121 King Road and Mabury Road
122 Jackson Avenue and Berryessa Road
123 Lundy Avenue and Trade Zone Boulevard
124 Capitol Avenue and Cropley Avenue
125 Capitol Avenue and Hostetter Road
126 Capitol Avenue and Berryessa Road
127 San Tomas Expressway and Williams Road
128 San Tomas Expressway and Payne Avenue
129 Almaden Avenue and Virginia Street
130 Almaden Avenue and Grant Street
131 Almaden Avenue and Willow Street
132 Eleventh Street and San Salvador Street
133 Eleventh Street and Hedding Street
134 Eleventh Street and Julian Street
135 Eleventh Street and Keyes Street
136 Eleventh Street and San Carlos Street
137 Eleventh Street and San Fernando Street
138 Eleventh Street and Santa Clara Street
139 Eleventh Street and St. James Street
140 Fourth Street and Julian Street
141 Fourth Street and St. James Street
142 Tenth Street and Hedding Street
143 Seventeenth Street and Julian Street
144 Seventh Street and Julian Street
145 Tenth Street and Julian Street
146 Thirteenth Street and Julian Street
147 Tenth Street and Keyes Street
148 Tenth Street and San Carlos Street
149 Tenth Street and San Fernando Street

150 Tenth Street and San Fernando Street
151  Tenth Street and San Salvador Street  
152  Tenth Street and Santa Clara Street  
153  Tenth Street and St. James Street  
154  Tenth Street and Taylor Street  
155  Vine Street and Virginia Street  
156  Vine Street and Willow Street  

Santa Clara CMP Intersections

157  Lawrence Expressway and Tasman Drive  
158  Lawrence Expressway and Arques Avenue/Scott Boulevard  
159  Lawrence Expressway and Reed Street/Monroe Street  
160  Lawrence Expressway and El Camino Real  
161  Lawrence Expressway and Homestead Road  
162  Oakmead Parkway and Central Expressway  
163  Great America Parkway and Tasman Drive  
164  Great America Parkway and Mission College Boulevard  
165  Bowers Avenue and Central Expressway  
166  Bowers Avenue and El Camino Real  
167  San Tomas Expressway and Scott Boulevard  
168  San Tomas Expressway and Monroe Street  
169  San Tomas Expressway and El Camino Real  
170  San Tomas Expressway and Homestead Road  
171  Scott Boulevard and Central Expressway  
172  Scott Boulevard and El Camino Real  
173  Lafayette Street and El Camino Real  
174  Lafayette Street and Central Expressway  
175  De La Cruz Boulevard and Central Expressway  
176  Bowers Avenue and Scott Boulevard  
177  San Tomas Expressway and Saratoga Avenue  
178  Mission College Boulevard and Montague Expressway  
179  De La Cruz Boulevard and Montague Expressway  

Other Santa Clara Intersections

180  Lafayette Street and Hope Drive  
181  Lafayette Street and Montague Expressway (North)  
182  Lafayette Street and Montague Expressway (South)  
183  Lafayette Street and Benton Street  
184  Lafayette Street and Homestead Road  
185  Bowers Avenue and Monroe Street  
186  Lawrence Expressway and Kifer Road  
187  Lawrence Expressway and Benton Street  
188  Kiely Boulevard and Homestead Road  
189  San Tomas Expressway and Walsh Avenue  
190  San Tomas Expressway and Benton Street  
191  San Tomas Expressway and Pruneridge Avenue
Campbell CMP Intersections

192 San Tomas Expressway and Hamilton Avenue
193 Winchester Boulevard and Hamilton Avenue
194 SR 17 and Hamilton Avenue (West)
195 SR 17 and Hamilton Avenue (East)
196 Bascom Avenue and Hamilton Avenue

Cupertino CMP Intersections

197 Wolfe Road and Stevens Creek Boulevard
198 De Anza Boulevard and Stevens Creek Boulevard

Sunnyvale CMP Intersections

199 Fair Oaks Avenue and El Camino Real
200 Wolfe Road and El Camino Real
201 Mathilda Avenue and Maude Avenue
202 Mary Avenue and Central Expressway

Milpitas CMP Intersections

203 Abel Street and Calaveras Boulevard
204 Milpitas Boulevard and Calaveras Boulevard
205 Great Mall Parkway and Montague Expressway
206 Milpitas Boulevard and Montague Expressway

Other Milpitas Intersections

207 Main Street and Great Mall Parkway
208 McCarthy Boulevard and Tasman Drive
209 I-880 and Tasman Drive
210 I-880 and Great Mall Parkway
211 Jacklin Road and Milpitas Boulevard

Mountain View CMP Intersections

212 Castro Street and El Camino Real
213 Grant Road and El Camino Real
214 Shoreline Boulevard and El Camino Real
215 Arastradero Road and El Camino Real
216 San Antonio Road and Charleston Road
217 San Antonio Road and Middlefield Road
218 Rengstorff Avenue and Central Expressway
219 Castro Street and Central Expressway
220 Shoreline Boulevard and Central Expressway
**Analysis Methodologies for Streets**

Traffic conditions at the study intersections were evaluated using level of service (LOS) (Refer to Figures 8-18). Level of Service is a qualitative description of operating conditions ranging from LOS A, or free-flow conditions with little or no delay, to LOS F, or oversaturated conditions with excessive delays.

Each of the cities within whose boundaries intersections were evaluated use the same level of service methodology for signalized intersections, the 2000 Highway Capacity Manual (HCM) method, which is applied using the TRAFFIX software. The 2000 HCM operations method, via TRAFFIX, evaluates signalized intersection operations on the basis of average control delay time for all vehicles at the intersection. Since TRAFFIX is also the CMP-designated intersection level of service methodology, each of the cities’ methodology employs the CMP default values for the analysis parameters. All of the cities’ policies identify LOS D or better as the acceptable standard for local street operations. The CMP level of service standard for signalized intersections, which applies only to regional intersections designed in the CMP, is LOS E or better.

The correlation between average control delay and levels of service is shown in Table 6.

**Freeway Segments Analyzed**

Freeway facilities that serve the North San José area were also analyzed as part of the study. The study evaluated both freeway segments and freeway interchanges/ramps. Similar to the analysis that was done for streets, freeway facilities were analyzed for the weekday AM and PM peak hours of traffic. The analysis evaluated 124 directional freeway segments (*i.e.*, traffic going in both directions) for the following:

Segments of SR 237 between the following:

- El Camino Real and SR 85
- SR 85 and Central Expressway
- Central Expressway and Maude Avenue
- Maude Avenue and US 101
- US 101 and Mathilda Avenue
- Mathilda Avenue and North Fair Oaks Avenue
- North Fair Oaks Avenue and Lawrence Expressway
- Lawrence Expressway and Great America Parkway
- Great America Parkway and North First Street
- North First Street and Zanker Road
- Zanker Road and McCarthy Boulevard
- McCarthy Boulevard and I-880

Segments of I-880 between the following:

- I-280 and Stevens Creek Boulevard
- Stevens Creek Boulevard and Bascom Avenue
- Bascom Avenue and The Alameda
- The Alameda and Coleman Avenue
Coleman Avenue and SR 87
SR 87 and North First Street
North First Street and US 101
US 101 and Brokaw Road
Brokaw Road and Montague Expressway
Montague Expressway and Great Mall Parkway
Great Mall Parkway and SR 237
SR 237 and Dixon Landing Road
Table 6
Intersection Level of Service Definitions

<table>
<thead>
<tr>
<th>Level of Service</th>
<th>Description</th>
<th>Average Control Delay per Vehicle (sec.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Operations with very low delay occurring with favorable progression and/or short cycle lengths.</td>
<td>Less than 10.0</td>
</tr>
<tr>
<td>B</td>
<td>Operations with low delay occurring with good progression and/or short cycle lengths.</td>
<td>10.1 to 20.0</td>
</tr>
<tr>
<td>C</td>
<td>Operations with average delays resulting from fair progression and/or longer cycle lengths. Individual cycle failures begin to appear.</td>
<td>20.1 to 35.0</td>
</tr>
<tr>
<td>D</td>
<td>Operations with longer delays due to a combination of unfavorable progression, long cycle lengths, or high V/C ratios. Many vehicles stop and individual cycle failures are noticeable.</td>
<td>35.1 to 55.0</td>
</tr>
<tr>
<td>E</td>
<td>Operations with high delay values indicating poor progression, long cycle lengths, and high V/C ratios. Individual cycle failure are frequent occurrences. This is considered to be the limit of acceptable delay.</td>
<td>55.1 to 80.0</td>
</tr>
<tr>
<td>F</td>
<td>Operation with delays unacceptable to most drivers occurring due to oversaturation, poor progression, or very long cycle lengths.</td>
<td>Greater than 80.0</td>
</tr>
</tbody>
</table>

V/C = volume to capacity ratio.

Segments of US 101 between the following:

Yerba Buena Road and Capitol Expressway
Capitol Expressway and Tully Road
Tully Road and Story Road
Story Road and I-280
I-280 and Santa Clara Street
Santa Clara Street and McKee Road
McKee Road and Oakland Road
Oakland Road and Mabury Road (future)
Oakland Road and I-880
I-880 and Old Bayshore Highway
Old Bayshore Highway and North First Street
North First Street and Guadalupe Parkway
Guadalupe Parkway and De La Cruz Boulevard
De La Cruz Boulevard and Montague Expressway
Montague Expressway and Great America Parkway
Great America Parkway and Lawrence Expressway
Lawrence Expressway and North Fair Oaks Avenue
North Fair Oaks Avenue and Mathilda Avenue
Mathilda Avenue and SR 237
SR 237 and Moffett Boulevard
Moffett Boulevard and SR 237

Segments of I-280 between the following:

Winchester Boulevard and I-880
I-880 and Meridian Avenue
Meridian Avenue and Bird Avenue
Bird Avenue and SR 87
SR 87 and Tenth Street
Tenth Street and McLaughlin Avenue
McLaughlin Avenue and US 101

Segments of I-680 between the following:

US 101 and King Road
King Road and Capitol Expressway
Capitol Expressway and Alum Rock Avenue
Alum Rock Avenue and McKee Road
McKee Road and Berryessa Road
Berryessa Road and Hostetter Road
Hostetter Road and Capitol Avenue
Capitol Avenue and Montague Expressway
Montague Expressway and Yosemite Street
Yosemite Street and Calaveras Boulevard/SR 237
Calaveras Boulevard/SR 237 and Jacklin Avenue

**Analysis Methodology for Freeways**

As prescribed in the Santa Clara County CMP technical guidelines, levels of service for freeway segments are estimated based on vehicle density. Density is calculated by the following formula:

\[
D = \frac{V}{(N*S)}
\]

where:

- \(D\) = density, in vehicles per mile per lane (vpmpl)
- \(V\) = peak hour volume, in vehicles per hour (vph)
- \(N\) = number of travel lanes
- \(S\) = average travel speed, in miles per hour (mph)

The vehicle density on a segment is correlated to level of service as shown in Table 7. The CMP methodology also requires that mixed-flow lanes and auxiliary lanes be analyzed separately from HOV (carpool) lanes. The CMP specifies that a capacity of 2,300 vehicles
per hour per lane (vphpl) be used for segments six lanes or wider in both directions and a capacity of 2,200 vphpl be used for segments four lanes wide in both directions.

The CMP defines an acceptable level of service for freeway segments as LOS E or better.

### Table 7
Freeway Level of Service Based on Density

<table>
<thead>
<tr>
<th>Level of Service</th>
<th>Density (vehicles/mile/lane)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>&lt; 11.0</td>
</tr>
<tr>
<td>B</td>
<td>11.0 - 18.0</td>
</tr>
<tr>
<td>C</td>
<td>18.0 - 26.0</td>
</tr>
<tr>
<td>D</td>
<td>26.0 - 46.0</td>
</tr>
<tr>
<td>E</td>
<td>46.0 - 58.0</td>
</tr>
<tr>
<td>F</td>
<td>&gt; 58.0</td>
</tr>
</tbody>
</table>

**Existing Levels of Congestion**

All of the calculations for the level of service information discussed here and elsewhere in this section can be found in Appendix D.

**Levels of Service on Streets**

Peak hour traffic volumes were obtained from each of the cities for the streets evaluated. For the purpose of this study, traffic counts from approximately the year 2000 were used. Generally, the count dates vary from 2000 to 2004, although the counts at a few intersections are from earlier years. The primary purpose in using year 2000 counts is because the general trend in traffic volumes over the past few years (especially in northern Santa Clara County) has shown that traffic volumes peaked in 2000 and 2001. The decline in traffic since then is due primarily to a substantial vacancy rate associated with subsequent economic conditions. The commercial and industrial buildings that generated the traffic in 2000 still exist throughout Santa Clara County, however, and could be re-occupied in the future, in many cases, without issuance of any discretionary permits. Those traffic volumes could, therefore, reappear in the near future. The use of peak year counts tends to overstate current traffic volumes in an effort to provide a reasonably conservative analysis. This analysis method also minimizes the adverse effects of planning based on what may be a temporary recessionary state. The use of year 2000 counts also allows for more direct consistency with the model that uses the year 2000 as its base year, and which was used to estimate future traffic volumes and distribution. The existing peak-hour intersection volumes at all study intersections (including those that do not experience unacceptable levels of congestion) are included in Appendix D.

The evaluation of intersection levels of service for those intersections listed previously found that all of the intersections in Cupertino, Sunnyvale, and Mountain View are operating at
acceptable levels of service. The intersections in San José, Santa Clara, Campbell, and Milpitas that are operating below acceptable standards are listed in Table 8, with their AM and PM peak hour levels of service.

Summarizing the contents of Table 8, the analysis found that three CMP intersections in North San José are operating at LOS F during one or both peak hours, which is below the standard established for CMP intersections. Five intersections in North San José (including four CMP intersections) are operating at LOS E or F during one or both peak hours, which is below the citywide standard established by the City for all intersections within its boundary.

Outside North San José, six CMP intersections evaluated are operating at LOS F during one or both peak hours. Of all the intersections analyzed in San José outside the project boundary, 20 are operating at LOS E or F during one or both peak hours, including 14 CMP intersections.

<table>
<thead>
<tr>
<th>Intersection #</th>
<th>Intersection Location</th>
<th>Peak Hour</th>
<th>Count Date</th>
<th>Ave. delay†</th>
<th>LOS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>North San José Intersections</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>North First Street and Montague Expressway</td>
<td>AM</td>
<td>5/17/00</td>
<td>63.3</td>
<td>E</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>3/9/00</td>
<td>119.7</td>
<td>F</td>
</tr>
<tr>
<td>9</td>
<td>McCarthy Boulevard and Montague Expressway</td>
<td>AM</td>
<td>5/17/00</td>
<td>48.2</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>3/16/00</td>
<td>119.3</td>
<td>F</td>
</tr>
<tr>
<td>10</td>
<td>Old Oakland Road and Montague Expressway</td>
<td>AM</td>
<td>5/17/00</td>
<td>78.0</td>
<td>E</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>4/26/00</td>
<td>88.8</td>
<td>F</td>
</tr>
<tr>
<td>16</td>
<td>Zanker Road and Brokaw Road</td>
<td>AM</td>
<td>2/17/00</td>
<td>49.0</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>2/17/00</td>
<td>59.7</td>
<td>E</td>
</tr>
<tr>
<td>28</td>
<td>North First Street and Old Bayshore Highway</td>
<td>AM</td>
<td>5/31/00</td>
<td>41.4</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>5/31/00</td>
<td>67.2</td>
<td>E</td>
</tr>
<tr>
<td><strong>Other San José CMP Intersections</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>58</td>
<td>Trade Zone Boulevard and Montague Expressway</td>
<td>AM</td>
<td>5/17/00</td>
<td>45.8</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>3/16/00</td>
<td>75.8</td>
<td>E</td>
</tr>
<tr>
<td>76</td>
<td>McLaughlin Avenue and Tully Road</td>
<td>AM</td>
<td>2/24/00</td>
<td>46.5</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>5/11/00</td>
<td>62.6</td>
<td>E</td>
</tr>
<tr>
<td>83</td>
<td>Almaden Expressway and Branham Lane</td>
<td>AM</td>
<td>9/29/99</td>
<td>69.0</td>
<td>E</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>3/14/00</td>
<td>49.0</td>
<td>D</td>
</tr>
</tbody>
</table>
### Table 8

**Existing Levels of Service at Congested Intersections**

<table>
<thead>
<tr>
<th>Intersection #</th>
<th>Intersection Location</th>
<th>Peak Hour</th>
<th>Count Date</th>
<th>Year 2000/ Existing Ave. delay†</th>
<th>LOS</th>
</tr>
</thead>
<tbody>
<tr>
<td>84</td>
<td>Almaden Expressway and Blossom Hill Road</td>
<td>AM</td>
<td>9/28/99</td>
<td>83.4 F</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>3/15/00</td>
<td>73.9 E</td>
<td></td>
</tr>
<tr>
<td>85</td>
<td>Almaden Expressway and Coleman Road</td>
<td>AM</td>
<td>10/5/99</td>
<td>64.2 E</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>3/22/00</td>
<td>50.5 D</td>
<td></td>
</tr>
<tr>
<td>86</td>
<td>Almaden Expressway and Camden Avenue</td>
<td>AM</td>
<td>9/30/99</td>
<td>59.1 E</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>4/11/00</td>
<td>48.0 D</td>
<td></td>
</tr>
<tr>
<td>90</td>
<td>Senter Road and Capitol Expressway</td>
<td>AM</td>
<td>10/13/99</td>
<td>50.9 D</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>3/7/00</td>
<td>55.2 E</td>
<td></td>
</tr>
<tr>
<td>92</td>
<td>Silver Creek Road and Capitol Expressway</td>
<td>AM</td>
<td>5/25/00</td>
<td>56.6 E</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>1/1/00</td>
<td>131.9 F</td>
<td></td>
</tr>
<tr>
<td>96</td>
<td>Capitol Expressway and Story Road</td>
<td>AM</td>
<td>5/25/00</td>
<td>58.7 E</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>3/7/00</td>
<td>58.7 E</td>
<td></td>
</tr>
<tr>
<td>97</td>
<td>Capitol Expressway and Capitol Avenue</td>
<td>AM</td>
<td>2/11/99</td>
<td>29.2 C</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>3/8/00</td>
<td>87.3 F</td>
<td></td>
</tr>
<tr>
<td>98</td>
<td>San Tomas Expressway and Stevens Creek</td>
<td>AM</td>
<td>11/1/01</td>
<td>55.1 E</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Boulevard</td>
<td>PM</td>
<td>4/11/00</td>
<td>80.3 F</td>
<td></td>
</tr>
<tr>
<td>99</td>
<td>San Tomas Expressway and Moorpark Avenue</td>
<td>AM</td>
<td>10/22/99</td>
<td>67.8 E</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>3/8/00</td>
<td>125.5 F</td>
<td></td>
</tr>
<tr>
<td>101</td>
<td>Lawrence Expressway and Moorpark Avenue</td>
<td>AM</td>
<td>10/21/99</td>
<td>85.0 F</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>3/23/00</td>
<td>48.1 D</td>
<td></td>
</tr>
<tr>
<td>103</td>
<td>Lawrence Expressway and Saratoga Avenue</td>
<td>AM</td>
<td>10/27/99</td>
<td>49.0 D</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>3/23/00</td>
<td>55.1 E</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Other San José Intersections</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>112</td>
<td>Coleman Avenue and Taylor Street</td>
<td>AM</td>
<td>1/29/97</td>
<td>62.7 E</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>1/29/97</td>
<td>44.9 D</td>
<td></td>
</tr>
<tr>
<td>113</td>
<td>North First Street and Taylor Street</td>
<td>AM</td>
<td>5/20/97</td>
<td>47.0 D</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>2/13/97</td>
<td>67.3 E</td>
<td></td>
</tr>
<tr>
<td>Intersection #</td>
<td>Intersection Location</td>
<td>Peak Hour</td>
<td>Count Date</td>
<td>Year 2000/ Existing Ave. delay†</td>
<td>LOS</td>
</tr>
<tr>
<td>----------------</td>
<td>---------------------------------------------</td>
<td>-----------</td>
<td>------------</td>
<td>-------------------------------</td>
<td>-----</td>
</tr>
<tr>
<td>119</td>
<td>Capitol Avenue and McKee Road</td>
<td>AM</td>
<td>1/19/99</td>
<td>67.6</td>
<td>E</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>1/14/99</td>
<td>43.1</td>
<td>D</td>
</tr>
<tr>
<td>124</td>
<td>Capitol Avenue and Cropley Avenue</td>
<td>AM</td>
<td>5/17/00</td>
<td>33.6</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>5/17/00</td>
<td>78.8</td>
<td>E</td>
</tr>
<tr>
<td>125</td>
<td>Capitol Avenue and Hostetter Road</td>
<td>AM</td>
<td>4/29/99</td>
<td>66.2</td>
<td>E</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>4/29/99</td>
<td>65.2</td>
<td>E</td>
</tr>
<tr>
<td>127</td>
<td>San Tomas Expressway and Williams Road</td>
<td>AM</td>
<td>4/19/00</td>
<td>65.0</td>
<td>E</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>3/23/93</td>
<td>73.7</td>
<td>E</td>
</tr>
<tr>
<td>157</td>
<td>Lawrence Expressway and Tasman Drive</td>
<td>AM</td>
<td>10/21/99</td>
<td>45.0</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>4/12/00</td>
<td>272.4</td>
<td>F</td>
</tr>
<tr>
<td>158</td>
<td>Lawrence Expressway and Arques Avenue/Scott Boulevard</td>
<td>AM 10/27/99, 37.0</td>
<td>D</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>4/26/00</td>
<td>84.2</td>
<td>F</td>
</tr>
<tr>
<td>159</td>
<td>Lawrence Expressway and Reed Street/Monroe Street</td>
<td>AM 10/20/99, 177.9</td>
<td>F</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>3/7/00</td>
<td>39.1</td>
<td>D</td>
</tr>
<tr>
<td>165</td>
<td>Bowers Avenue and Central Expressway</td>
<td>AM</td>
<td>10/21/99</td>
<td>143.1</td>
<td>F</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>4/27/00</td>
<td>67.1</td>
<td>E</td>
</tr>
<tr>
<td>168</td>
<td>San Tomas Expressway and Monroe Street</td>
<td>AM</td>
<td>10/27/99</td>
<td>90.6</td>
<td>F</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>4/25/00</td>
<td>43.5</td>
<td>D</td>
</tr>
<tr>
<td>170</td>
<td>San Tomas Expressway and Homestead Road</td>
<td>AM</td>
<td>10/28/99</td>
<td>83.9</td>
<td>F</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>4/13/00</td>
<td>62.1</td>
<td>E</td>
</tr>
<tr>
<td>175</td>
<td>De La Cruz Boulevard and Central Expressway</td>
<td>AM 10/28/99, 71.2</td>
<td>E</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>4/13/00</td>
<td>84.6</td>
<td>F</td>
</tr>
<tr>
<td>177</td>
<td>San Tomas Expressway and Saratoga Avenue</td>
<td>AM</td>
<td>10/26/99</td>
<td>70.3</td>
<td>E</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>4/25/00</td>
<td>84.5</td>
<td>F</td>
</tr>
</tbody>
</table>

Santa Clara CMP Intersections

<table>
<thead>
<tr>
<th>Intersection #</th>
<th>Intersection Location</th>
<th>Peak Hour</th>
<th>Count Date</th>
<th>Year 2000/ Existing Ave. delay†</th>
<th>LOS</th>
</tr>
</thead>
<tbody>
<tr>
<td>157</td>
<td>Lawrence Expressway and Tasman Drive</td>
<td>AM</td>
<td>10/21/99</td>
<td>45.0</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>4/12/00</td>
<td>272.4</td>
<td>F</td>
</tr>
<tr>
<td>158</td>
<td>Lawrence Expressway and Arques Avenue/Scott Boulevard</td>
<td>AM 10/27/99, 37.0</td>
<td>D</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>4/26/00</td>
<td>84.2</td>
<td>F</td>
</tr>
<tr>
<td>159</td>
<td>Lawrence Expressway and Reed Street/Monroe Street</td>
<td>AM 10/20/99, 177.9</td>
<td>F</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>3/7/00</td>
<td>39.1</td>
<td>D</td>
</tr>
<tr>
<td>165</td>
<td>Bowers Avenue and Central Expressway</td>
<td>AM</td>
<td>10/21/99</td>
<td>143.1</td>
<td>F</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>4/27/00</td>
<td>67.1</td>
<td>E</td>
</tr>
<tr>
<td>168</td>
<td>San Tomas Expressway and Monroe Street</td>
<td>AM</td>
<td>10/27/99</td>
<td>90.6</td>
<td>F</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>4/25/00</td>
<td>43.5</td>
<td>D</td>
</tr>
<tr>
<td>170</td>
<td>San Tomas Expressway and Homestead Road</td>
<td>AM</td>
<td>10/28/99</td>
<td>83.9</td>
<td>F</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>4/13/00</td>
<td>62.1</td>
<td>E</td>
</tr>
<tr>
<td>175</td>
<td>De La Cruz Boulevard and Central Expressway</td>
<td>AM 10/28/99, 71.2</td>
<td>E</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>4/13/00</td>
<td>84.6</td>
<td>F</td>
</tr>
<tr>
<td>177</td>
<td>San Tomas Expressway and Saratoga Avenue</td>
<td>AM</td>
<td>10/26/99</td>
<td>70.3</td>
<td>E</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>4/25/00</td>
<td>84.5</td>
<td>F</td>
</tr>
</tbody>
</table>
### Table 8
Existing Levels of Service at Congested Intersections

<table>
<thead>
<tr>
<th>Intersection #</th>
<th>Intersection Location</th>
<th>Peak Hour</th>
<th>Count Date</th>
<th>Year 2000/ Existing Ave. delay†</th>
<th>LOS</th>
</tr>
</thead>
<tbody>
<tr>
<td>183</td>
<td>Lafayette Street and Benton Street</td>
<td>AM</td>
<td>3/20/02</td>
<td>67.7</td>
<td>E</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>3/20/02</td>
<td>56.7</td>
<td>E</td>
</tr>
<tr>
<td>186</td>
<td>Lawrence Expressway and Kifer Road</td>
<td>AM</td>
<td>10/1/03</td>
<td>25.7</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>10/1/03</td>
<td>85.8</td>
<td>F</td>
</tr>
<tr>
<td>190</td>
<td>San Tomas Expressway and Benton Street</td>
<td>AM</td>
<td>3/20/02</td>
<td>71.2</td>
<td>E</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>3/14/02</td>
<td>41.3</td>
<td>D</td>
</tr>
<tr>
<td>192</td>
<td>San Tomas Expressway and Hamilton Avenue</td>
<td>AM</td>
<td>10/12/99</td>
<td>62.4</td>
<td>E</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>3/7/00</td>
<td>91.4</td>
<td>F</td>
</tr>
<tr>
<td>205</td>
<td>Great Mall Parkway and Montague Expressway</td>
<td>AM</td>
<td>10/6/99</td>
<td>51.5</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>4/26/00</td>
<td>99.7</td>
<td>F</td>
</tr>
<tr>
<td>206</td>
<td>Milpitas Boulevard and Montague Expressway</td>
<td>AM</td>
<td>10/7/99</td>
<td>94.9</td>
<td>F</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>4/26/00</td>
<td>42.1</td>
<td>D</td>
</tr>
<tr>
<td>210</td>
<td>I-880 and Great Mall Parkway</td>
<td>AM</td>
<td>1/20/00</td>
<td>33.2</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>10/21/99</td>
<td>75.7</td>
<td>E</td>
</tr>
<tr>
<td>211</td>
<td>Jacklin Road and Milpitas Boulevard</td>
<td>AM</td>
<td>1/27/00</td>
<td>70.4</td>
<td>E</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>5/21/02</td>
<td>47.4</td>
<td>D</td>
</tr>
</tbody>
</table>

**Notes:**
- *Denotes CMP intersection.
- †Reported delay based on average control delay as calculated by TRAFFIX using HCM 2000 methodology.

In the City of Santa Clara, the analysis found eight CMP intersections operating at LOS F during one or both peak hours and three local intersections operating at LOS E or F.

In the City of Campbell, the traffic report identifies one CMP intersection operating at LOS F in the PM peak hour.
In the City of Milpitas, two CMP intersections were found to be operating at LOS F during one or the other peak hour. Two local intersections in Milpitas were found to be operating at LOS E during one or the other peak hour.

Levels of Service on Freeway Segments

Conditions on freeway segments in Santa Clara County were obtained from the 2000 CMP Annual Monitoring Report. The report identifies 84 of the 122 directional freeway segments evaluated as currently operating at LOS F during at least one of the peak hours. The HOV lanes on 22 of the 55 freeway segments that have HOV lanes also operate at LOS F during at least one of the peak hours.

Background Traffic Conditions

This section describes background traffic conditions. Background conditions are defined as conditions that could reasonably be anticipated to exist just prior to implementation of the proposed development. Since the implementation of the development that could occur in North San José if this project is approved would, of necessity, occur over many years, and conditions will change in many ways that cannot presently be predicted. This section does, however, incorporate traffic from existing traffic counts plus traffic generated by other approved (but not yet constructed) developments. This section also describes the planned roadway system and intersection improvements, the procedure used to determine background traffic volumes, and summarizes the resulting traffic conditions.

Background Roadway Network

Most of the roadway improvements identified as part of background conditions are either in a city’s approved Capitol Improvement Program or are improvements required as conditions of approval for previously approved development. The conversion of one-way couplets in, south of, and east of Downtown San José are included in this background analysis, even though funding has not yet been identified for all of the conversions; since the conversions have the effect of reducing street capacity, the analysis conservatively assumes the worst case condition.

In addition to specific intersection improvements, the County of Santa Clara Roads and Airports Departments has completed a study that identifies improvement needs for the County expressway system. The report, Comprehensive County Expressway Planning Study August 19, 2003, provides a long-term implementation plan for the improvement of the expressway system based on a tier structure. Improvements such as roadway widenings, intersection grade separations, and interchange improvements are categorized in the three-tier system based on their priority and ability to be funded. Several of the identified improvements from the expressway study are described in the Transportation Mitigation subsection as planned improvements or possible mitigation measures.

Only those capacity enhancing improvements for which there is identified funding are included under background conditions and shown in Table 9.
<table>
<thead>
<tr>
<th>Intersection #</th>
<th>Intersection Location</th>
<th>Background Improvement</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>De La Cruz Boulevard and Trimble Road</td>
<td>Widen Trimble to 6 lanes</td>
</tr>
<tr>
<td>16</td>
<td>Zanker Road and Brokaw Road</td>
<td>Add second westbound lane</td>
</tr>
<tr>
<td>24</td>
<td>Zanker Road and Tasman Drive</td>
<td>Widen Zanker to 6 lanes; add second northbound and southbound left turn</td>
</tr>
<tr>
<td>30</td>
<td>North First Street and Rio Robles</td>
<td>Add west leg; add northbound right turn; convert eastbound lane to shared through left turn</td>
</tr>
<tr>
<td>31</td>
<td>North First Street and River Oaks Parkway</td>
<td>Add second eastbound lane</td>
</tr>
<tr>
<td>35</td>
<td>North First Street and Component Drive</td>
<td>Add second eastbound lane</td>
</tr>
<tr>
<td>36</td>
<td>North First Street and Karina Court</td>
<td>Add second northbound and eastbound left turn lanes</td>
</tr>
<tr>
<td>38</td>
<td>North First Street and Skyport Drive</td>
<td>Add second eastbound left turn lane</td>
</tr>
<tr>
<td>40</td>
<td>Zanker Road and River Oaks Parkway</td>
<td>Widen Zanker to 6 lanes; add second southbound lane</td>
</tr>
<tr>
<td>43</td>
<td>Zanker Road and Charcot Avenue</td>
<td>Add second eastbound lane</td>
</tr>
<tr>
<td>49</td>
<td>Orchard Parkway and Guadalupe Parkway</td>
<td>Add separate northbound lane; add second westbound lane</td>
</tr>
<tr>
<td>50</td>
<td>Orchard Parkway and Trimble Road</td>
<td>Add second northbound, eastbound, and westbound left turn lanes</td>
</tr>
<tr>
<td>60</td>
<td>Oakland Road and US 101 (North)</td>
<td>Add second westbound right turn</td>
</tr>
<tr>
<td>67</td>
<td>Almaden Boulevard and San Carlos Street</td>
<td>Add second northbound lane; add separate westbound right turn</td>
</tr>
<tr>
<td>69</td>
<td>US 101 and Blossom Hill (East)</td>
<td>Add second northbound right turn; add second eastbound lane; widen Blossom Hill overpass; add third eastbound and westbound through lanes</td>
</tr>
<tr>
<td>70</td>
<td>US 101 and Blossom Hill (West)</td>
<td>Widen Blossom Hill overpass; add third eastbound and westbound through lanes</td>
</tr>
</tbody>
</table>

**North San José Intersections**

**Other San José CMP Intersections**
### Table 9
Background Intersection Improvements

<table>
<thead>
<tr>
<th>Intersection #</th>
<th>Intersection Location</th>
<th>Background Improvement</th>
</tr>
</thead>
<tbody>
<tr>
<td>81</td>
<td>Winchester Boulevard and Stevens Creek Boulevard</td>
<td>Add second northbound lane</td>
</tr>
<tr>
<td>87</td>
<td>Almaden Expressway and SR 85 (North)</td>
<td>Add fourth exclusive southbound through lane</td>
</tr>
<tr>
<td>96</td>
<td>Capitol Expressway and Story Road</td>
<td>Add third eastbound through lanes; add second eastbound and westbound left turn lanes</td>
</tr>
<tr>
<td>109</td>
<td>Leigh Avenue and Hamilton Avenue</td>
<td>Add second eastbound lane</td>
</tr>
<tr>
<td>115</td>
<td>Eleventh Street and Taylor Street</td>
<td>Convert Eleventh Street to a two-way street</td>
</tr>
<tr>
<td>119</td>
<td>Capitol Avenue and McKee Road</td>
<td>Add separate northbound right turn; remove one southbound through lane; add second separate eastbound left turn and third eastbound through lane</td>
</tr>
<tr>
<td>124</td>
<td>Capitol Avenue and Cropley Avenue</td>
<td>Add third southbound through lane; remove one southbound lane; remove one northbound through lane</td>
</tr>
<tr>
<td>125</td>
<td>Capitol Avenue and Hostetter Road</td>
<td>Add second northbound lane; add third northbound through lane; add second exclusive eastbound lane; convert shared westbound left-through lane to a through lane</td>
</tr>
<tr>
<td>126</td>
<td>Capitol Avenue and Berryessa Road</td>
<td>Add second exclusive northbound lane</td>
</tr>
<tr>
<td>129</td>
<td>Almaden Avenue and Virginia Street</td>
<td>Convert Almaden to a two-way street</td>
</tr>
<tr>
<td>130</td>
<td>Almaden Avenue and Grant Street</td>
<td>Convert Almaden to a two-way street</td>
</tr>
<tr>
<td>131</td>
<td>Almaden Avenue and Willow Street</td>
<td>Convert Almaden to a two-way street</td>
</tr>
<tr>
<td>132</td>
<td>Eleventh Street and San Salvador Street</td>
<td>Remove one lane from Eleventh Street</td>
</tr>
<tr>
<td>133</td>
<td>Eleventh Street and Hedding Street</td>
<td>Remove one northbound lane; add eastbound right turn; add westbound lane</td>
</tr>
<tr>
<td>134</td>
<td>Eleventh Street and Julian Street</td>
<td>Convert Eleventh to a two-way street</td>
</tr>
<tr>
<td>135</td>
<td>Eleventh Street and Keyes Street</td>
<td>Convert Eleventh to a two-way street</td>
</tr>
<tr>
<td>136</td>
<td>Eleventh Street and San Carlos Street</td>
<td>Remove one lane from Eleventh Street</td>
</tr>
<tr>
<td>137</td>
<td>Eleventh Street and San Fernando Street</td>
<td>Remove one lane from Eleventh Street</td>
</tr>
<tr>
<td>Intersection #</td>
<td>Intersection Location</td>
<td>Background Improvement</td>
</tr>
<tr>
<td>---------------</td>
<td>----------------------------------------</td>
<td>-------------------------------------------------------------</td>
</tr>
<tr>
<td>138</td>
<td>Eleventh Street and Santa Clara Street</td>
<td>Convert Eleventh Street to a two-way street</td>
</tr>
<tr>
<td>139</td>
<td>Eleventh Street and St. James Street</td>
<td>Convert Eleventh Street to a two-way street</td>
</tr>
<tr>
<td>140</td>
<td>Fourth Street and Julian Street</td>
<td>Convert Fourth Street to a two-way street</td>
</tr>
<tr>
<td>141</td>
<td>Fourth Street and St. James Street</td>
<td>Convert Fourth Street to a two-way street</td>
</tr>
<tr>
<td>142</td>
<td>Vine Street and Grant Street</td>
<td>Convert Vine Street to a two-way street</td>
</tr>
<tr>
<td>143</td>
<td>Tenth Street and Hedding Street</td>
<td>Convert Tenth Street to a two-way street</td>
</tr>
<tr>
<td>144</td>
<td>Seventeenth Street and Julian Street</td>
<td>Convert Julian Street to a two-way street</td>
</tr>
<tr>
<td>145</td>
<td>Seventh Street and Julian Street</td>
<td>Convert Julian Street to a two-way street</td>
</tr>
<tr>
<td>146</td>
<td>Tenth Street and Julian Street</td>
<td>Convert Julian Street to a two-way street</td>
</tr>
<tr>
<td>147</td>
<td>Thirteenth Street and Julian Street</td>
<td>Convert Julian Street to a two-way street</td>
</tr>
<tr>
<td>148</td>
<td>Tenth Street and Keyes</td>
<td>Remove one lane from Tenth Street</td>
</tr>
<tr>
<td>149</td>
<td>Tenth Street and San Carlos Street</td>
<td>Remove one lane from Tenth Street</td>
</tr>
<tr>
<td>150</td>
<td>Tenth Street and San Fernando Street</td>
<td>Remove one lane from Tenth Street</td>
</tr>
<tr>
<td>151</td>
<td>Tenth Street and San Salvador Street</td>
<td>Remove one lane from Tenth Street</td>
</tr>
<tr>
<td>152</td>
<td>Tenth Street and Santa Clara Street</td>
<td>Remove one lane from Tenth Street</td>
</tr>
<tr>
<td>153</td>
<td>Tenth Street and St. James Street</td>
<td>Convert Tenth Street to a two-way street</td>
</tr>
<tr>
<td>154</td>
<td>Tenth Street and Taylor Street</td>
<td>Convert Tenth Street to a two-way street</td>
</tr>
<tr>
<td>155</td>
<td>Vine Street and Virginia Street</td>
<td>Convert Vine Street to a two-way street</td>
</tr>
<tr>
<td>156</td>
<td>Vine Street and Willow Street</td>
<td>Convert Vine Street to a two-way street</td>
</tr>
<tr>
<td>164</td>
<td>Great America Parkway and Mission</td>
<td>Add third northbound lane; add fourth southbound through</td>
</tr>
<tr>
<td></td>
<td>College Boulevard</td>
<td>lane; add third westbound lane</td>
</tr>
<tr>
<td>171</td>
<td>Scott Boulevard and Central</td>
<td>Add separate southbound right turn</td>
</tr>
<tr>
<td></td>
<td>Expressway</td>
<td></td>
</tr>
<tr>
<td>185</td>
<td>Bowers Avenue and Monroe Street</td>
<td>Add separate left turn lanes on all approaches</td>
</tr>
</tbody>
</table>

*Santa Clara CMP Intersections*

*Other Santa Clara Intersections*
Background Bicycle and Pedestrian Facilities

According to the City of San José Transportation Bicycle Network, there are numerous planned city-designated bikeways within the North San José area. Bicycle facilities, class/type as-yet undesignated, are planned along the following roadways:

- North First Street between SR 237 and Grand Avenue
- Grand Avenue between North First Street and Los Esteros Road
- Los Esteros Road/Zanker Road between Grand Avenue and SR 237
- Orchard Parkway between Trimble Road and North First Street
- Junction Avenue between Brokaw Road and Zanker Road
- Charcot Avenue between First Street and O’Toole Avenue
- O’Toole Avenue between Trimble Road and Charcot Avenue
- River Oaks Parkway between First Street and Component Avenue

There are also three designated cross-county bicycle corridors in the North San José area. The bicycle corridors were established by the VTA to form a countywide bicycle network and indicate where implementation of bikeways should be a priority. The following corridors run through the North San José area:

- Highway 880 Corridor and South 101/Caltrain – Runs up from Monterey Road, through Downtown San José and along Zanker Road in North San José.
- Highway 237/Tasman and Capitol Rail – Runs along Tasman Drive from Sunnyvale through North San José and down Capitol Avenue.
- Alma Street and El Camino Real – Runs along El Camino Real in Mountain View, parallel to Montague Expressway in North San José, and on into Milpitas.

Pedestrian facilities under background conditions were assumed to remain unchanged from existing conditions, other than new sidewalks and marked crossings that would be constructed for new streets.

Background Transit Service

Transit service under background conditions was assumed to remain unchanged from existing conditions.

Background Intersection Levels of Service

The added traffic from approved, but not yet constructed, developments in the City of San José were obtained from the city’s Approved Trips Inventory (ATI). The added traffic from approved, but not yet constructed, developments in the City of Santa Clara were estimated based on specific project information provided by the City of Santa Clara. Other nearby cities whose intersections are evaluated in this analysis were also contacted by the consulting traffic engineers. Staff of those cities indicated that they knew of no approved but not-yet-constructed projects whose traffic should be considered in the background conditions.17

17 These cities include Sunnyvale, Mountain View, Milpitas, Campbell, and Cupertino.
Table 10 lists all of the intersections studied that are projected to operate at an unacceptable level of service during one or both peak hours, according to the relevant jurisdiction’s standard.

As shown in Table 10, under background conditions, 19 intersections in North San José, 14 of which are designated in the CMP as regional intersections, are projected to operate at LOS E or F during one or both peak hours. The operations of these 19 intersections would not be consistent with the City of San José’s citywide LOS standard applicable to properties located outside of the boundaries of an Area Development Policy or the Downtown Core. Eight of the 14 regional intersections will operate at LOS F, which is below the acceptable CMP standard.

Outside of North San José, 25 of the San José intersections studied are projected to operate at LOS E or F during one or both peak hours under background conditions. The operations of these 25 intersections would not be consistent with the City of San José’s citywide LOS standard. Of the 25 intersections, 17 are CMP designated regional intersections. Seven of the 17 regional intersections are projected to operate at LOS F under background conditions, which is inconsistent with the CMP.

In the City of Santa Clara, four local intersections would operate at LOS E or F during one or both peak hours under background conditions. Thirteen CMP intersections would operate at LOS F during one or both peak hours under background conditions.

In the City of Campbell, the same CMP intersection that would operate at LOS F during the PM peak hour under existing conditions will also operate at LOS F under background conditions.

Likewise, the two CMP and two local intersections in Milpitas that operate at unacceptable LOS during one peak hour under existing conditions would continue to operate at unacceptable levels during one peak hour under background conditions.

<table>
<thead>
<tr>
<th>Intersection #</th>
<th>Intersection Location</th>
<th>Year 2000/Existing</th>
<th>Background</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Peak Hour Ave. delay†</td>
<td>LOS Ave. delay†</td>
</tr>
<tr>
<td><strong>North San José Intersections</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>North First Street and SR 237 (North)</td>
<td>AM 16.0 B 21.9 C</td>
<td>PM 16.8 B 62.0 E</td>
</tr>
<tr>
<td>2</td>
<td>North First Street and SR 237 (South)</td>
<td>AM 23.4 C 81.3 F</td>
<td>PM 25.0 C 59.0 E</td>
</tr>
<tr>
<td>5</td>
<td>North First Street and Montague Expressway</td>
<td>AM 63.3 E 136.9 F</td>
<td></td>
</tr>
</tbody>
</table>
### Table 10
**Background Levels of Service At Congested Intersections**

<table>
<thead>
<tr>
<th>Intersection #</th>
<th>Intersection Location</th>
<th>Peak Hour</th>
<th>Year 2000/ Existing</th>
<th>Background</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ave. delay†</td>
<td>LOS</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>PM</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Zanker Road and Montague Expressway</td>
<td>AM</td>
<td>42.5</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>54.9</td>
<td>D</td>
</tr>
<tr>
<td>8</td>
<td>Trimble Road and Montague Expressway</td>
<td>AM</td>
<td>23.5</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>50.4</td>
<td>C</td>
</tr>
<tr>
<td>9</td>
<td>McCarthy Boulevard and Montague Expressway</td>
<td>AM</td>
<td>48.2</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>119.3</td>
<td>F</td>
</tr>
<tr>
<td>10</td>
<td>Old Oakland Road and Montague Expressway</td>
<td>AM</td>
<td>78.0</td>
<td>E</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>88.8</td>
<td>F</td>
</tr>
<tr>
<td>11</td>
<td>De La Cruz Boulevard and Trimble Road</td>
<td>AM</td>
<td>33.8</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>53.4</td>
<td>D</td>
</tr>
<tr>
<td>12</td>
<td>North First Street Trimble Road</td>
<td>AM</td>
<td>44.7</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>50.0</td>
<td>D</td>
</tr>
<tr>
<td>13</td>
<td>Zanker Road and Trimble Road</td>
<td>AM</td>
<td>35.0</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>53.8</td>
<td>D</td>
</tr>
<tr>
<td>14</td>
<td>North First Street and Brokaw Road</td>
<td>AM</td>
<td>46.9</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>44.6</td>
<td>D</td>
</tr>
<tr>
<td>15</td>
<td>US 101 and Brokaw Road</td>
<td>AM</td>
<td>28.5</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>31.9</td>
<td>C</td>
</tr>
<tr>
<td>16</td>
<td>Zanker Road and Brokaw Road</td>
<td>AM</td>
<td>49.0</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>59.7</td>
<td>E</td>
</tr>
<tr>
<td>19</td>
<td>Old Oakland Road and Brokaw Road</td>
<td>AM</td>
<td>52.4</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>43.5</td>
<td>D</td>
</tr>
<tr>
<td>27</td>
<td>North First Street and Charcot Avenue</td>
<td>AM</td>
<td>36.0</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>33.7</td>
<td>C</td>
</tr>
<tr>
<td>28</td>
<td>North First Street and Old Bayshore Highway</td>
<td>AM</td>
<td>41.4</td>
<td>D</td>
</tr>
</tbody>
</table>
Table 10
Background Levels of Service At Congested Intersections

<table>
<thead>
<tr>
<th>Intersection #</th>
<th>Intersection Location</th>
<th>Peak Hour</th>
<th>Year 2000/Existing</th>
<th>Background</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ave. delay†</td>
<td>LOS</td>
</tr>
<tr>
<td>31</td>
<td>North First Street and River Oaks Parkway</td>
<td>AM</td>
<td>24.9</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>34.4</td>
<td>C</td>
</tr>
<tr>
<td>36</td>
<td>North First Street and Karina Court</td>
<td>AM</td>
<td>18.1</td>
<td>B</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>14.1</td>
<td>B</td>
</tr>
<tr>
<td>49</td>
<td>Orchard Parkway and Guadalupe Parkway</td>
<td>AM</td>
<td>15.2</td>
<td>B</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>20.2</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td><strong>Other San José CMP Intersections</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>58</td>
<td>Trade Zone Boulevard and Montague Expressway</td>
<td>AM</td>
<td>45.8</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>75.8</td>
<td>E</td>
</tr>
<tr>
<td>69</td>
<td>US 101 and Blossom Hill (East)</td>
<td>AM</td>
<td>41.2</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>44.5</td>
<td>D</td>
</tr>
<tr>
<td>75</td>
<td>King Road and Tully Road</td>
<td>AM</td>
<td>40.1</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>51.8</td>
<td>D</td>
</tr>
<tr>
<td>76</td>
<td>McLaughlin Avenue and Tully Road</td>
<td>AM</td>
<td>46.5</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>62.6</td>
<td>E</td>
</tr>
<tr>
<td>83</td>
<td>Almaden Expressway and Branham Lane</td>
<td>AM</td>
<td>69.0</td>
<td>E</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>49.0</td>
<td>D</td>
</tr>
<tr>
<td>84</td>
<td>Almaden Expressway and Blossom Hill Road</td>
<td>AM</td>
<td>83.4</td>
<td>F</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>73.9</td>
<td>E</td>
</tr>
<tr>
<td>85</td>
<td>Almaden Expressway and Coleman Road</td>
<td>AM</td>
<td>64.2</td>
<td>E</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>50.5</td>
<td>D</td>
</tr>
<tr>
<td>86</td>
<td>Almaden Expressway and Camden Avenue</td>
<td>AM</td>
<td>59.1</td>
<td>E</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>48.0</td>
<td>D</td>
</tr>
<tr>
<td>90</td>
<td>Senter Road and Capitol Expressway</td>
<td>AM</td>
<td>50.9</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>55.2</td>
<td>E</td>
</tr>
<tr>
<td>92</td>
<td>Silver Creek Road and Capitol Expressway</td>
<td>AM</td>
<td>56.6</td>
<td>E</td>
</tr>
<tr>
<td>Intersection #</td>
<td>Intersection Location</td>
<td>Peak Hour</td>
<td>Year 2000/ Existing</td>
<td>Background</td>
</tr>
<tr>
<td>---------------</td>
<td>----------------------------------------------------------</td>
<td>-----------</td>
<td>---------------------</td>
<td>------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ave. delay†</td>
<td>LOS</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ave. delay†</td>
<td>LOS</td>
</tr>
<tr>
<td>94</td>
<td>Capitol Expressway and Quimby Road</td>
<td>AM</td>
<td>38.8 D</td>
<td>40.9 D</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>50.9 D</td>
<td>56.4 E</td>
</tr>
<tr>
<td>96</td>
<td>Capitol Expressway and Story Road</td>
<td>AM</td>
<td>58.7 E</td>
<td>68.1 E</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>58.7 E</td>
<td>53.9 D</td>
</tr>
<tr>
<td>97</td>
<td>Capitol Expressway and Capitol Avenue</td>
<td>AM</td>
<td>29.2 C</td>
<td>31.3 C</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>87.3 F</td>
<td>101.4 F</td>
</tr>
<tr>
<td>98</td>
<td>San Tomas Expressway and Stevens Creek Boulevard</td>
<td>AM</td>
<td>55.1 E</td>
<td>56.6 E</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>80.3 F</td>
<td>82.7 F</td>
</tr>
<tr>
<td>99</td>
<td>San Tomas Expressway and Moorpark Avenue</td>
<td>AM</td>
<td>67.8 E</td>
<td>67.8 E</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>125.5 F</td>
<td>125.4 F</td>
</tr>
<tr>
<td>101</td>
<td>Lawrence Expressway and Moorpark Avenue</td>
<td>AM</td>
<td>85.0 F</td>
<td>85.0 F</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>48.1 D</td>
<td>48.1 D</td>
</tr>
<tr>
<td>103</td>
<td>Lawrence Expressway and Saratoga Avenue</td>
<td>AM</td>
<td>49.0 D</td>
<td>49.3 D</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>55.1 E</td>
<td>57.5 E</td>
</tr>
<tr>
<td><strong>Other San José Intersections</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>112</td>
<td>Coleman Avenue and Taylor Street</td>
<td>AM</td>
<td>62.7 E</td>
<td>117.9 F</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>44.9 D</td>
<td>47.5 D</td>
</tr>
<tr>
<td>113</td>
<td>North First Street and Taylor Street</td>
<td>AM</td>
<td>47.0 D</td>
<td>51.4 D</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>67.3 E</td>
<td>80.8 F</td>
</tr>
<tr>
<td>115</td>
<td>Eleventh Street and Taylor Street</td>
<td>AM</td>
<td>52.0 D</td>
<td>57.9 E</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>9.5 A</td>
<td>43.3 D</td>
</tr>
<tr>
<td>116</td>
<td>Thirteenth Street and Hedding Street</td>
<td>AM</td>
<td>53.8 D</td>
<td>57.9 E</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>42.1 D</td>
<td>42.7 D</td>
</tr>
<tr>
<td>119</td>
<td>Capitol Avenue and McKee Road</td>
<td>AM</td>
<td>67.6 E</td>
<td>59.6 E</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>43.1 D</td>
<td>42.4 D</td>
</tr>
<tr>
<td>124</td>
<td>Capitol Avenue and Cropley Avenue</td>
<td>AM</td>
<td>33.6 C</td>
<td>33.6 C</td>
</tr>
</tbody>
</table>

Table 10
Background Levels of Service At Congested Intersections
## Table 10
**Background Levels of Service At Congested Intersections**

<table>
<thead>
<tr>
<th>Intersection #</th>
<th>Intersection Location</th>
<th>Peak Hour</th>
<th>Year 2000/Existing</th>
<th>Background</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ave. delay†</td>
<td>LOS</td>
</tr>
<tr>
<td>125</td>
<td>Capitol Avenue and Hostetter Road</td>
<td>AM</td>
<td>66.2 E</td>
<td>51.9 D</td>
</tr>
<tr>
<td>127</td>
<td>San Tomas Expressway and Williams Road</td>
<td>AM</td>
<td>65.0 E</td>
<td>65.0 E</td>
</tr>
<tr>
<td></td>
<td><em>Santa Clara CMP Intersections</em></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>157</td>
<td>Lawrence Expressway and Tasman Drive</td>
<td>AM</td>
<td>45.0 D</td>
<td>49.4 D</td>
</tr>
<tr>
<td>158</td>
<td>Lawrence Expressway and Arques Avenue/Scott Boulevard</td>
<td>AM</td>
<td>37.0 D</td>
<td>43.8 D</td>
</tr>
<tr>
<td>159</td>
<td>Lawrence Expressway and Reed Street/Monroe Street</td>
<td>AM</td>
<td>177.9 F</td>
<td>191.4 F</td>
</tr>
<tr>
<td>160</td>
<td>Lawrence Expressway and El Camino Real</td>
<td>AM</td>
<td>31.1 C</td>
<td>33.8 C</td>
</tr>
<tr>
<td>161</td>
<td>Lawrence Expressway and Homestead Road</td>
<td>AM</td>
<td>64.0 E</td>
<td>105.4 F</td>
</tr>
<tr>
<td>165</td>
<td>Bowers Avenue and Central Expressway</td>
<td>AM</td>
<td>143.1 F</td>
<td>155.8 F</td>
</tr>
<tr>
<td>167</td>
<td>San Tomas Expressway and Scott Boulevard</td>
<td>AM</td>
<td>59.1 E</td>
<td>71.3 E</td>
</tr>
<tr>
<td>168</td>
<td>San Tomas Expressway and Monroe Street</td>
<td>AM</td>
<td>90.6 F</td>
<td>101.9 F</td>
</tr>
<tr>
<td>169</td>
<td>San Tomas Expressway and El Camino Real</td>
<td>AM</td>
<td>73.8 E</td>
<td>83.8 F</td>
</tr>
<tr>
<td>170</td>
<td>San Tomas Expressway and Homestead Road</td>
<td>AM</td>
<td>83.9 F</td>
<td>115.0 F</td>
</tr>
<tr>
<td>175</td>
<td>De La Cruz Boulevard and Central Expressway</td>
<td>AM</td>
<td>71.2 E</td>
<td>44.4 D</td>
</tr>
<tr>
<td>Intersection #</td>
<td>Intersection Location</td>
<td>Peak Hour</td>
<td>Year 2000/Existing</td>
<td>Background</td>
</tr>
<tr>
<td>---------------</td>
<td>-----------------------------------------------------------</td>
<td>-----------</td>
<td>--------------------</td>
<td>------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ave. delay†</td>
<td>LOS Ave. delay†</td>
</tr>
<tr>
<td>177</td>
<td>San Tomas Expressway and Saratoga Avenue</td>
<td>AM</td>
<td>70.3 E</td>
<td>89.0 F</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>84.5 F</td>
<td>115.8 F</td>
</tr>
<tr>
<td>179</td>
<td>De La Cruz Boulevard and Central Expressway</td>
<td>AM</td>
<td>38.1 D</td>
<td>133.6 F</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>18.1 B</td>
<td>40.0 D</td>
</tr>
<tr>
<td><strong>Other Santa Clara Intersections</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>183</td>
<td>Lafayette Street and Benton Street</td>
<td>AM</td>
<td>67.7 E</td>
<td>75.1 E</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>56.7 E</td>
<td>82.7 F</td>
</tr>
<tr>
<td>186</td>
<td>Lawrence Expressway and Kifer Road</td>
<td>AM</td>
<td>25.7 C</td>
<td>26.1 C</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>85.8 F</td>
<td>97.3 F</td>
</tr>
<tr>
<td>190</td>
<td>San Tomas Expressway and Benton Street</td>
<td>AM</td>
<td>71.2 E</td>
<td>90.4 F</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>41.3 D</td>
<td>49.7 D</td>
</tr>
<tr>
<td>191</td>
<td>San Tomas Expressway and Pruneridge Avenue</td>
<td>AM</td>
<td>52.1 D</td>
<td>68.5 E</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>42.0 D</td>
<td>68.1 E</td>
</tr>
<tr>
<td><strong>Campbell CMP Intersection</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>192</td>
<td>San Tomas Expressway and Hamilton Avenue</td>
<td>AM</td>
<td>62.4 E</td>
<td>62.4 E</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>91.4 F</td>
<td>91.4 F</td>
</tr>
<tr>
<td><strong>Milpitas CMP Intersections</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>205</td>
<td>Great Mall Parkway and Montague Expressway</td>
<td>AM</td>
<td>51.5 D</td>
<td>51.6 D</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>99.7 F</td>
<td>99.5 F</td>
</tr>
<tr>
<td>206</td>
<td>Milpitas Boulevard and Montague Expressway</td>
<td>AM</td>
<td>94.9 F</td>
<td>96.8 F</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>42.1 D</td>
<td>42.1 D</td>
</tr>
<tr>
<td><strong>Other Milpitas Intersections</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>210</td>
<td>I-880 and Great Mall Parkway</td>
<td>AM</td>
<td>33.2 C</td>
<td>33.2 C</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>75.7 E</td>
<td>75.7 E</td>
</tr>
<tr>
<td>211</td>
<td>Jacklin Road and Milpitas Boulevard</td>
<td>AM</td>
<td>70.4 E</td>
<td>70.4 E</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>47.4 D</td>
<td>47.4 D</td>
</tr>
</tbody>
</table>
Table 10
Background Levels of Service At Congested Intersections

<table>
<thead>
<tr>
<th>Intersection #</th>
<th>Intersection Location</th>
<th>Peak Hour Year 2000/Existing</th>
<th>Background</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Ave. delay†</td>
<td>LOS Ave. delay†</td>
</tr>
</tbody>
</table>

Notes:
†Reported delay based on average control delay as calculated by TRAFFIX using HCM 2000 methodology.

Study Methodology for General Plan Amendments

The City of San José’s traffic forecasting model was developed to help the City project PM peak hour traffic impacts attributable to changes proposed to the City’s General Plan. The model is implemented using the TRANPLAN transportation planning software system. The San José model includes the four elements traditionally associated with models of this kind. These elements include:

- Trip Generation,
- Trip Distribution,
- Mode Choice, and
- Traffic Assignment.

The fundamental structure of the model includes a computer readable representation of the street system (highway network) that defines street segments (links) identified by end points (nodes). Each roadway link is further represented by key characteristics (link data) that describe the length, travel speeds, and vehicular capacity of the roadway segment. Small geographic areas (traffic analysis zones also called TAZ’s) are used to represent the planned land use activity throughout the city’s planning area. The boundaries of these small geographic areas are typically defined by the modeled street system, as well as natural and manmade barriers to traffic.

The socioeconomic data for each TAZ in the model includes information about the number of households (stratified by household income and structure type), and employment (stratified by groupings of Standard Industrial Codes). The trip generation element of the San José model projects the traffic attributable to normal household and employment centers using trip generation rates and factors. The trip generation rates were derived from the Metropolitan Transportation Commission’s 1981 San Francisco Bay Region Travel Survey, Caltrans San Francisco Bay Region and San Diego Trip Generation Studies, the Institute of Transportation Engineering trip generation studies and Arizona Department of Transportation studies.

Activity centers that have unusual traffic generating characteristics such as schools, hotels, large shopping centers, and airports are designated as special generators, and their associated traffic is manually estimated based on information from the above cited sources of trip generation information. Projected trips entering and leaving the County of Santa Clara are taken from a larger regional model run by the Metropolitan Transportation Commission (MTC) and the Valley Transportation Agency (VTA).
Travel times within and between TAZs (intra-zonal and inter-zonal and terminal times) are developed from the network being modeled. Travel times within zones (intra-zonal travel times) are derived for each zone based on half its average travel time to adjacent zones. Time to walk to and from the trip maker’s car (terminal times) are also added. For special areas, additional terminal time is added to reflect the extra time associated with large parking lots, parking structures and areas with limited parking, specifically zones with large employer sites, shopping centers, and in the downtown area. The projected daily trips are distributed using a standard gravity model and friction factors calibrated for the Santa Clara County area. The resulting trip distribution (trip table) factored to represent the number of trips occurring during the PM peak hour, the directionality of those trips, and deducting the estimated non-auto related trip-making (transit travel and carpool passengers). The assignment of the trip table to the roadway network uses a route selection procedure based on minimum travel time paths (as opposed to minimum travel distance paths) between TAZs and is done using a capacity constrained equilibrium seeking process. This capacity-constrained traffic assignment process enables the model to reflect diversion of traffic around congested portions of the modeled street system.

In addition to providing projected PM peak hour volumes and ratios comparing projected traffic volume to available roadway capacity (V/C ratios) on each roadway segment, the model provides information on vehicle-miles and vehicle-hours of travel by facility type (freeway, expressways, arterial streets, etc.). These informational reports can be used to compare and evaluate the project traffic impacts attributable to proposed amendments to the currently adopted San José General Plan. The San José traffic forecasting model is intended for use as a “macro analysis tool,” that projects probable future conditions and is best used when comparing alternative future scenarios. It is not designed to answer “micro analysis level” operational questions.

**Transportation Network Changes**

Traffic flow observed on any street is a collective outcome of complex decision-making processes by road users about their daily travel needs, whether the travel is essential (like work trips) or discretionary (like recreational trips). For any trip, typically there is more than one possible paths available for that trip. Each path is a contiguous route made up of many street segments from the trip origin to the destination. These possible paths are alternatives for a road user to choose. A road user will, based on his experience, identify a path with the fewest impediments from among the available alternatives. The principal factor considered by road users in choosing a path is the travel time. The transportation system, or transportation network, virtually maintains a delicate state of balance in which no users can reduce the travel time for their needs by using other alternatives, or other paths available. This state is commonly known as “user equilibrium.”

When a change is implemented in the transportation network, the delicate state of user equilibrium is thrown out of balance as a result of enhanced or reduced capacity. Some road users will seek different paths among available alternatives that yield a new minimal travel time. Thus, traffic flow on any street is changed as some road users switch to different alternatives for their travel needs. In general, if a transportation facility is eliminated or downsized, traffic flow using the subject facility before the change will disperse to adjacent
facilities due to increased congestion. The dispersed flow may cause new congestion on adjacent facilities, and traffic using the adjacent facilities before the change may respond to the new congestion and divert to other adjacent facilities. The diversion of traffic flow continues on nearby transportation facilities until a new state of user equilibrium is achieved. Similarly, if a transportation facility is added or expanded, traffic flow using adjacent facilities before the change will be attracted to the subject facility because of the reduced congestion. Likewise, the attraction of traffic flow from adjacent facilities continues until a new state of user equilibrium is achieved.

By analyzing user reactions to transportation network changes, it has been found that traffic responses to network changes are more localized than to land use designation changes. On the other hand, traffic responses to network changes are less predictable and more difficult to analyze. For any proposed changes in the Transportation Network as it is shown on the approved Land Use/Transportation Diagram of the City’s General Plan, a TRANPLAN model run will be performed to compare the conditions with the proposed revision, against conditions under the existing General Plan (base case).

**Screenline Analysis**

On any roadway system, there are areas through which major travel is made, most notably commute trips. In San José, the major commute is made between job sites in the north and west areas of the City, and the residential areas in the east and south sides of the City. Also of interest is the travel corridor through which commuters from the East Bay travel to get to and from job sites in North San José, Santa Clara and Sunnyvale. Travel between these areas takes place in “travel corridors” usually defined by a freeway and made up of the freeway and several parallel roadway facilities.

Screenlines for the long-range analysis are based on the boundaries of the three City of San José Special Subareas: North San José, Evergreen and South San José.\(^{18}\)

Project sites that are located within one of the Special Subareas are analyzed based on screenline impacts. The proposed project that is the subject of this EIR is most of North San José and is, therefore, located in the North San José Subarea. Sensitive Subarea screenline analysis is the only individual TRANPLAN measurement required for projects located within one of the Special Subareas.

**Vehicle Miles Traveled and Vehicle Hours Traveled Analysis**

In general, whenever new trips are added to the transportation system, Vehicle Miles Traveled (VMT) and Vehicle Hours Traveled (VHT) will increase proportionally to the number of trips being added. There are several types of land use changes that can be exceptions to this generalization. Land use changes that tend to minimize the increase in VMT and VHT are land use changes that involve adding new housing closer to jobs, or new jobs closer to housing.

In an area dominated by housing, adding jobs without displacing housing, while increasing trips, can actually reduce VMT and VHT by reducing commute distances (i.e., VMT) and by

---

\(^{18}\) Figure 33 in Appendix D shows the location of the screenlines and the boundaries of the three Special Subareas.
reducing travel made in the peak direction, which reduces VHT. These types of land use changes can cause trips to be internalized within the area in which the change is proposed and can reduce through trips in adjacent areas, thereby reducing VMT and VHT.

Adding jobs and displacing housing in an area dominated by housing will usually reduce VMT and VHT because the displaced trips, usually traveling in the peak direction, are eliminated (thus reducing VMT and VHT). The substituted trips are usually shorter in length (thus reducing VMT) and travel mainly in the non-peak direction (thus reducing VHT). This type of land use change will cause trips to be internalized within the immediate project area in which the change is proposed and will reduce through trips in some adjacent areas, both as a result of the internalization as well as the reduced number of trips made from households.

In an area dominated by jobs, adding more jobs will increase both VMT and VHT. If the immediate area is already congested, the VHT will increase by more than the VMT because the additional congestion caused by the new trips affects the travel time of all trips in the area. This condition can result in an overall decrease in average speeds on the transportation system.

LOS E/F Link Analysis

For proposed General Plan Amendments that are not exempt and are located outside the three Special Subareas, the determination of significance is based on the extent to which the proposed change contributes to existing peak hour congestion in the vicinity of the proposed amendment. For this analysis, the addition of peak direction trips are determined on the congested links (LOS E or F) within approximately a two mile radius, measured from all boundaries of the project site. Congested links are grouped in sets and are generally major parallel facilities. The links are grouped in this manner to account for trip reassignment by the City of San José computer model.

2. Transportation Impacts

Thresholds of Significance
For Long-term Traffic Impacts

For the purposes of this EIR, a long-term traffic impact is considered significant if the project results in the following:

- For sites within a Special Subarea, the peak direction volumes into or out of that same Special Subarea increases by the following percentage or more:
  - North San José, 0.20 percent,
  - Evergreen, 0.10 percent,
  - South San José, 0.20 percent.
- For sites outside Special Subareas, the peak direction volume on nearby LOS E/F links increases by 1.50 percent or more over the average volume of those congested links.
- For proposed changes in the General Plan Transportation Diagram, if one of the following occurs:
- VMT and VHT both increase by 0.20 percent for all roadways in the San José Sphere of Influence, or
- the volume of nearby LOS E/F links increases by 1.50 percent or more in either direction over the average volume of the same congested link set in the base case, or
- the peak direction volume of nearby LOS E/F links increases at least by the percentage defined above for the congested link set that coincides with any subarea screenlines.

TRANPLAN Analysis of Long-term Traffic Impacts

The discussion below summarizes the results of the TRANPLAN model run for the project scenario. Project impacts are characterized as the changes in operations of the transportation system with full implementation of the project, as compared to the presently approved General Plan “baseline” condition. Because the proposed General Plan amendments include revisions to the Transportation Diagram as well as changes in designated land uses, the TRANPLAN analysis is done in three phases: one looks at the land use changes only; one looks at the network changes only and, finally, the model evaluates differences with both the land use and network changes. Should the City Council choose to approve either the proposed land use or network changes without approving both, the analysis below identifies the impacts that could occur. The detailed technical model outputs used to prepare this analysis are included in Appendix D.

Screenline Impacts – Land Use Only

Increases in peak direction volumes across the identified screenlines for each Special Subarea were analyzed to determine the long-term effects of the proposed land use changes. For the project scenario, the volumes on the identified screenlines are projected to increase beyond identified thresholds. Therefore, the proposed land use changes would result in a significant adverse traffic impact based on performance criteria for screenline analysis. The results of the detailed screenline analysis for the project can be summarized as follows:

<table>
<thead>
<tr>
<th></th>
<th>Evergreen Subarea</th>
<th>South San José Subarea</th>
<th>North San José Subarea</th>
</tr>
</thead>
<tbody>
<tr>
<td>Threshold for Significant Impact</td>
<td>0.10%</td>
<td>0.20%</td>
<td>0.20%</td>
</tr>
<tr>
<td>Changes in Volume</td>
<td>332</td>
<td>351</td>
<td>15,253</td>
</tr>
<tr>
<td>Percent Change</td>
<td>1.63%</td>
<td>1.53%</td>
<td>50.89%</td>
</tr>
</tbody>
</table>

- The proposed project will cause significant increases in traffic across the three special subarea screenlines. This is a significant impact, based on the identified thresholds of significance. (Significant Impact)
**LOS E/F Link Impacts – Land Use Only**

Table 11A lists the sets of links that are anticipated to operate at LOS E or F with the proposed land use changes, but without the network changes. The table shows that 37 links operate at either LOS E or F (i.e., are already congested) for the adopted General Plan base case. Implementation of the proposed General Plan land use changes would cause an additional four links to operate at LOS E or F, and would add 1.50 percent or more to the peak direction link volumes at all sets of study links. The increases in volumes at the identified link sets as a result of the proposed General Plan Amendment constitute a significant adverse traffic impact based on the thresholds of significance identified above.

<table>
<thead>
<tr>
<th>Table 11A Long Range LOS E/F Link Volume Analysis (Land Use Changes)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Link Set #1 West of I-680</strong></td>
</tr>
<tr>
<td>1. Calaveras Blvd</td>
</tr>
<tr>
<td>2. Yosemite</td>
</tr>
<tr>
<td>3. Montague Exp</td>
</tr>
<tr>
<td>4. Capitol Ave</td>
</tr>
<tr>
<td>5. Trade Zone Blvd</td>
</tr>
<tr>
<td>6. Hostetter Rd</td>
</tr>
<tr>
<td><strong>% chg</strong></td>
</tr>
<tr>
<td>35.72%</td>
</tr>
<tr>
<td><strong>Link Set #5 East of I-680</strong></td>
</tr>
<tr>
<td>1. Calaveras Blvd</td>
</tr>
<tr>
<td>2. Yosemite</td>
</tr>
<tr>
<td>3. Landess Ave</td>
</tr>
<tr>
<td>4. Capitol Ave</td>
</tr>
<tr>
<td>5. Berryessa Rd</td>
</tr>
<tr>
<td><strong>% chg</strong></td>
</tr>
<tr>
<td>8.06%</td>
</tr>
<tr>
<td><strong>Link Set #4 &amp; #25 South of Naglee/Jackson</strong></td>
</tr>
<tr>
<td>1. I-880</td>
</tr>
<tr>
<td>2. Bascom Ave</td>
</tr>
<tr>
<td>3. The Alameda</td>
</tr>
<tr>
<td>4. Coleman Ave</td>
</tr>
<tr>
<td>5. SR 87</td>
</tr>
<tr>
<td>6. First St</td>
</tr>
<tr>
<td>7. Fourth St</td>
</tr>
<tr>
<td>8. Thirteenth St</td>
</tr>
<tr>
<td>9. US 101</td>
</tr>
<tr>
<td><strong>% chg</strong></td>
</tr>
<tr>
<td>42.45%</td>
</tr>
<tr>
<td><strong>Link Set #12 North of SR 17/I-880</strong></td>
</tr>
<tr>
<td>1. SR-87</td>
</tr>
<tr>
<td>2. First St</td>
</tr>
<tr>
<td>3. Fourth St</td>
</tr>
<tr>
<td>4. US 101</td>
</tr>
<tr>
<td>5. Old Bayshore</td>
</tr>
<tr>
<td>6. I-880</td>
</tr>
</tbody>
</table>
Implementation of the proposed land use changes alone in North San José would result in significant increases in traffic congestion on all of the six roadway link sets that provide access to the project area, if full implementation occurs during the current General Plan horizon. (Significant Impact)

**Screenline Impacts – Network Changes Only**

Increases in peak direction volumes across the screenline for the North San José Subarea were analyzed to determine the long-term effects of the proposed land use changes. For the project scenario, the volumes on the screenline are not projected to increase beyond identified thresholds. Therefore, the proposed network change alone would not result in a significant adverse traffic impact based on performance criteria for screenline analysis. The results of the detailed screenline analysis for the network changes can be summarized as follows:

<table>
<thead>
<tr>
<th>North San José Subarea</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Threshold for Significant Impact</td>
<td>0.20%</td>
</tr>
<tr>
<td>Change in Volume</td>
<td>-9</td>
</tr>
<tr>
<td>Percent Change</td>
<td>-0.03%</td>
</tr>
</tbody>
</table>
The proposed network changes alone would cause a significant increase in traffic across the North San José special subarea screenline. This is a less than significant impact, based on the identified thresholds of significance. (Less Than Significant Impact)

**VMT and VHT Impacts – Network Changes Only**

Comparisons between the VMT and VHT for the adopted General Plan base case condition and the conditions that would exist with the proposed revisions to the General Plan Transportation Diagram found that VMT would increase by 0.06 percent or 1,009 vehicle miles traveled. VHT however would decrease by 30 hours or -0.07 percent. The proposed network changes would not cause increases in both VMT and VHT of 0.20 percent or more within the City’s Sphere of Influence. This impact would be less than significant, based on the identified thresholds of significance.

The proposed network changes alone would not cause a significant increase in VMT and VHT within the City’s Sphere of Influence. (Less Than Significant Impact)

**LOS E/F Link Impacts – Network Changes Only**

The network only analysis evaluated the impacts of the proposed changes to the General Plan Transportation Diagram on the same sets of links identified for the land use only scenario above. Implementation of the proposed network changes only would cause an additional four links to operate at LOS E or F, and would add 1.50 percent or more to the peak direction link volumes at two sets of study links, Link Set #4 and #25, and Link Set #12, which are described in Table 11 above. The increases in volumes at the identified link sets as a result of the proposed General Plan network change constitute a significant adverse traffic impact based on the thresholds of significance identified above.

Implementation of the proposed network changes alone in North San José would result in significant increases in traffic congestion on two roadway links that provide access to the project area, if full implementation occurs during the current General Plan horizon. (Significant Impact)

**Screenline Impacts – Land Use and Network Changes**

Increases in peak direction volumes across the identified screenlines for each Special Subarea were analyzed to determine the long-term effects of the proposed land use changes. For the project scenario, the volumes on the identified screenlines are projected to increase beyond identified thresholds. Therefore, the proposed land use changes would result in a significant adverse traffic impact based on performance criteria for screenline analysis. The results of the detailed screenline analysis for the project can be summarized as follows:

<table>
<thead>
<tr>
<th></th>
<th>Evergreen Subarea</th>
<th>South San José Subarea</th>
<th>North San José Subarea</th>
</tr>
</thead>
<tbody>
<tr>
<td>Threshold for Significant Impact</td>
<td>0.10%</td>
<td>0.20%</td>
<td>0.20%</td>
</tr>
<tr>
<td>Changes in Volume</td>
<td>335</td>
<td>324</td>
<td>15,247</td>
</tr>
<tr>
<td>Percent Change</td>
<td>1.65%</td>
<td>1.41%</td>
<td>50.87%</td>
</tr>
</tbody>
</table>
The proposed project will cause significant increases in traffic across the three special subarea screenlines. This is a significant impact, based on the identified thresholds of significance. (Significant Impact)

**LOS E/F Link Impacts – Land Use and Network Changes**

Table 11B lists the sets of links that are anticipated to operate at LOS E or F in the General Plan project scenario. The table shows that 37 links operate at either LOS E or F (i.e., are already congested) for the adopted General Plan base case. Implementation of the proposed changes in General Plan Land Use and Transportation Diagram would cause an additional four links to operate at LOS E or F, and would add 1.50 percent or more to the peak direction link volumes at all sets of study links. The increases in volumes at the identified link sets as a result of the proposed General Plan Amendments constitute a significant adverse traffic impact based on the thresholds of significance identified above.

<table>
<thead>
<tr>
<th>Table 11B</th>
<th>Long Range LOS E/F Link Volume Analysis (Land Use and Network Changes)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Link Set #1 West of I-680</strong></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Calaveras Blvd</td>
</tr>
<tr>
<td>2</td>
<td>Yosemite</td>
</tr>
<tr>
<td>3</td>
<td>Montague Exp</td>
</tr>
<tr>
<td>4</td>
<td>Capitol Avenue</td>
</tr>
<tr>
<td>5</td>
<td>Trade Zone Blvd</td>
</tr>
<tr>
<td>6</td>
<td>Hostetter Road</td>
</tr>
<tr>
<td>% chg</td>
<td>34.92%</td>
</tr>
<tr>
<td><strong>Link Set #5 East of I-680</strong></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Calaveras Blvd</td>
</tr>
<tr>
<td>2</td>
<td>Yosemite</td>
</tr>
<tr>
<td>3</td>
<td>Landess Avenue</td>
</tr>
<tr>
<td>4</td>
<td>Capitol Avenue</td>
</tr>
<tr>
<td>5</td>
<td>Berryessa Road</td>
</tr>
<tr>
<td>% chg</td>
<td>7.79%</td>
</tr>
<tr>
<td><strong>Link Set #4 &amp; #25 South of Naglee/Jackson</strong></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>I-880</td>
</tr>
<tr>
<td>2</td>
<td>Bascom Avenue</td>
</tr>
<tr>
<td>3</td>
<td>The Alameda</td>
</tr>
<tr>
<td>4</td>
<td>Coleman Avenue</td>
</tr>
<tr>
<td>5</td>
<td>SR 87</td>
</tr>
<tr>
<td>6</td>
<td>First Street</td>
</tr>
<tr>
<td>7</td>
<td>Fourth Street</td>
</tr>
<tr>
<td>8</td>
<td>Thirteenth Street</td>
</tr>
<tr>
<td>9</td>
<td>US 101</td>
</tr>
<tr>
<td>% chg</td>
<td>46.64%</td>
</tr>
</tbody>
</table>
Table 11B
Long Range LOS E/F Link Volume Analysis (Land Use and Network Changes)

<table>
<thead>
<tr>
<th>Link Set #12  North of SR 17/I-880</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1 SR-87</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 First Street</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 Fourth Street</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 US 101</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 Old Bayshore</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 I-880</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% chg 52.90%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Link Set #18  South of US 101</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1 SR 237</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Mathilda Avenue</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 Lawrence Exp</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 San Tomas Exp</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 Lafayette Street</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 De La Cruz Blvd</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7 SR 87</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8 First Street</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9 Fourth Street</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% chg 126.66%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Link Set #19  East of I-880</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Calaveras Blvd</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Great Mall Pkwy</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 Montague Exp</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 Charcot Avenue</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 Brokaw Road</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 US 101</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% chg 56.46%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Implementation of the proposed land use changes alone in North San José would result in significant increases in traffic congestion on all six roadway link sets that provide access to the project area, if full implementation occurs during the current General Plan horizon. (Significant Impact)

Thresholds of Significance
For Near-term Traffic Impacts

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

- cause the level of service at a local (non-CMP) intersection to degrade from LOS D or better under existing conditions to LOS E or F under project conditions; or
• cause the critical movement delay at a local intersection already operating at LOS E or F to increase by four or more seconds and the demand-to-capacity ratio (V/C) to increase by .01 or more;
• cause the level of service at a regional (CMP) intersection to degrade from LOS E or better under existing conditions to LOS F under project conditions; or
• cause the critical movement delay at a regional intersection already operating at LOS F to increase by four or more seconds and the demand-to-capacity ratio (V/C) to increase by .01 or more; or
• cause a freeway segment to operate at LOS F or contribute traffic in excess of one percent of segment capacity to a freeway segment already operating at LOS F; or
• impede the development or function of planned pedestrian or bicycle facilities; or
• conflict with adopted policies, plans, or programs supporting alternative transportation; or
• create an operational safety hazard.

It is important to note that, since San José’s Downtown Core Area is exempt from the City’s Level of Service Policy, the above-listed thresholds of significance are not applicable to intersections within the Downtown Core Area. Levels of service for such intersections are, therefore, shown in this EIR for informational purposes only.

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

As described in the Project Description section of this EIR (Section I), the actions that are proposed to implement the project include modifications to the North San José Area Development Policy and Deficiency Plan, and additions to the List of Protected Intersections whose adoption is pending as part of a substantial revision of the City’s Level of Service Policy. There could also, therefore, be non-traffic impacts that could result from approval of this project, resulting from implementation of the revised policies (please also see discussion of project consistency with the existing North San José Area Development Policy and the Level of Service Policy in Section I.F. Consistency with Plans and Policies). At the end of this section is a brief discussion of the indirect impacts that are anticipated to result from adoption of the proposed policies and modification of the proposed “List of Protected Intersections.”

Proposed Roadway Improvements

As described in the Project Description section of this EIR, the “proposed project” includes increased levels of development within the North San José area, modifications to policies that apply to development in North San José, and infrastructure that is intended to support the levels of development proposed. Also, because the proposed project will be implemented over a lengthy period of time, long-term capital projects can be implemented. The infrastructure includes improvements to existing roadways that serve North San José and development of new roadways. Both sets of proposed roadway improvements are described below and shown in Figure 6.
This major infrastructure will be financed through a variety of mechanisms over the life of the project implementation process. Development Impact Fees will be assessed at the time of project approval. Additionally, the City and Redevelopment Agency will seek funding from regional sources to help finance major improvements to the regional transportation system, including upgrading and/or expanding transit systems. As described in the Project Description discussion of phasing, buildout of the project will be dependent on concurrent implementation of the major infrastructure elements.

**Major Roadway Projects**

The following major projects are included as part of the proposed project. Their construction will require coordination and permits from other government agencies as indicated.

- **Montague Expressway Widening** – As part of the Tier 1-A improvements to Montague Expressway identified by the County, Montague Expressway will be widened from six to eight lanes between North First Street and I-880. The project will also include the improvement of the I-880 interchange to a partial cloverleaf interchange and intersection improvement at River Oaks/Plumeria and McCandless/Trade Zone. Tier 1-B improvements to Montague Expressway include the construction of a flyover from westbound Montague Expressway to southbound Trimble Road.

  Montague Expressway is a county facility and these improvements will require permits from and coordination with Santa Clara County.

- **Zanker Road Widening** – Zanker Road runs from Old Bayshore Highway north into Alviso. It is currently two lanes in each direction between Old Bayshore Highway and Montague Expressway. Between Montague Expressway and SR 237 it widens to six lanes, three lanes in each direction. The planned widening would consist of widening the roadway to a minimum of 120 feet between Old Bayshore Highway and Montague Expressway to accommodate the addition of through lanes in each direction. The widening would provide an alternative north/south route to North First Street. This widening would require a General Plan Amendment to designate the entire length of Zanker Road, south of SR 237 as a major arterial. (The segment between Montague and Brokaw Road is presently designated as a minor arterial.)

  Because Zanker Road ends at an on-ramp to US 101, this improvement will require permits from and coordination with Caltrans.

- **North San José Grid Streets** – To facilitate the efficient circulation of traffic within North San José, several new local streets would be constructed to form a “grid system” of streets. The streets shown in Figure 19 would serve future development and provide connections to all major arterials in North San José. The new grid streets would generally be two-lane roadways connecting to existing major roadways within North San José such as Montague Expressway, Trimble Road, North First Street, and Zanker Road. These additional streets would serve to alleviate congestion along the major arterials in the area by...
Legend
- - - = North San Jose Grid Streets
- - - = Montague Widening
- - - = Zanker Widening
- - = Zanker Skyport Connection

PROPOSED GRID STREETS

FIGURE 19
distributing the traffic. Included within the expanded street system will be the extensions of Zanker Road to Skyport Drive, and Component Drive to Orchard Parkway. Orchard Parkway would also be connected between Trimble Road and Atmel Way. Consistent with the City’s practice for development projects, dedication of the new street rights-of-way would be required when the adjacent properties propose development or redevelopment.

- **Zanker Road to Skyport Drive Connection** – The current intersection of Fourth Street and Old Bayshore Road will be replaced by a new partial interchange with US 101 that will provide for the extension of Zanker Road to Skyport Drive and Fourth Street. Currently, ramps only provide access to southbound US 101 from Fourth Street/Old Bayshore and Old Bayshore/Zanker Road from US 101 northbound with no connection over US 101. The new interchange will allow for the connection of Zanker Road to Skyport Drive as well as access to southbound US 101 from Zanker Road and Fourth Street/Old Bayshore. Access to Fourth Street/Skyport Drive and Zanker Road form US 101 northbound also will be provided.

Because this improvement will cross US 101, it will require permits from and coordination with Caltrans.

- **US 101 and Trimble Road Interchange** – Some improvements at the US 101 and Trimble Road interchange currently are under construction and others are planned but unfunded. Several improvements will be made to the existing interchange including the elimination of the southbound loop off-ramp to eastbound Trimble, construction of a new southbound diagonal ramp that will serve both eastbound and westbound Trimble, and reconstruction of the southbound diagonal on-ramp and southbound and northbound loop on-ramps. The northbound US 101 loop-off-ramp to westbound Trimble Road also will be eliminated and replaced by a new northbound diagonal off-ramp that will serve both eastbound and westbound Trimble Road. The northbound diagonal ramp will be fed by a new collector road that will exit US 101 south of SR 87. The existing exit from US 101 is north of SR 87 and causes operational weaving problems.

This improvement will require permits from and coordination with Caltrans.

- **Charcot Overpass** – Charcot Avenue currently begins at North First Street, as a transition from Guadalupe Parkway, and runs east to its terminus at O’Toole Avenue. The planned overpass would cross I-880 and provide for the extension of Charcot Avenue to Old Oakland Road. The connection of Charcot Avenue to Old Oakland Road will provide an alternative east/west route to the already congested roadways of Brokaw Road and Montague Expressway. The proposed design for the connection would include two travel lanes (one in each direction) plus sidewalks and bicycle lanes. The right-of-way for this connection is less than the existing General Plan designation for Charcot. The proposed connection and extension of Charcot would therefore require a General Plan Amendment.
Implementation of the overpass over I-880 will require coordination with and permits from Caltrans.

- Charcot Widening – Charcot Avenue would need to be widened from two lanes to four lanes, both through its intersection with Zanker Road and through the intersection with Junction Avenue. It is anticipated that Charcot would then narrow to two lanes east of Junction.

- Trimble Road/Montague Expressway Flyover – The intersection of Trimble Road with Montague Expressway serves as a major access point into and out of North San José. It currently experiences large vehicle queues for the westbound Montague Expressway to southbound Trimble Road movement. The movement is currently served by three left-turn lanes. County improvement plans identify the construction of a flyover to serve the movement. With the construction of the flyover, all other movements at the intersection will improve.

This improvement will require permits from and coordination with Santa Clara County.

- Mabury Interchange – To alleviate the congested condition at the Old Oakland Road and McKee Road interchanges with US 101, a new interchange is planned at Mabury Road. Mabury Road currently overpasses US 101, but no access to the freeway is provided.

This improvement will require permits from and coordination with Caltrans.

**Intersection Improvements Within North San José**

The proposed project includes the following intersection improvements within North San José. It is anticipated that the improvements will be installed according to the phasing plan described in the North San José Area Development Policy and included as part of the proposed project.

2. **North First Street and SR 237 (South).** This is a CMP intersection and an intersection between a major local street and a freeway ramp. The proposed improvement is the addition of a third northbound through lane on North First Street. This will require that the existing overpass of SR 237 be widened.

While this improvement would not result in significant secondary environmental impacts, its implementation will require an encroachment permit from, and close coordination with Caltrans.

6. **Zanker Road and Montague Expressway.** This is a CMP intersection, and an intersection between a major local street and a county expressway. As described in the previous section, it is assumed that Montague Expressway will be widened to eight lanes. The planned improvements also include second northbound and southbound left turn lanes at Montague Expressway.
Montague Expressway is a county facility and the improvements will require permits from and coordination with the County Roads and Airports Department.

These improvements would not fully offset the impacts to this intersection. The project would still have a significant impact at this intersection.

7. **River Oaks Parkway and Montague Expressway.** This is a CMP intersection, and an intersection between a minor local street and a county expressway. As described in the previous section, it is assumed that Montague Expressway will be widened to eight lanes. There are no other feasible mitigations that were identified for this intersection. The project will, therefore, still have a significant impact at this intersection.

8. **Trimble Road and Montague Expressway.** This is a CMP intersection, and an intersection between a major local street and a county expressway. As described in the previous section, it is assumed that Montague Expressway will be widened to eight lanes, and the intersection will be modified by a “flyover” from westbound Montague Expressway to southbound Trimble Road. These improvements will fully mitigate project impacts.

Montague Expressway is a county facility and the improvements will require permits from and coordination with the County Roads and Airports Department.

9. **McCarthy Boulevard and Montague Expressway.** This is a CMP intersection, and an intersection between a minor local street and a county expressway. As described in the previous section, it is assumed that Montague Expressway will be widened to eight lanes. The County identified the construction of a square-loop interchange for this intersection as a Tier 1-B improvement in their Expressways Study. These improvements will fully mitigate project impacts.

Montague Expressway is a county facility and the improvements will require permits from and coordination with the County Roads and Airports Department.

10. **Old Oakland Road and Montague Expressway.** This is a CMP intersection, and an intersection between a major local street and a county expressway. As described in the previous section, it is assumed that Montague Expressway will be widened to eight lanes. The planned improvements also include second southbound left turn lanes at Montague Expressway.

Montague Expressway is a county facility and the improvements will require permits and coordination with the County Roads and Airports Department.

These improvements would not fully offset the impacts to this intersection. The project would still have a significant impact at this intersection.

11. **North First Street and Trimble Road.** This is a CMP intersection between two major local streets. Proposed improvements include the construction of a second eastbound left-turn lane and exclusive westbound right-turn lane. The improvements may require acquisition of a minimal amount of right-of-way.
The intersection improvements, however, would not be sufficient to fully offset project impacts. The project would still have a significant impact at this intersection.

13. **Zanker Road and Trimble Road.** This is a CMP intersection between two major local streets. In addition to the Zanker Road widening to six lanes identified previously, intersection improvements proposed include second eastbound and southbound left turn lanes. The improvements will fit within the existing right-of-way. There are no further feasible improvements that would improve intersection levels of service.

The intersection improvements would not be sufficient to fully offset project impacts. The project would still have a significant impact at this intersection.

16. **Zanker Road and Brokaw Road.** This is a CMP intersection between two major local streets. In addition to the Zanker Road widening to six lanes identified previously, intersection improvements proposed include second eastbound, northbound, and southbound left turn lanes. There are no further feasible improvements that would improve intersection level of service.

The intersection improvements would not be sufficient to fully offset project impacts. The project would still have a significant impact at this intersection.

24. **Zanker Road and Tasman Drive.** This is a local intersection between two major local streets. In addition to the Zanker Road widening to six lanes identified previously, intersection improvements proposed include second eastbound and westbound left turn lanes. The improvements may require acquisition of right-of-way. There are no further feasible improvements that would improve intersection level of service.

The intersection improvements would not be sufficient to fully offset project impacts. The project would still have a significant impact at this intersection.

27. **North First Street and Charcot Avenue.** This is a local intersection between two major city streets. Proposed improvements include the addition of exclusive westbound and eastbound right turn lanes and a second southbound left turn lane. The improvements may require acquisition of right-of-way. There are no further feasible improvements that would improve intersection level of service.

The intersection improvements would not be sufficient to fully offset project impacts. The project would still have a significant impact at this intersection.

37. **North First Street and Metro Drive.** This is a local intersection between a major and minor street. Proposed improvements include the addition of a second eastbound left turn lane. The improvement would fit within the existing right-of-way and would also require restriping and possible signal modifications.

38. **North First Street and Skyport Drive.** This is a local intersection between two major city streets. In addition to the Zanker/Skyport connection described above, this intersection will be reconstructed to include two left turn lanes, two through lanes and one right turn lane on all approaches. This project would require acquisition of right-of-way.
The intersection improvements would not be sufficient to fully offset project impacts. The project would still have a significant impact at this intersection.

43. **Zanker Road and Charcot Avenue.** This is a local intersection between two major city streets. In addition to the widening of Zanker Road and Charcot Avenue described previously, this intersection will be improved with second left turn lanes on all approaches. The improvements will require acquisition of right-of-way.

The intersection improvements would not be sufficient to fully offset project impacts. The project would still have a significant impact at this intersection.

45. **Junction Avenue and Charcot Avenue.** This is a local intersection between two minor city streets. In addition to the widening of both Junction Avenue and Charcot Avenue described previously, this intersection will be improved with the addition of second eastbound and westbound left turn lanes.

47. **Bering Drive and Brokaw Road.** This is a local intersection between a major and a minor city street. This intersection will be improved with a second northbound left turn and a separate southbound left turn lane. These improvements may require acquisition of right-of-way.

**Traffic Generation and Distribution**

The City and its consultants used the VTA travel demand model to estimate the trip-making characteristics of the project, including both trip generation and trip distribution. There are four major steps in the travel demand forecasting process. First, the trip generation estimates the number of (daily) trips produced by the project. Next, the model estimates where the trips are coming from and going to. The model then estimates which mode of transportation will be chosen for each trip (walk, bike, transit, automobile). And finally, the trip assignment step determines the amount of traffic that will be allocated to each road or transit route. The estimated additional trips for each intersection are then input to the TRAFFIX software, as described in the previous subsection (Existing Setting) of this EIR, to calculate the impacts described below.

The North San José project would generate about 487,000 new person trips. About 158,000 (or 32 percent) of these project trips would stay within the North San José area. Of all North San José project trips, 88 percent would be made by automobile, six percent would be on transit and six percent would be walk or bike. Of the trips that would stay within the North San José area, these mode shares are 75 percent automobile, eight percent transit, and 17 percent walk/bike. The project would add approximately 34,200 vehicles to the roadways during the AM peak hour and 41,300 vehicles during the PM peak hour. Peak hour traffic volumes for the project condition were produced with the traffic model, as described in detail in Appendix D.

**Intersection Impacts**

An intersection level of service analysis was performed for traffic operations at all of the study intersections under project conditions. The results show that 73 of the study
intersections would continue to operate or would degrade to a level of service considered unacceptable by the relevant jurisdiction. Of these 73 intersections, the project would significantly impact 48 intersections during at least one peak hour, according to the thresholds of significance identified at the beginning of this subsection. The analysis found no study intersections in the cities of Cupertino, Sunnyvale, and Mountain View that would be significantly impacted by the project. Table 12 summarizes the results of the intersection LOS impact analysis, identifying all intersections that would experience a significant impact from project traffic, based on the thresholds of significance identified above.

<table>
<thead>
<tr>
<th>Intersection #</th>
<th>Intersection Location</th>
<th>Peak Hour</th>
<th>Background</th>
<th>Project Conditions</th>
<th>Incr. in crit. V/C</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>North First Street and Montague Expressway</td>
<td>AM</td>
<td>136.9 F</td>
<td>100.6 F</td>
<td>-62.8 -0.114</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>221.7 F</td>
<td>133.1 F</td>
<td>-107.5 -0.173</td>
</tr>
<tr>
<td>6</td>
<td>Zanker Road and Montague Expressway‡</td>
<td>AM</td>
<td>54.0 D</td>
<td>66.8 E</td>
<td>15.4 .082</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>90.2 F</td>
<td>163.9 F</td>
<td>135.7 .541</td>
</tr>
<tr>
<td>7</td>
<td>River Oaks Parkway and Montague Expressway‡</td>
<td>AM</td>
<td>45.3 D</td>
<td>107.4 F</td>
<td>89.6 .349</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>54.9 D</td>
<td>143.5 F</td>
<td>146.0 .505</td>
</tr>
<tr>
<td>9</td>
<td>McCarthy Boulevard and Montague Expressway</td>
<td>AM</td>
<td>86.7 F</td>
<td>190.5 F</td>
<td>161.6 .360</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>470.2 F</td>
<td>304.1 F</td>
<td>-219.5 -0.703</td>
</tr>
<tr>
<td>10</td>
<td>Old Oakland Road and Montague Expressway‡</td>
<td>AM</td>
<td>85.0 F</td>
<td>173.5 F</td>
<td>156.8 .373</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>101.7 F</td>
<td>114.4 F</td>
<td>11.6 .040</td>
</tr>
<tr>
<td>11</td>
<td>De La Cruz Boulevard and Trimble Road</td>
<td>AM</td>
<td>32.7 C</td>
<td>34.8 C</td>
<td>0.0 -0.139</td>
</tr>
<tr>
<td></td>
<td></td>
<td>FM</td>
<td>57.1 E</td>
<td>63.0 E</td>
<td>0.5 -0.025</td>
</tr>
<tr>
<td>12</td>
<td>North First Street Trimble Road‡</td>
<td>AM</td>
<td>76.7 E</td>
<td>86.2 F</td>
<td>14.3 .071</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>80.0 E</td>
<td>101.0 F</td>
<td>48.5 .129</td>
</tr>
<tr>
<td>13</td>
<td>Zanker Road and Trimble Road‡</td>
<td>AM</td>
<td>44.7 D</td>
<td>63.7 E</td>
<td>37.1 .202</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>122.6 F</td>
<td>210.4 F</td>
<td>151.6 .386</td>
</tr>
<tr>
<td>14</td>
<td>North First Street and Brokaw Road</td>
<td>AM</td>
<td>181.2 F</td>
<td>89.6 F</td>
<td>-195.9 -0.455</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>151.7 F</td>
<td>96.2 F</td>
<td>-102.3 -0.251</td>
</tr>
<tr>
<td>16</td>
<td>Zanker Road and Brokaw Road‡</td>
<td>AM</td>
<td>54.3 D</td>
<td>96.1 F</td>
<td>51.8 .211</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>58.4 E</td>
<td>105.2 F</td>
<td>56.5 .255</td>
</tr>
</tbody>
</table>

Table 12
Congested Intersections Under Project Conditions

North San José Intersection‡
### Table 12

**Congested Intersections Under Project Conditions**

<table>
<thead>
<tr>
<th>Intersection #</th>
<th>Intersection Location</th>
<th>Peak Hour</th>
<th>Background Ave. delay†</th>
<th>LOS</th>
<th>Project Conditions Ave. delay†</th>
<th>LOS</th>
<th>Incr. in crit. delay</th>
<th>Incr. in crit V/C</th>
</tr>
</thead>
<tbody>
<tr>
<td>19</td>
<td>Old Oakland Road and Brokaw Road</td>
<td>AM 59.0 E</td>
<td>79.0 E</td>
<td>35.8</td>
<td>0.092</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM 47.9 D</td>
<td>72.3 E</td>
<td>57.7</td>
<td>0.227</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>Lundy Avenue and Murphy Avenue</td>
<td>AM 46.6 D</td>
<td>50.7 D</td>
<td>6.8</td>
<td>0.046</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM 43.1 D</td>
<td>60.0 E</td>
<td>24.3</td>
<td>0.173</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>Zanker Road and Tasman Drive‡</td>
<td>AM 38.0 D</td>
<td>43.4 D</td>
<td>12.1</td>
<td>0.159</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM 54.4 E</td>
<td>60.3 E</td>
<td>12.1</td>
<td>0.073</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>North First Street and Charcot Avenue‡</td>
<td>AM 103.8 F</td>
<td>80.5 F</td>
<td>-20.9</td>
<td>-0.059</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM 48.4 D</td>
<td>65.1 E</td>
<td>31.4</td>
<td>0.080</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>North First Street and Old Bayshore Highway</td>
<td>AM 54.8 D</td>
<td>37.8 D</td>
<td>-29.3</td>
<td>-0.077</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM 241.6 F</td>
<td>79.8 E</td>
<td>-240.4</td>
<td>-0.464</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>38</td>
<td>North First Street and Skyport Drive</td>
<td>AM 20.9 C</td>
<td>105.1 F</td>
<td>134.0</td>
<td>0.474</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM 26.9 C</td>
<td>51.2 D</td>
<td>53.9</td>
<td>0.225</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>43</td>
<td>Zanker Road and Charcot Avenue‡</td>
<td>AM 34.7 C</td>
<td>56.6 E</td>
<td>41.4</td>
<td>0.289</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM 31.9 C</td>
<td>61.0 E</td>
<td>50.7</td>
<td>0.269</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>49</td>
<td>Orchard Parkway and Guadalupe Parkway</td>
<td>AM 50.3 D</td>
<td>34.3 C</td>
<td>-46.4</td>
<td>-0.220</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM 112.1 F</td>
<td>61.0 E</td>
<td>-68.1</td>
<td>-0.224</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Other San José CMP Intersections**

<table>
<thead>
<tr>
<th>Intersection #</th>
<th>Intersection Location</th>
<th>Peak Hour</th>
<th>Background Ave. delay†</th>
<th>LOS</th>
<th>Project Conditions Ave. delay†</th>
<th>LOS</th>
<th>Incr. in crit. delay</th>
<th>Incr. in crit V/C</th>
</tr>
</thead>
<tbody>
<tr>
<td>58</td>
<td>Trade Zone Boulevard and Montague Expressway</td>
<td>AM 52.3 D</td>
<td>54.0 D</td>
<td>43.2</td>
<td>-0.021</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM 79.9 E</td>
<td>124.5 F</td>
<td>169.5</td>
<td>0.716</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>59</td>
<td>Lundy Avenue and Berryessa Road</td>
<td>AM 53.3 D</td>
<td>55.2 E</td>
<td>14.3</td>
<td>0.139</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM 44.3 D</td>
<td>60.6 E</td>
<td>32.2</td>
<td>0.263</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>60</td>
<td>Oakland Road and US 101 (North)</td>
<td>AM 35.5 D</td>
<td>89.8 F</td>
<td>110.9</td>
<td>0.325</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM 18.8 B</td>
<td>56.4 E</td>
<td>50.7</td>
<td>0.337</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>61</td>
<td>Oakland Road and US 101 (South)</td>
<td>AM 25.9 C</td>
<td>22.0 C</td>
<td>-3.9</td>
<td>0.166</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM 38.0 D</td>
<td>95.1 F</td>
<td>115.1</td>
<td>0.316</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>76</td>
<td>McLaughlin Avenue and Tully Road</td>
<td>AM 47.5 D</td>
<td>46.0 D</td>
<td>-2.6</td>
<td>-0.037</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Intersection #</td>
<td>Intersection Location</td>
<td>Background</td>
<td>Project Conditions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------</td>
<td>---------------------------------------------------</td>
<td>------------</td>
<td>--------------------</td>
<td>---</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Peak Hour</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Ave. delay† LOS Ave. delay† LOS Incr. in crit. delay</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PM</td>
<td>AM 69.1 E 64.2 E</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PM</td>
<td>PM 49.3 D 51.4 D</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PM</td>
<td>AM 69.9 E 67.5 E</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PM</td>
<td>PM 49.3 D 51.4 D</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PM</td>
<td>AM 65.0 E 64.2 E</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PM</td>
<td>AM 59.7 E 58.9 E</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PM</td>
<td>PM 65.0 E 64.2 E</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PM</td>
<td>PM 53.9 D 49.1 D</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PM</td>
<td>AM 51.4 D 51.1 D</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PM</td>
<td>AM 61.7 E 56.3 E</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PM</td>
<td>PM 137.7 F 135.2 F</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PM</td>
<td>AM 53.9 D 53.1 D</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PM</td>
<td>AM 53.9 D 53.1 D</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PM</td>
<td>AM 101.4 F 84.7 F</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PM</td>
<td>AM 56.6 E 55.7 E</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PM</td>
<td>PM 82.7 F 97.3 F</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PM</td>
<td>AM 67.8 E 66.1 E</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PM</td>
<td>PM 125.4 F 125.4 F</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PM</td>
<td>AM 85.0 F 85.0 F</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PM</td>
<td>AM 49.3 D 50.6 D</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PM</td>
<td>AM 49.3 D 50.6 D</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PM</td>
<td>AM 57.5 E 58.6 E</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Other San José Intersections**
### Table 12
Congested Intersections Under Project Conditions

<table>
<thead>
<tr>
<th>Intersection #</th>
<th>Intersection Location</th>
<th>Peak Hour</th>
<th>Background</th>
<th>Project Conditions</th>
<th>Incr. in crit delay</th>
<th>Incr. in crit V/C</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ave. delay</td>
<td>Ave. delay†</td>
<td>LOS</td>
<td>Ave. delay†</td>
</tr>
<tr>
<td>112</td>
<td>Coleman Avenue and Taylor Street</td>
<td>AM</td>
<td>117.9 F</td>
<td>74.8 E</td>
<td>-70.8 E</td>
<td>-0.191</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>47.5 D</td>
<td>52.9 D</td>
<td>-3.1 E</td>
<td>-0.046</td>
</tr>
<tr>
<td>113</td>
<td>North First Street and Taylor Street</td>
<td>AM</td>
<td>51.4 D</td>
<td>55.4 E</td>
<td>5.9 E</td>
<td>0.075</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>80.8 F</td>
<td>180.6 F</td>
<td>99.7 E</td>
<td>0.349</td>
</tr>
<tr>
<td>114</td>
<td>Fourth Street and Taylor Street</td>
<td>AM</td>
<td>46.3 D</td>
<td>55.0 E</td>
<td>7.7 E</td>
<td>0.067</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>42.8 D</td>
<td>47.3 D</td>
<td>6.8 E</td>
<td>0.110</td>
</tr>
<tr>
<td>115</td>
<td>Eleventh Street and Taylor Street</td>
<td>AM</td>
<td>57.9 E</td>
<td>190.9 F</td>
<td>228.6 E</td>
<td>0.494</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>43.3 D</td>
<td>62.6 E</td>
<td>43.1 E</td>
<td>0.149</td>
</tr>
<tr>
<td>116</td>
<td>Thirteenth Street and Hedding Street</td>
<td>AM</td>
<td>57.9 E</td>
<td>111.5 F</td>
<td>85.6 E</td>
<td>0.250</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>42.7 D</td>
<td>45.1 D</td>
<td>4.8 E</td>
<td>0.093</td>
</tr>
<tr>
<td>117</td>
<td>King Road and McKee Road</td>
<td>AM</td>
<td>51.8 D</td>
<td>78.9 E</td>
<td>45.9 E</td>
<td>0.175</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>47.1 D</td>
<td>101.4 F</td>
<td>60.8 E</td>
<td>0.283</td>
</tr>
<tr>
<td>119</td>
<td>Capitol Avenue and McKee Road</td>
<td>AM</td>
<td>59.6 E</td>
<td>68.0 E</td>
<td>14.2 E</td>
<td>0.038</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>42.4 D</td>
<td>45.1 D</td>
<td>2.5 E</td>
<td>0.066</td>
</tr>
<tr>
<td>123</td>
<td>Lundy Avenue and Trade Zone Boulevard</td>
<td>AM</td>
<td>40.9 D</td>
<td>59.8 E</td>
<td>28.7 E</td>
<td>0.094</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>39.8 D</td>
<td>53.2 D</td>
<td>23.9 E</td>
<td>0.195</td>
</tr>
<tr>
<td>124</td>
<td>Capitol Avenue and Cropley Avenue</td>
<td>AM</td>
<td>33.6 C</td>
<td>34.7 C</td>
<td>1.3 C</td>
<td>0.021</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>57.1 E</td>
<td>62.7 E</td>
<td>8.6 E</td>
<td>0.035</td>
</tr>
<tr>
<td>125</td>
<td>Capitol Avenue and Hostetter Road</td>
<td>AM</td>
<td>51.9 D</td>
<td>53.4 D</td>
<td>2.4 D</td>
<td>0.000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>60.1 E</td>
<td>67.4 E</td>
<td>9.0 E</td>
<td>0.034</td>
</tr>
<tr>
<td>126</td>
<td>Capitol Avenue and Berryessa Road</td>
<td>AM</td>
<td>46.4 D</td>
<td>48.6 D</td>
<td>3.5 D</td>
<td>0.029</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>46.1 D</td>
<td>55.9 E</td>
<td>15.7 E</td>
<td>0.110</td>
</tr>
<tr>
<td>127</td>
<td>San Tomas Expressway and Williams Road</td>
<td>AM</td>
<td>65.0 E</td>
<td>60.8 E</td>
<td>-5.4 E</td>
<td>-0.028</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>73.7 E</td>
<td>53.2 D</td>
<td>-30.9 E</td>
<td>-0.111</td>
</tr>
<tr>
<td>130</td>
<td>Almaden Avenue and Grant Street</td>
<td>AM</td>
<td>17.6 B</td>
<td>186.6 F</td>
<td>168.8 F</td>
<td>0.567</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>10.0 A</td>
<td>9.9 A</td>
<td>17.1 A</td>
<td>0.160</td>
</tr>
</tbody>
</table>
## Table 12
### Congested Intersections Under Project Conditions

<table>
<thead>
<tr>
<th>Intersection #</th>
<th>Intersection Location</th>
<th>Peak Hour</th>
<th>Background</th>
<th></th>
<th>Project Conditions</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ave. delay†</td>
<td>LOS</td>
<td>Ave. delay†</td>
<td>LOS</td>
</tr>
<tr>
<td>143</td>
<td>Tenth Street and Hedding Street</td>
<td>AM</td>
<td>53.4</td>
<td>D</td>
<td>72.5</td>
<td>E</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>36.6</td>
<td>D</td>
<td>38.0</td>
<td>D</td>
</tr>
<tr>
<td>146</td>
<td>Tenth Street and Julian Street</td>
<td>AM</td>
<td>23.1</td>
<td>C</td>
<td>17.8</td>
<td>B</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>15.6</td>
<td>B</td>
<td>67.5</td>
<td>E</td>
</tr>
<tr>
<td>154</td>
<td>Tenth Street and Taylor Street</td>
<td>AM</td>
<td>34.8</td>
<td>C</td>
<td>41.9</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>32.4</td>
<td>C</td>
<td>59.5</td>
<td>E</td>
</tr>
</tbody>
</table>

### Santa Clara CMP Intersections

<table>
<thead>
<tr>
<th>Intersection #</th>
<th>Intersection Location</th>
<th>Peak Hour</th>
<th>Background</th>
<th></th>
<th>Project Conditions</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ave. delay†</td>
<td>LOS</td>
<td>Ave. delay†</td>
<td>LOS</td>
</tr>
<tr>
<td>157</td>
<td>Lawrence Expressway and Tasman Drive</td>
<td>AM</td>
<td>49.4</td>
<td>D</td>
<td>47.1</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>286.0</td>
<td>F</td>
<td>288.3</td>
<td>F</td>
</tr>
<tr>
<td>158</td>
<td>Lawrence Expressway and Arques Avenue/Scott Boulevard</td>
<td>AM</td>
<td>43.8</td>
<td>D</td>
<td>40.4</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>90.5</td>
<td>F</td>
<td>106.9</td>
<td>F</td>
</tr>
<tr>
<td>159</td>
<td>Lawrence Expressway and Reed Street/Monroe Street</td>
<td>AM</td>
<td>191.4</td>
<td>F</td>
<td>194.2</td>
<td>F</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>41.3</td>
<td>D</td>
<td>40.2</td>
<td>D</td>
</tr>
<tr>
<td>165</td>
<td>Bowers Avenue and Central Expressway</td>
<td>AM</td>
<td>155.8</td>
<td>F</td>
<td>163.6</td>
<td>F</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>77.6</td>
<td>E</td>
<td>78.9</td>
<td>E</td>
</tr>
<tr>
<td>167</td>
<td>San Tomas Expressway and Scott Boulevard</td>
<td>AM</td>
<td>71.3</td>
<td>E</td>
<td>80.0</td>
<td>E</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>82.6</td>
<td>F</td>
<td>89.6</td>
<td>F</td>
</tr>
<tr>
<td>168</td>
<td>San Tomas Expressway and Monroe Street</td>
<td>AM</td>
<td>101.9</td>
<td>F</td>
<td>97.1</td>
<td>F</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>47.2</td>
<td>D</td>
<td>51.2</td>
<td>D</td>
</tr>
<tr>
<td>169</td>
<td>San Tomas Expressway and El Camino Real</td>
<td>AM</td>
<td>83.8</td>
<td>F</td>
<td>72.5</td>
<td>E</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>87.4</td>
<td>F</td>
<td>88.1</td>
<td>F</td>
</tr>
<tr>
<td>175</td>
<td>De La Cruz Boulevard and Central Expressway</td>
<td>AM</td>
<td>44.4</td>
<td>D</td>
<td>88.7</td>
<td>F</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>89.6</td>
<td>F</td>
<td>89.4</td>
<td>F</td>
</tr>
<tr>
<td>177</td>
<td>San Tomas Expressway and Saratoga Avenue</td>
<td>AM</td>
<td>89.0</td>
<td>F</td>
<td>100.2</td>
<td>F</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>115.8</td>
<td>F</td>
<td>100.7</td>
<td>F</td>
</tr>
</tbody>
</table>
### Table 12
**Congested Intersections Under Project Conditions**

| Intersection # | Intersection Location                                      | Peak Hour | Background | Project Conditions | | | | | | | | Increment in crit. delay | Increment in V/C |
|----------------|-----------------------------------------------------------|-----------|------------|--------------------|---|---|---|---|---|---|---|
| 178            | Mission College Boulevard and Montague Expressway         | AM        | 71.9 E     | 84.3 F             | 61.6 | 0.242 |
|                |                                                            | PM        | 46.6 D     | 156.3 F            | 163.6 | 0.411 |
| 179            | De La Cruz Boulevard and Central Expressway               | AM        | 133.6 F    | 151.9 F            | 75.1  | 0.184 |
|                |                                                            | PM        | 40.0 D     | 32.7 C             | -16.5 | -0.009 |

**Other Santa Clara Intersections**

| 183            | Lafayette Street and Benton Street                        | AM        | 75.1 E     | 70.7 E             | -18.2 | -0.025 |
|                |                                                            | PM        | 82.7 F     | 120.9 F            | 54.3  | 0.127 |
| 186            | Lawrence Expressway and Kifer Road                        | AM        | 26.1 C     | 25.9 C             | -1.6  | -0.039 |
|                |                                                            | PM        | 97.3 F     | 87.8 F             | -18.3 | -0.052 |
| 189            | San Tomas Expressway and Walsh Avenue                     | AM        | 49.6 D     | 70.8 E             | 27.0  | 0.052 |
|                |                                                            | PM        | 36.4 D     | 38.2 D             | 1.4   | -0.024 |
| 190            | San Tomas Expressway and Benton Street                    | AM        | 90.4 F     | 82.5 F             | -10.9 | -0.043 |
|                |                                                            | PM        | 49.7 D     | 60.6 E             | 13.5  | 0.006 |
| 191            | San Tomas Expressway and Pruneridge Avenue                | AM        | 68.5 E     | 59.1 E             | -11.6 | -0.062 |
|                |                                                            | PM        | 68.1 E     | 49.7 D             | -31.2 | -0.091 |

**Campbell CMP Intersection**

| 192            | San Tomas Expressway and Hamilton Avenue                  | AM        | 62.4 E     | 61.6 E             | 0.0   | -0.014 |
|                |                                                            | PM        | 91.4 F     | 104.2 F            | 20.1  | 0.046 |

**Milpitas CMP Intersections**

| 204            | Milpitas Boulevard and Calaveras Boulevard                | AM        | 44.2 D     | 45.7 D             | 1.8   | 0.029 |
|                |                                                            | PM        | 67.9 E     | 84.3 F             | 28.2  | 0.084 |
| 205            | Great Mall Parkway and Montague Expressway                | AM        | 51.6 D     | 73.2 E             | 71.4  | 0.233 |
|                |                                                            | PM        | 99.5 F     | 141.5 F            | 44.5  | 0.226 |

**Other Milpitas Intersections**

| 208            | McCarthy Boulevard and Tasman Drive                       | AM        | 22.9 C     | 139.3 F            | 164.7 | 0.482 |
|                |                                                            | PM        | 25.7 C     | 108.0 F            | 115.3 | 0.383 |
### Table 12

<table>
<thead>
<tr>
<th>Intersection #</th>
<th>Intersection Location</th>
<th>Peak Hour</th>
<th>Background</th>
<th>Project Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ave. delay†</td>
<td>LOS</td>
</tr>
<tr>
<td>210</td>
<td>I-880 and Great Mall Parkway</td>
<td>AM</td>
<td>33.2</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>75.7</td>
<td>E</td>
</tr>
<tr>
<td>211</td>
<td>Jacklin Road and Milpitas Boulevard</td>
<td>AM</td>
<td>70.4</td>
<td>E</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>47.4</td>
<td>D</td>
</tr>
</tbody>
</table>

Notes:
* Denotes CMP intersection.
†Reported delay based on average control delay as calculated by TRAFFIX using HCM 2000 methodology.
‡Intersection includes improvements as part of the proposed project.
Bold/shaded area indicates significant project impact.

The information in Table 13 identifies 12 intersections in North San José that would experience significant LOS impacts, despite the mitigations included in the proposed project. Seven CMP intersections in San José outside the project boundary would be significantly impacted, as would 14 local intersections outside North San José. In Santa Clara, seven CMP intersections would experience significant LOS impacts, as would three local intersections. One CMP intersection in Campbell would be impacted. In Milpitas, two CMP intersections and two local intersections would experience significant LOS impacts.

A table summarizing the intersection level of service results for all study intersections (not just those in Table 13) and the supporting calculation sheets are included in Appendix D.

Mitigation measures were investigated for all intersection impacts and are discussed in the Transportation Mitigation subsection of this EIR.

- **Full implementation of the proposed project would result in significantly increased congestion at 48 intersections. This is a significant environmental impact based on the thresholds of significance identified. (Significant Impact)**

### Project Phasing

Development in North San José and the implementation of the major infrastructure components will be accomplished in phases. As described in the Project Description, the phases are designed to ensure that the housing and jobs-intensive uses develop in parallel, and that construction of the infrastructure needed to serve this substantial new development not fall behind the demand. A phasing impact study has identified the conditions that will occur at the end of each phase of development. Table 12 identifies the adverse impacts that would occur as a result of the traffic added by the development allowed in each phase, and
the mitigated conditions that would be achieved by the infrastructure improvements that will be built concurrently with or shortly after the development.

Although the mitigations are proposed in order to reduce the most significant impacts as early as possible, it is necessary to schedule the major capital improvements over time, especially multiple improvements to the same facilities, in order to generate sufficient revenue to pay for the improvements. As Table 12 demonstrates, some intersections will experience high levels of congestion for extended periods of time, until the mitigations are implemented.

Generally the delay in mitigation phasing occurs in North San José, within the project area. The proposed Area Development Policy specifies that mitigation for any particular phase must be at least fully funded before entitlements will be issued for development in the next phase. This could mean that the levels of congestion identified for each phase could exist for some period of time before the mitigated conditions identified for that phase would reduce the impacts. Because the pacing of development (both industrial and residential) will be determined by economics and the markets, it is not possible to determine how long or to what extent interim congestion might exist at a particular intersection before mitigation is implemented.

- Phasing of development and mitigation measures will allow congestion at some intersections both within and outside the project boundary to exist for unknown periods of time, until the physical improvements are installed. (Temporary Significant Impact)
<table>
<thead>
<tr>
<th>Intersection</th>
<th>Year 2000 Existing</th>
<th>Background</th>
<th>Phase 1 Conditions</th>
<th>Phase 1 Conditions Mitigated</th>
<th>Phase 2 Conditions</th>
<th>Phase 2 Conditions Mitigated</th>
<th>Phase 3 Conditions</th>
<th>Phase 3 Conditions Mitigated</th>
<th>Project Conditions</th>
<th>Project Conditions Mitigated</th>
</tr>
</thead>
<tbody>
<tr>
<td>North San José Intersections</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 N. First St/SR 237 (S)*</td>
<td>AM</td>
<td>23.4</td>
<td>C 81.3</td>
<td>24.7</td>
<td>26.3</td>
<td>29.2</td>
<td>C 25.6</td>
<td>C 27.9</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td></td>
<td>PM</td>
<td>25.0</td>
<td>C 59.0</td>
<td>E 29.4</td>
<td>C 46.8</td>
<td>D 87.8</td>
<td>F 32.5</td>
<td>C 49.8</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>5 N. First St/Montague Exp*</td>
<td>AM</td>
<td>63.3</td>
<td>E 136.9</td>
<td>F 114.9</td>
<td>F 52.7</td>
<td>D 62.9</td>
<td>E 80.1</td>
<td>F 100.6</td>
<td>F</td>
<td></td>
</tr>
<tr>
<td></td>
<td>PM</td>
<td>119.7</td>
<td>F 221.7</td>
<td>F 193.9</td>
<td>F 69.0</td>
<td>E 84.5</td>
<td>F 107.2</td>
<td>F 133.1</td>
<td>F</td>
<td></td>
</tr>
<tr>
<td>6 Zanker Rd/Montague Exp*</td>
<td>AM</td>
<td>42.5</td>
<td>D 54.0</td>
<td>D 82.1</td>
<td>F 48.3</td>
<td>D 59.4</td>
<td>E 92.9</td>
<td>F 53.0</td>
<td>D 66.8</td>
<td>F</td>
</tr>
<tr>
<td></td>
<td>PM</td>
<td>54.9</td>
<td>D 90.2</td>
<td>F 115.3</td>
<td>F 67.9</td>
<td>E 125.0</td>
<td>F 208.0</td>
<td>F 113.5</td>
<td>D 163.9</td>
<td></td>
</tr>
<tr>
<td>7 River Oaks Pky/Montague Exp*</td>
<td>AM</td>
<td>44.8</td>
<td>D 45.3</td>
<td>D 72.9</td>
<td>E 56.2</td>
<td>E 65.4</td>
<td>E 78.3</td>
<td>E 107.4</td>
<td>F</td>
<td></td>
</tr>
<tr>
<td></td>
<td>PM</td>
<td>52.9</td>
<td>D 54.9</td>
<td>D 68.9</td>
<td>E 62.7</td>
<td>E 72.6</td>
<td>E 102.3</td>
<td>F 143.5</td>
<td>F</td>
<td></td>
</tr>
<tr>
<td>8 Trimble Rd/Montague Exp*</td>
<td>AM</td>
<td>23.5</td>
<td>C 25.1</td>
<td>C 24.3</td>
<td>C 23.8</td>
<td>C 25.6</td>
<td>C 46.4</td>
<td>D 22.5</td>
<td>C 21.5</td>
<td>F</td>
</tr>
<tr>
<td></td>
<td>PM</td>
<td>50.4</td>
<td>D 146.0</td>
<td>F 109.5</td>
<td>F 105.2</td>
<td>F 142.7</td>
<td>F 487.0</td>
<td>F 47.4</td>
<td>D 52.5</td>
<td>F</td>
</tr>
<tr>
<td>9 McCarthy Blvd/Montague Exp*</td>
<td>AM</td>
<td>48.2</td>
<td>C 86.7</td>
<td>F 82.1</td>
<td>F 82.2</td>
<td>E 117.4</td>
<td>F 153.8</td>
<td>F 190.5</td>
<td>F</td>
<td></td>
</tr>
<tr>
<td></td>
<td>PM</td>
<td>119.3</td>
<td>F 470.2</td>
<td>F 175.3</td>
<td>F 149.1</td>
<td>F 199.3</td>
<td>F 251.2</td>
<td>F 304.1</td>
<td>F</td>
<td></td>
</tr>
<tr>
<td>10 Old Oakland Rd/Montague Exp*</td>
<td>AM</td>
<td>78.0</td>
<td>E 85.0</td>
<td>F 103.0</td>
<td>F 101.1</td>
<td>F 129.0</td>
<td>F 160.4</td>
<td>F 221.2</td>
<td>F</td>
<td></td>
</tr>
<tr>
<td></td>
<td>PM</td>
<td>88.8</td>
<td>F 101.7</td>
<td>F 128.2</td>
<td>F 123.6</td>
<td>F 163.2</td>
<td>F 205.9</td>
<td>F 259.9</td>
<td>F</td>
<td></td>
</tr>
<tr>
<td>12 N. First St/Trimble Road*</td>
<td>AM</td>
<td>44.7</td>
<td>D 76.7</td>
<td>E 51.6</td>
<td>D 47.1</td>
<td>D 52.0</td>
<td>D 63.0</td>
<td>E 86.2</td>
<td>F</td>
<td></td>
</tr>
<tr>
<td></td>
<td>PM</td>
<td>50.0</td>
<td>D 80.0</td>
<td>E 55.8</td>
<td>E 51.6</td>
<td>D 61.9</td>
<td>E 18.9</td>
<td>E 101.0</td>
<td>F</td>
<td></td>
</tr>
<tr>
<td>13 Zanker Rd/Trimble Road*</td>
<td>AM</td>
<td>35.0</td>
<td>D 44.7</td>
<td>D 41.0</td>
<td>D 47.8</td>
<td>D 73.7</td>
<td>E 44.6</td>
<td>D 63.7</td>
<td>E</td>
<td></td>
</tr>
<tr>
<td></td>
<td>PM</td>
<td>53.8</td>
<td>D 122.6</td>
<td>F 114.4</td>
<td>F 175.2</td>
<td>F 235.8</td>
<td>F 157.7</td>
<td>F 210.4</td>
<td>F</td>
<td></td>
</tr>
<tr>
<td>16 Zanker Rd/Brokaw Road*</td>
<td>AM</td>
<td>49.0</td>
<td>D 54.3</td>
<td>D 68.4</td>
<td>E 113.6</td>
<td>F 168.4</td>
<td>F 67.7</td>
<td>E 96.1</td>
<td>F</td>
<td></td>
</tr>
<tr>
<td></td>
<td>PM</td>
<td>59.7</td>
<td>E 58.4</td>
<td>E 68.2</td>
<td>E 101.8</td>
<td>F 147.9</td>
<td>F 74.4</td>
<td>E 105.2</td>
<td>F</td>
<td></td>
</tr>
<tr>
<td>24 Brokaw Rd/Tasman Drive</td>
<td>AM</td>
<td>40.5</td>
<td>D 38.0</td>
<td>D 38.0</td>
<td>D 40.1</td>
<td>D 42.8</td>
<td>D 40.3</td>
<td>D 43.4</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td></td>
<td>PM</td>
<td>44.7</td>
<td>D 54.7</td>
<td>D 44.5</td>
<td>D 50.4</td>
<td>D 63.0</td>
<td>E 52.9</td>
<td>D 60.3</td>
<td>E</td>
<td></td>
</tr>
<tr>
<td>27 N. First St/Charcot Ave</td>
<td>AM</td>
<td>36.0</td>
<td>D 103.8</td>
<td>F 71.9</td>
<td>E 40.4</td>
<td>D 50.8</td>
<td>D 64.1</td>
<td>E 80.5</td>
<td>F</td>
<td></td>
</tr>
<tr>
<td></td>
<td>PM</td>
<td>33.7</td>
<td>C 48.4</td>
<td>D 40.4</td>
<td>D 35.7</td>
<td>D 41.9</td>
<td>D 51.6</td>
<td>D 65.1</td>
<td>E</td>
<td></td>
</tr>
<tr>
<td>37 N. First St/Metro Drive</td>
<td>AM</td>
<td>12.6</td>
<td>B 12.9</td>
<td>B 13.7</td>
<td>E 13.6</td>
<td>B 14.6</td>
<td>B 15.9</td>
<td>B 17.6</td>
<td>B</td>
<td></td>
</tr>
<tr>
<td></td>
<td>PM</td>
<td>21.5</td>
<td>C 23.4</td>
<td>C 25.3</td>
<td>C 20.4</td>
<td>C 22.8</td>
<td>C 25.4</td>
<td>C 28.7</td>
<td>C</td>
<td></td>
</tr>
</tbody>
</table>
Table 13
Phased Development and Mitigation Measures
Intersection Levels of Service

<table>
<thead>
<tr>
<th>0</th>
<th>Intersection</th>
<th>Peak Hour</th>
<th>Year 2000 Existing</th>
<th>Background</th>
<th>Phase 1 Conditions</th>
<th>Phase 1 Conditions Mitigatedb</th>
<th>Phase 2 Conditions</th>
<th>Phase 2 Conditions Mitigatedb</th>
<th>Phase 3 Conditions</th>
<th>Phase 3 Conditions Mitigatedb</th>
<th>Project Conditions</th>
<th>Project Conditions Mitigatedb</th>
</tr>
</thead>
<tbody>
<tr>
<td>38</td>
<td>N. First St/Skyport Drive</td>
<td>AM</td>
<td>14.7</td>
<td>B</td>
<td>20.9</td>
<td>C</td>
<td>35.8</td>
<td>D</td>
<td>28.4</td>
<td>C</td>
<td>41.6</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>21.7</td>
<td>C</td>
<td>26.9</td>
<td>C</td>
<td>22.8</td>
<td>C</td>
<td>25.0</td>
<td>C</td>
<td>29.4</td>
<td>C</td>
</tr>
<tr>
<td>43</td>
<td>Zanker Rd/Charcot Avenue</td>
<td>AM</td>
<td>28.6</td>
<td>C</td>
<td>34.7</td>
<td>C</td>
<td>33.0</td>
<td>C</td>
<td>44.8</td>
<td>D</td>
<td>79.2</td>
<td>E</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>27.6</td>
<td>C</td>
<td>31.9</td>
<td>C</td>
<td>37.6</td>
<td>D</td>
<td>72.4</td>
<td>E</td>
<td>128.7</td>
<td>F</td>
</tr>
<tr>
<td>45</td>
<td>Junction Ave/Charcot Avenue</td>
<td>AM</td>
<td>21.1</td>
<td>C</td>
<td>21.5</td>
<td>C</td>
<td>22.7</td>
<td>C</td>
<td>26.9</td>
<td>C</td>
<td>41.2</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>23.7</td>
<td>C</td>
<td>25.1</td>
<td>C</td>
<td>34.7</td>
<td>C</td>
<td>69.9</td>
<td>E</td>
<td>120.7</td>
<td>F</td>
</tr>
<tr>
<td>47</td>
<td>Bering Dr/Brokaw Road</td>
<td>AM</td>
<td>18.3</td>
<td>B</td>
<td>18.7</td>
<td>B</td>
<td>30.2</td>
<td>C</td>
<td>27.0</td>
<td>C</td>
<td>32.2</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>24.7</td>
<td>C</td>
<td>24.3</td>
<td>C</td>
<td>28.9</td>
<td>C</td>
<td>30.3</td>
<td>C</td>
<td>34.5</td>
<td>C</td>
</tr>
<tr>
<td>Other San José CMP Intersections</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>58</td>
<td>Trade Zone Blvd/Montague Exp*</td>
<td>AM</td>
<td>45.8</td>
<td>D</td>
<td>52.3</td>
<td>D</td>
<td>81.8</td>
<td>F</td>
<td>46.1</td>
<td>D</td>
<td>47.6</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>75.8</td>
<td>E</td>
<td>79.9</td>
<td>E</td>
<td>109.0</td>
<td>F</td>
<td>53.0</td>
<td>D</td>
<td>56.6</td>
<td>E</td>
</tr>
<tr>
<td>59</td>
<td>Lundy Ave/Berryessa Road*</td>
<td>AM</td>
<td>53.3</td>
<td>D</td>
<td>53.3</td>
<td>D</td>
<td>48.5</td>
<td>D</td>
<td>50.6</td>
<td>D</td>
<td>52.7</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>44.3</td>
<td>D</td>
<td>44.3</td>
<td>D</td>
<td>47.2</td>
<td>D</td>
<td>50.3</td>
<td>D</td>
<td>54.3</td>
<td>D</td>
</tr>
<tr>
<td>60</td>
<td>Old Oakland Rd/US 101 (N)*</td>
<td>AM</td>
<td>48.0</td>
<td>D</td>
<td>35.5</td>
<td>D</td>
<td>41.0</td>
<td>D</td>
<td>54.5</td>
<td>D</td>
<td>71.4</td>
<td>E</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>23.0</td>
<td>C</td>
<td>18.8</td>
<td>B</td>
<td>19.6</td>
<td>B</td>
<td>24.3</td>
<td>C</td>
<td>35.4</td>
<td>D</td>
</tr>
<tr>
<td>61</td>
<td>Old Oakland Rd/US 101 (S)*</td>
<td>AM</td>
<td>25.6</td>
<td>C</td>
<td>25.9</td>
<td>C</td>
<td>24.6</td>
<td>C</td>
<td>23.6</td>
<td>C</td>
<td>??</td>
<td>??</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>35.0</td>
<td>C</td>
<td>38.0</td>
<td>D</td>
<td>45.9</td>
<td>D</td>
<td>60.5</td>
<td>E</td>
<td>77.1</td>
<td>E</td>
</tr>
<tr>
<td>97</td>
<td>Capitol Exp/Capitol Avenue*</td>
<td>AM</td>
<td>29.2</td>
<td>C</td>
<td>31.3</td>
<td>C</td>
<td>34.4</td>
<td>C</td>
<td>40.6</td>
<td>D</td>
<td>49.3</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>87.3</td>
<td>F</td>
<td>101.4</td>
<td>F</td>
<td>86.3</td>
<td>F</td>
<td>83.2</td>
<td>F</td>
<td>82.1</td>
<td>F</td>
</tr>
<tr>
<td>98</td>
<td>San Tomas Exp/Stevens Creek Bl*</td>
<td>AM</td>
<td>55.1</td>
<td>E</td>
<td>56.6</td>
<td>E</td>
<td>55.3</td>
<td>E</td>
<td>64.0</td>
<td>E</td>
<td>49.6</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>80.3</td>
<td>F</td>
<td>82.7</td>
<td>F</td>
<td>83.9</td>
<td>F</td>
<td>121.4</td>
<td>F</td>
<td>67.0</td>
<td>E</td>
</tr>
<tr>
<td>99</td>
<td>San Tomas Exp/Moorpark Ave.*</td>
<td>AM</td>
<td>67.8</td>
<td>E</td>
<td>67.8</td>
<td>E</td>
<td>67.2</td>
<td>E</td>
<td>66.8</td>
<td>E</td>
<td>66.3</td>
<td>E</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>125.5</td>
<td>F</td>
<td>125.4</td>
<td>F</td>
<td>125.2</td>
<td>F</td>
<td>125.5</td>
<td>F</td>
<td>125.4</td>
<td>F</td>
</tr>
</tbody>
</table>

North San José Development Policies Update
Program EIR
159 Draft EIR
March 2005
## Table 13
Phased Development and Mitigation Measures
Intersection Levels of Service

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Peak Hour</th>
<th>Year 2000 Existing</th>
<th>Background</th>
<th>Phase 1 Conditions</th>
<th>Phase 1 Conditions Mitigated&lt;sup&gt;b&lt;/sup&gt;</th>
<th>Phase 2 Conditions</th>
<th>Phase 2 Conditions Mitigated&lt;sup&gt;b&lt;/sup&gt;</th>
<th>Phase 3 Conditions</th>
<th>Phase 3 Conditions Mitigated&lt;sup&gt;b&lt;/sup&gt;</th>
<th>Project Conditions</th>
<th>Project Conditions Mitigated&lt;sup&gt;b&lt;/sup&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td>N. 13&lt;sup&gt;th&lt;/sup&gt; St/Hedding Street</td>
<td>AM</td>
<td>53.8</td>
<td>D</td>
<td>57.9</td>
<td>E</td>
<td>62.6</td>
<td>E</td>
<td>48.9</td>
<td>D</td>
<td>49.5</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td>PM</td>
<td>42.1</td>
<td>D</td>
<td>42.7</td>
<td>D</td>
<td>42.8</td>
<td>D</td>
<td>38.6</td>
<td>D</td>
<td>38.9</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>King Rd/McKee Road</td>
<td>AM</td>
<td>51.8</td>
<td>D</td>
<td>51.8</td>
<td>D</td>
<td>56.6</td>
<td>E</td>
<td>41.9</td>
<td>D</td>
<td>43.2</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td>PM</td>
<td>46.5</td>
<td>D</td>
<td>47.1</td>
<td>D</td>
<td>51.9</td>
<td>D</td>
<td>38.9</td>
<td>D</td>
<td>41.2</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lundy Ave/Trade Zone Blvd</td>
<td>AM</td>
<td>38.8</td>
<td>D</td>
<td>40.9</td>
<td>D</td>
<td>43.8</td>
<td>D</td>
<td>48.7</td>
<td>D</td>
<td>54.2</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td>PM</td>
<td>39.3</td>
<td>D</td>
<td>39.8</td>
<td>D</td>
<td>40.7</td>
<td>D</td>
<td>43.0</td>
<td>D</td>
<td>46.9</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capitol Ave/Cropley Avenue</td>
<td>AM</td>
<td>33.6</td>
<td>C</td>
<td>33.6</td>
<td>C</td>
<td>33.8</td>
<td>C</td>
<td>34.1</td>
<td>C</td>
<td>34.3</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>PM</td>
<td>78.8</td>
<td>E</td>
<td>57.1</td>
<td>E</td>
<td>58.2</td>
<td>E</td>
<td>59.6</td>
<td>E</td>
<td>61.1</td>
<td>E</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capitol Ave/Berryessa</td>
<td>AM</td>
<td>47.1</td>
<td>D</td>
<td>46.4</td>
<td>D</td>
<td>46.9</td>
<td>D</td>
<td>47.4</td>
<td>D</td>
<td>48.0</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td>PM</td>
<td>51.5</td>
<td>D</td>
<td>46.1</td>
<td>D</td>
<td>48.0</td>
<td>D</td>
<td>50.2</td>
<td>D</td>
<td>52.8</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<sup>a</sup> Reported delay based on average control delay as calculated by TRAFFIX using HCM 2000 methodology.

<sup>b</sup> Proposed reconstruction of the US 101/Oakland Rd. interchange would improve LOS at both interchange intersections, but improvements cannot be reflected until designs are advisable.

<sup>c</sup> Planned square loop interchange would improve LOS to acceptable levels at the newly constructed interchange intersections.

<sup>d</sup> Planned improvements associated with the Zanker/Skyport Connection project would not be adequate to fully mitigate project impacts. There are no further feasible improvements.
Freeway Segment Impacts

The project impact analysis found that 88 of the 124 directional freeway segments and 23 of the HOV lane segments analyzed would operate at LOS F with full implementation of the project; this is four more freeway segments than currently operate at LOS F, and one more HOV lane segment. Based on the thresholds of significance identified above, the project would have significant impacts on 72 of those congested freeway segments. The impacted segments are:

SR 237, SR 85 to El Camino Real
SR 237, between SR 85 and Central Expressway (both directions)
SR 237, between Central Expressway and Maude Avenue (both directions)
SR 237, Maude Avenue to US 101
SR 237, US 101 to Mathilda Avenue
SR 237, Mathilda Avenue to North Fair Oaks Avenue
SR 237, Lawrence Expressway to Great America Parkway
SR 237, between Zanker Road and McCarthy Boulevard (both directions)
SR 237, between McCarthy Boulevard and I-880 (both directions)
I-880, I-280 to Stevens Creek Boulevard
I-880, between The Alameda and Coleman Avenue (both directions)
I-880, between SR 87 and Coleman Avenue (both directions)
I-880, between North First Street and SR 87 (both directions)
I-880, between US 101 and North First Street (both directions)
I-880, between US 101 and Brokaw Road (both directions)
I-880, Montague Expressway to Brokaw Road
I-880, between Montague Expressway and Great Mall Parkway (both directions)
I-880, Great Mall Parkway to SR 237
I-880, SR 237 to Dixon Landing Road
US 101, Mabury Road to Oakland Road (future)
US 101, between Oakland Road and I-880 (both directions)
US 101, between I-880 and Old Bayshore Highway (both directions)
US 101, between Old Bayshore Highway and First Street (both directions)
US 101, between First Street and Guadalupe Parkway (both directions)
US 101, between Guadalupe Parkway and De La Cruz Boulevard (both directions)
US 101, between De La Cruz Boulevard and Montague Expressway (both directions)
US 101, Great America Parkway to Montague Expressway
US 101, Lawrence Expressway to Great America Parkway
US 101, Mathilda Avenue to SR 237
US 101, between SR 723 and Moffett Boulevard (both directions)
I-280, between Winchester Boulevard and I-880 (both directions)
I-280, between I-880 and Meridian Avenue (both directions)
I-280, between Meridian Avenue and Bird Avenue (both directions)
I-280, between SR 87 and Tenth Street (both directions)
I-280, US 101 to McLaughlin Avenue
I-680, Capitol Expressway to Alum Rock Avenue,
I-680, Alum Rock Avenue to McKee Road
I-680, McKee Road to Berryessa Road
I-680, between Berryessa Road and Hostetter Road (both directions)
I-680, between Hostetter Road and Capitol Avenue (both directions)
I-680, between Capitol Avenue and Montague Expressway (both directions)
I-680, Yosemite Street to Montague Expressway
I-680, Calaveras Boulevard/SR 237 to Yosemite Street
I-680, Calaveras Boulevard/SR 237 to Jacklin Avenue

- Full implementation of the proposed project would result in significantly increased congestion on 72 freeway segments. This is a significant environmental impact based on the thresholds of significance identified. (Significant Impact)

Transit Service Impacts

The planned growth within the North San José area will require that the already extensive transit system within the North San José area be enhanced. The backbone of the transit service in North San José is the light rail system that operates along North First Street and Tasman Drive. In addition, bus service is provided primarily along Tasman Drive, Montague Expressway and Trimble Road. According to model estimates, the demand for transit would greatly increase from about 8,200 without the project to 44,000 riders a day under project conditions. This robust demand for transit would exceed the existing operating capacity of the transit system. The system would not be able to accommodate all of the new riders in the corridor, based on existing facilities and the operating standards discussed below.

The VTA, the agency charged with operating the LRT system and with encouraging transit use countywide, uses not only demand in evaluating impacts on transit, but also the extent to which passenger comfort is affected. This creates a dichotomy, since encouraging transit use is a basic policy in both VTA and City programs, and a significant element of the project’s goals and objectives is increasing use of alternative transportation, especially transit. Because commuters in Santa Clara County are generally unaccustomed to transit use, their expectations (of always having a seat available and not having to stand) may influence their willingness to take transit. More mature transit systems in New York, Washington D.C., and San Francisco, for example, are routinely filled with standing riders during (at least) peak use periods. The discussion in this EIR therefore reflects both the current nature of the transit system and future expectations.

The transportation analysis in Appendix D found that the project would substantially increase demand on the Guadalupe, Almaden, Tasman, and Vasona LRT lines. The analysis indicates that if the ridership demands of the project were added to current conditions, the Guadalupe LRT line will be physically impacted because it will require that four-car trains be run on the line in order to meet the current operating standards of the VTA (i.e., minimizing standing passengers). Due to the existing LRT station platform restrictions, a maximum of three cars can be accommodated on the Guadalupe LRT line. The Tasman line will also be impacted. Analysis indicates that project demands (again this assumes that current operating standards are met) would require that three-car trains be run on the Tasman line. Due to existing platform restrictions, a maximum of two-car trains can be run on the Tasman line. It should be noted that the capacity thresholds per light rail car were used to maintain comfort levels to the maximum extent possible for commuters. The capacity of each of the cars is actually greater than assumed, if more commuters stand during their commute.
The robust demand for transit would exceed the existing capacity of the transit system, based on current operating standards. The existing system would not be able to accommodate all of the new riders in the area. This would result in a significant impact caused by the project. The high density, transit-oriented proposed project development plan characterized by mixed land uses and high rise buildings along the North First Street creates opportunities for strong transit demand. The following measures would serve to meet anticipated transit service demands:

- Enhancement of bus service to each of the intensified development areas of North San José and along the new grid system streets;
- Coordination of extensive shuttle services between employment, transit stations, and large residential areas;
- Implementation of planned specific improvements to the transit system as described under Mitigation and Avoidance Measures, below.

**Full implementation of the proposed project would create demands significantly in excess of the existing transit systems, based on current operating standards.** *(Significant Impact)*

**Pedestrian and Bicycle Facilities**

With the large amount of planned development, substantial increases in vehicular traffic are expected. It would be undesirable to inhibit pedestrian flow throughout North San José with the narrowing or elimination of sidewalks for street widening to accommodate vehicular traffic. Rather, existing pedestrian facilities will need to be improved and future development designed to better serve pedestrians. As development progresses within North San José, it is proposed that the following pedestrian and bicycle facility enhancements will occur:

- Sidewalks and bicycle facilities will be constructed along the new grid system streets that will serve pedestrians and bicyclists more efficiently than the major arterials that serve large volumes of vehicular traffic.

- The project will enhance and expand the existing bicycle facilities along the North San José roadway network. The enhancements will provide for continuous bicycle connections throughout North San José. Bicycle facilities will be provided on all major streets and where feasible. The TIA in Appendix D identifies some possible locations for future bicycle facilities (see Figure 32 in Appendix D).

**As new development occurs, bicycle and pedestrian facilities will be expanded to serve additional users. This would be a beneficial impact of the project.** *(Less Than Significant Impact)*

**Indirect Impacts**

Part of the proposed project are modifications to existing policies that would allow congestion to increase significantly at various intersections. To the extent that the
specifically proposed development in North San José will contribute to that congestion, the impacts are disclosed in the previous discussion. Likewise, the air quality and noise impacts that would result from the traffic generated by the development proposed for North San José are identified in the noise and air quality sections of this EIR.

CEQA also requires that, in addition to the project’s direct impacts, an EIR should disclose any secondary – or indirect – impacts that might result from the actions proposed to implement a particular project. Possible secondary impacts from the currently proposed project could include:

- Substantial additional congestion, air quality, and noise impacts at the four intersections which are proposed to be added to the list of “Protected Intersections” that are exempt from the citywide Transportation Impact Policy.

- Because of the congestion at the four Protected Intersections, spillover traffic may use other parallel routes, resulting in traffic impacts in adjacent neighborhoods.

- The traffic congestion from this proposed project will create conditions at certain intersections for which there is no feasible mitigation. Other development in San José that would otherwise have been required to implement mitigation for their own impacts at those same intersections will either be unable to proceed, or will have to be downsized to achieve consistency with the General Plan LOS Policy and the Council’s adopted Transportation Impact Policy.

Each potentially significant area of secondary impact is discussed in the appropriate sections of the EIR.

3. Transportation Mitigation and Avoidance Measures

General Plan Policies

The policies in the City of San José General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. All future development addressed by this EIR would be subject to General Plan policies, including the following:

- **Transportation Goal #3** states that the City shall develop a continuous, safe, accessible, interconnected high quality pedestrian environment that promotes walking as a desirable mode of transportation.

- **Transportation Policy #1 (Thoroughfares)** states that inter-neighborhood movement of people and goods should occur on thoroughfares and is discouraged on neighborhood streets.

- **Transportation Policy #3 (Thoroughfares)** states that public street right-of-way dedication and improvements should be required as development occurs. Ultimate thoroughfare right-of-way should be no less than the dimensions as
shown on the Land Use/Transportation Diagram except when a lesser right-of-
way would avoid significant social, neighborhood or environmental impacts and
perform the same traffic movement function.

- **Transportation Policy #8 (Thoroughfares)** states that vehicular, bicycle, and
pedestrian safety should be an important factor in the design of streets and
roadways.

- **Transportation Policy #9 (Impacts on Local Neighborhoods)** states that
neighborhood streets should be designed to discourage through traffic and unsafe
speeds. If neighborhood streets are used for through traffic or if they are traveled
at unsafe speeds, law enforcement and traffic operations techniques should be
employed to mitigate these conditions.

- **Transportation Policy #16 (Pedestrian Facilities)** states that pedestrian travel
should be encouraged as a mode of movement between residential and non-
residential areas throughout the City and in activity areas such as schools, parks,
transit stations, and in urban areas, particularly the Downtown Core and Frame
Areas and neighborhood business districts by providing pedestrian facilities that
are pleasant, safe, and accessible to people with disabilities, and convenient.

- **Transportation Policy #22 (Pedestrian Facilities)** states that pedestrian pathways
and public sidewalks should provide connectivity between uses, such as
neighborhoods, schools, parks, libraries, open space, public facilities, shopping
centers, employment centers, and public transit. A continuous pedestrian
facilities network should include pedestrian connections between neighborhoods,
across natural and man-made barriers, between dead-end streets, and to trails and
transit.

- **Transportation Policy #41 (Bicycling)** states that the City should develop a safe,
direct, and well-maintained transportation bicycle network linking residences,
employment centers, schools, parks, and transit facilities and should promote
bicycling as an alternative mode of transportation for commuting as well as for
recreation.

- **Transportation Policy #42 (Bicycling)** states that bike lanes are considered
generally appropriate on arterial and major collector streets. Right-of-way
requirements for bike lanes should be considered in conjunction with planning the
major thoroughfares network and in implementing street improvement
amendments.

- **Transportation Policy #43 (Bicycling)** states that priority improvements to the
Transportation Bicycle Network should include:

  - Bike routes linking light rail stations to nearby neighborhoods.
  - Bike paths along designated trails and pathway corridors.
  - Bike paths linking residential areas to major employment areas.
Proposed Mitigation Measures

City of San José Intersections

The level of service analysis described in the Transportation Impact section above found that 48 of the study intersections in the City of San José are projected to operate at an unacceptable LOS E or worse under project conditions. “Project Conditions,” in this analysis, includes all of those roadway improvements identified in the Project Description section of this EIR as part of the proposed project. Table 13 identifies the 33 congested intersections at which the project would result in a significant impact. Since the project already includes all identified feasible mitigation for intersections in North San José, the significant impacts identified at 12 intersections within North San José would be significant and unavoidable.

The analysis identifies significant impacts at 21 intersections in San José that are located outside the project area. Of those 21 intersections, 12 can and will be fully mitigated (see “Proposed Mitigation Measures” below). Mitigating the project’s impacts means either improving intersection operations to an acceptable LOS (LOS D or better for local intersections, LOS E or better for CMP intersections), or improving the intersection operations to the condition that would exist without the traffic from the proposed project (i.e., “background” conditions, as defined earlier in this section of the EIR).

For nine of the intersections in the City of San José that are outside the project area, there are no feasible improvements identified that would fully mitigate the project’s impacts. At the end of the Transportation Mitigation and Avoidance Measures subsection is a list of intersections (both within and outside the project area) for which no feasible mitigation that would fully mitigate project impacts can be identified.

Proposed Roadway Mitigation Measures

58. Trade Zone Boulevard and Montague Expressway (CMP)

Mitigation Measure: The necessary improvements to mitigate the project impact at this intersection would consist of the construction of second northbound and southbound left-turn lanes and an eastbound free-right-turn lane. The intersection improvements would improve intersection operating levels to better than background conditions, although the intersection will continue to operate at LOS E.

59. Lundy Avenue and Berryessa Road (CMP)

Mitigation Measure: The necessary improvements to mitigate the project impact at this intersection would consist of the addition of second eastbound and westbound left-turn lanes. The improvements would require the acquisition of right-of-way. The implementation of these improvements would return intersection operations to LOS D during both peak hours.

60. Oakland Road and US 101 (North) (CMP)

Mitigation Measure: The necessary improvement to mitigate the project impact at this intersection would consist of the addition of a second southbound right-turn lane. The
implementation of this improvement would improve intersection operations to LOS D during both peak hours.

61. **Oakland Road and US 101 (South) (CMP)**

Mitigation Measure: The necessary improvement to mitigate the project impact at this intersection would consist of the reconstruction of the interchange to provide six lanes on the overpass. The implementation of this improvement would raise intersection LOS to LOS D during the PM peak hour.

97. **Capitol Expressway and Capitol Avenue (CMP)**

Mitigation Measure: The necessary improvement to mitigate the project impact at this intersection would consist of the addition of a separate eastbound left-turn lane. The improvement would fit within the existing right-of-way, but would require restriping and signal modifications. The implementation of this improvement would improve intersection level of service to LOS D during the AM peak hour.

98. **San Tomas Expressway and Stevens Creek Boulevard (CMP)**

Mitigation Measure: The necessary improvement to mitigate the project impact at this intersection would consist of the widening of San Tomas Expressway from six to eight lanes as identified in the County Expressways Study as a Tier 1-A improvement. This would improve intersection operations to LOS E during the PM peak hour. This improves the intersection operating levels to better than background conditions, and is an acceptable operating condition according to CMP standards.

99. **San Tomas Expressway and Moorpark Avenue (CMP)**

Mitigation Measure: Possible improvements include the addition of a second southbound left-turn lane. The improvement would fit within the existing right-of-way, but would require restriping and signal modifications. The intersection improvement would improve intersection operating levels to better than background conditions, although the intersection will continue to operate at LOS F.

116. **Thirteenth Street and Hedding Street**

Mitigation Measure: The necessary improvements to mitigate the project impact at this intersection would consist of the addition of second eastbound and westbound left-turn lanes. The improvements would require the acquisition of right-of-way. The intersection improvements would improve intersection operating levels to better than background conditions, although the intersection will continue to operate at LOS E.

117. **King Road and McKee Road**

Mitigation Measure: The necessary improvements to mitigate the project impact at this intersection would consist of the addition of second eastbound and westbound left-turn lanes and a separate southbound right-turn lane. The improvements would require the acquisition
of right-of-way. The implementation of these improvements would return intersection level of service to LOS D during both peak hours.

123. **Lundy Avenue and Trade Zone Boulevard**

Mitigation Measure: The necessary improvement to mitigate the project impact at this intersection would consist of the addition of a second westbound left-turn lane. The improvement would fit within the existing right-of-way, but would require restriping and signal modifications. The implementation of this improvement would return intersection operations to LOS D during the AM peak hour.

124. **Capitol Avenue and Cropley Avenue**

Mitigation Measure: The necessary improvement to mitigate the project impact at this intersection would consist of the addition of a second westbound left-turn lane. The improvement would fit within the existing right-of-way, but would require restriping and signal modifications. The implementation of this improvement would improve intersection level of service to LOS D during the PM peak hour.

126. **Capitol Avenue and Berryessa Road**

Mitigation Measure: The necessary improvement to mitigate the project impact at this intersection would consist of the addition of a second westbound left-turn lane. The improvement would fit within the existing right-of-way, but would require restriping and signal modifications. The implementation of this improvement would return intersection operations to LOS D during the PM peak hour.

**Summary of Roadway Mitigation Measures and Phasing Conditions**

Table 13 summarizes the levels of service that would exist at impacted intersections at the end of each phase, upon implementation of the development and the mitigations included in each phase. These conditions represent full implementation of both the development allowed in each phase, and the mitigations to be completed with each phase. The columns represent the first three phases and full implementation (Phase 4).

**Proposed Transit Mitigation Measures**

The following physical improvements will be implemented to expand and improve transit service in North San José. These measures include improvements to the system to enhance rider comfort and offset inconvenience associated with more crowded trains.

*Station and Bus Stop Related Improvements*

- Specialized passenger shelters and bus/shuttle stop improvements including curb bulbouts, depending on location and new [additional] locations.
Station Improvements

- LRT northbound shelters at Orchard, Bonaventura, Component, (in the project area) and Tasman (lengthen existing plus SB shelter) and River Oaks outside the project area;
- Intersection and crosswalk improvements; lane or intersection narrowing, including reducing curve radii and/or curb bulbouts; sidewalks along median from intersections to station platform;
- Lighting, furniture and landscaping at LRT stations, bus stops and key pedestrian locations;
- Station platform improvements;
- Other stop and station amenities such as sidewalks (locations) and/or sidewalk widening and lengthening;
- Self-cleaning bathrooms (2-4 locations);
- Real-time information infrastructure (on LRVs and at 17 stations and stops);
- Duck outs (most important at Tasman station);
- Shuttles between residential areas, businesses and transit stops/stations;
- New bus/shuttle stop locations (noted around Tasman LRT station) including dedication of ROW.

Light Rail Specific

- Signal modification to enable bi-directional full priority with ability to cascade calls for green signals for LRT along North First Street;
- LRT operations capital improvements such as, but not limited to:
  - Trackway improvements,
  - Switches,
  - Tail/storage/layover tracks,
  - Platform improvements.

Behavior Modification

Many of the improvements listed above are intended to enhance and support transit use and to increase commuter comfort. The City and Redevelopment Agency will work with VTA to educate local businesses and their employees and residents of the County of the benefits of using transit. As the transit systems become more heavily utilized, these educational programs will address the realities of the system operations and will support and reinforce ongoing use of the system.

Mitigation Measures Not Included in the Project

Project impacts would be significant at the intersections indicated below, based on the thresholds of significance identified at the beginning of this subsection. This section summarizes mitigation measures that would reduce and/or avoid project impacts at those intersections. The project is not proposing to implement the following mitigations because the intersections are not within the jurisdiction of the City of San José.
**City of Santa Clara Intersections**

**Local City Intersections**

The level of service analysis found that five local City of Santa Clara study intersections are projected to operate at an unacceptable LOS E or worse under project conditions. The project will impact three of the five intersections. Full or partial mitigation measures were identified for two of the three intersections, which are described below. No mitigation could be identified for the third intersection. Mitigating the project’s impacts means either improving intersection operations to an acceptable LOS (LOS D or better for local intersections, LOS E or better for CMP intersections), or improving the intersection operations to the condition that would exist without the traffic from the proposed project (i.e., “background” conditions, as defined earlier in this section of the EIR).

189. **San Tomas Expressway and Walsh Avenue**

Mitigation Measure: Possible improvements include the addition of second eastbound and westbound left-turn lanes. The intersection improvements, however, would not be adequate to fully offset the project’s impacts at this intersection. There are no further feasible improvements that can be implemented to improve intersection levels of service to acceptable levels; therefore, even with mitigation, the impact would remain significant and unavoidable.

190. **San Tomas Expressway and Benton Street**

Mitigation Measure: The necessary improvement to mitigate the project impact at this intersection would consist of the widening of San Tomas Expressway from six to eight lanes as identified in the County Expressways Study as a Tier 1-A improvement. The implementation of this improvement would improve intersection level of service to LOS D during the PM peak hour.

183. **Lafayette Street and Benton Street**

No feasible mitigation was identified for this local intersection.

**CMP Intersections in Santa Clara**

The level of service results for the CMP intersections located in the City of Santa Clara found that eleven intersections are projected to operate at an unacceptable LOS F under project conditions. The project will impact seven of those eleven intersections. The mitigation measures that were identified for the seven impacted intersections are described below.

158. **Lawrence Expressway and Arques Avenue/Scott Boulevard**

Mitigation Measure: The County has identified the construction of an interchange to replace the intersection as a Tier 1-B improvement in their Expressways Study. The County’s study shows the intersection would be returned to LOS A/C.
165. **Bowers Avenue and Central Expressway**

Mitigation Measure: The necessary improvements to mitigate the project impact at this intersection would consist of the widening of San Tomas Expressway from six to eight lanes as identified in the County Expressways Study as a Tier 1-A improvement and the addition of second northbound and southbound left-turn lanes. The implementation of these improvements would improve intersection level of service to LOS E during the AM peak hour.

167. **San Tomas Expressway and Scott Boulevard**

Mitigation Measure: Possible improvements include the addition of a second westbound right-turn lane as identified in the County Expressways Study as a Tier 1-C improvement. With this improvement, the intersection would improve to LOS D/E.

175. **De La Cruz Boulevard and Central Expressway**

Mitigation Measure: The necessary improvement to mitigate the project impact at this intersection would consist of the addition of a third westbound left-turn lane. The implementation of this improvement would improve intersection level of service to LOS E during the AM peak hour.

177. **San Tomas Expressway and Saratoga Avenue**

Mitigation Measure: The necessary improvements to mitigate the project impact at this intersection would consist of the widening of San Tomas Expressway from six to eight lanes as identified in the County Expressways Study as a Tier 1-A improvement and the addition of second northbound and southbound left-turn lanes. The implementation of these improvements would improve intersection level of service to LOS D during the AM peak hour. No feasible mitigation was identified that would improve operations in the PM peak to either LOS E or background conditions.

178. **Mission College Boulevard and Montague Expressway**

Mitigation Measure: The County has identified the construction of “at-grade-improvements” as Tier 1-B improvements and an interchange to replace the intersection as a Tier 2 improvement in their Expressways Study. The exact effects of the planned improvements cannot be reflected in level of service calculations because the specific details of improvements are not yet available. Preliminary analysis by the County Department of Roads and Airports concluded that conditions would be substantially improved by the improvements.

179. **De La Cruz Boulevard and Montague Expressway**

Mitigation Measure: Possible improvements include the addition of a second northbound left-turn lane. The intersection improvement would improve intersection operating levels to better than background conditions, although the intersection will continue to operate at LOS F.
City of Campbell CMP Intersection

The analysis of intersections in the City of Campbell found that one CMP intersection is projected to operate at LOS F in the project condition, and it will be impacted by the project. The identified mitigation measure is described below. Mitigating the project’s impacts means either improving intersection operations to an acceptable LOS (LOS D or better for local intersections, LOS E or better for CMP intersections), or improving the intersection operations to the condition that would exist without the traffic from the proposed project (i.e., “background” conditions, as defined earlier in this section of the EIR).

192. San Tomas Expressway and Hamilton Avenue

Mitigation Measure: The necessary improvements to mitigate the project impact at this intersection would consist of the addition of second northbound, southbound, and eastbound left-turn lanes as identified in the County Expressways Study as a Tier 1-A improvement. The implementation of these improvements would improve intersection level of service to LOS E during the PM peak hour.

City of Milpitas Intersections

Local City Intersections

The level of service analysis found that three of the local City of Milpitas study intersections will operate at an unacceptable LOS E or worse under project conditions. The project will impact two of the three intersections. Mitigation was identified for one of those intersections and is described below. Mitigating the project’s impacts means either improving intersection operations to an acceptable LOS (LOS D or better for local intersections, LOS E or better for CMP intersections), or improving the intersection operations to the condition that would exist without the traffic from the proposed project (i.e., “background” conditions, as defined earlier in this section of the EIR).

208. McCarthy Boulevard and Tasman Drive

Mitigation Measure: The necessary improvements to mitigate the project impact at this intersection would consist of the addition of a second eastbound left-turn lane and separate northbound and southbound right-turn lanes. The implementation of these improvements would improve intersection level of service to LOS D during both peak hours.

210. I-880 and Great Mall Parkway

No feasible mitigation could be identified for the impacts to this local intersection.

CMP Intersections in Milpitas

The level of service results for the CMP intersections located in the City of Milpitas found that two intersections are projected to operate at an unacceptable LOS F under project conditions. The project will impact both of the intersections identified to operate at unacceptable levels. Each of the impacted intersections and identified mitigation measures are described below.
204. Milpitas Boulevard and Calaveras Boulevard

Mitigation Measure: Improvements to mitigate the project impact at this intersection would consist of the addition of a third westbound through lane. This would require widening the bridge on Calaveras Boulevard over the railroad tracks. The implementation of this improvement would improve intersection level of service to LOS E during the PM peak hour.

205. Great Mall Parkway and Montague Expressway

Mitigation Measure: The County has identified two possible improvement projects for this intersection – at-grade improvements to add lanes to Montague or the construction of an interchange to replace the intersection as a Tier 2 improvement in their Expressways Study. The addition of two through lanes to Montague (one in each direction) would fully mitigate the project impact. The interchange would not be necessary as project mitigation.

**Impacts for Which No Feasible Mitigation was Identified**

**LOS Impacts**

Project impacts resulting from added congestion at existing intersections were found to be significant at each of the following intersections. No feasible improvements could be identified that would offset project impacts, either partially or completely, at these intersections.

113. First Street and Taylor Street (local intersection in the City of San José)
119. Capitol Avenue and McKee Road (local intersection in the City of San José)
125. Capitol Avenue and Hostetter Road (local intersection in the City of San José)
183. Lafayette Street and Benton Street (local intersection in the City of San Clara)
210. I-880 and Great Mall Parkway (local intersection in the City of Milpitas)

**Couplet Conversion Intersections**

The City of San José has plans to convert several one-way streets to two-way streets in the downtown area. Although neighborhood traffic conditions would improve, roadway capacity in the downtown area will be reduced with the planned conversions. With the addition of traffic associated with the proposed development levels, these roadways will experience significant unavoidable impacts due to inadequate roadway capacity. Listed below are those intersections that would be impacted by the addition of project traffic and for which there are no feasible improvements that can be made to improve conditions that would be consistent with City policies for these roadways:

114. Fourth Street and Hedding Street
115. Eleventh Street and Taylor Street
130. Almaden Avenue and Grant Street
143. Tenth Street and Hedding Street
146. Tenth Street and Julian Street
154. Tenth Street and Taylor Street
Freeway Impacts

The traffic impact analysis found that the project would have a significant impact on 72 freeway segments. Freeways are regional facilities whose capacity and operation are substantially greater than the demands of a single jurisdiction. Mitigation of freeway segment impacts would require widening the freeways, a major capitol improvement to a state facility. The mitigation is considered infeasible due to the need for right-of-way acquisition and the costs of freeway widening. Additionally, such improvements are beyond the control of the City of San José.

4. Conclusion

The project as proposed will not result in significant impacts to pedestrian and bicycle facilities. (Less Than Significant Impacts with Mitigation)

With the mitigation proposed, the project will not result in significant adverse impacts to the transit systems. (Less Than Significant Impacts with Mitigation)

If the project is approved and fully implemented as proposed, it will result in significant unavoidable impacts from increased traffic congestion at 38 intersections, 10 of which are CMP intersections in the cities of Santa Clara, Milpitas and Campbell. These impacted intersections include 21 intersections in the City of San José, 12 of which are in the Project area, ten intersections in the City of Santa Clara, six intersections in the City of Milpitas, and one intersection in the City of Campbell. (Significant Unavoidable Impact)

The project would result in the addition of substantial additional traffic to 72 freeway segments already operating at LOS F. (Significant Unavoidable Impact)

Significant Unavoidable Impacts

The project as it is proposed will have significant unavoidable traffic impacts on 38 intersections. (Significant Unavoidable Impact)

The project as it is proposed will add significant additional traffic to 72 freeways segments operating at LOS F. (Significant Unavoidable Impact)
C. AIR QUALITY

The following section relies in part upon an air quality impact analysis prepared by Don Ballanti, Certified Consulting Meteorologist. A copy of the analysis is provided in Appendix E of this EIR.

1. Existing Setting

Air Pollution Climatology

Air quality and the amount of a given pollutant in the atmosphere are determined by the amount of pollutant released and the atmosphere’s ability to transport and dilute the pollutant. The major determinants of transport and dilution are wind, atmospheric stability, terrain and for photochemical pollutants, sunlight.

Northwest winds and northerly winds are most common in the project area, reflecting the orientation of the Bay and the San Francisco Peninsula (refer to Figure 20). Winds from these directions carry pollutants released by autos and factories from upwind areas of the Peninsula toward San José, particularly during the summer months. Winds are lightest on average in fall and winter. Every year in fall and winter there are periods of several days when winds are very light and local pollutants can build up.

Pollutants can be diluted by mixing in the atmosphere both vertically and horizontally. Vertical mixing and dilution of pollutants are often suppressed by inversion conditions, when a warm layer of air traps cooler air close to the surface. During the summer, inversions are generally elevated above ground level, but are present over 90 percent of the time in both the morning and afternoon. In winter, surface-based inversions dominate in the morning hours, but frequently dissipate by afternoon.

Topography can restrict horizontal dilution and mixing of pollutants by creating a barrier to air movement. The South Bay has significant terrain features that affect air quality. The Santa Cruz Mountains and Hayward Hills on either side of the South Bay restrict horizontal dilution, and this alignment of the terrain also channels winds from the north to south, carrying pollution from the northern Peninsula toward San José.

The combined effects of moderate ventilation, frequent inversions that restrict vertical dilution and terrain that restrict horizontal dilution give San José a relatively high atmospheric potential for pollution compared to other parts of the San Francisco Bay Air Basin and provide a high potential for transport of pollutants to the east and south.

Ambient Air Quality Standards

Both the U.S. Environmental Protection Agency (EPA) and the California Air Resources Board have established ambient air quality standards for common pollutants. These ambient air quality standards are levels of contaminants which represent safe levels that avoid specific adverse health effects associated with each pollutant. The ambient air quality standards cover what are called “criteria” pollutants because the health and other effects of each pollutant are described in criteria documents. Table 14 identifies the major criteria pollutants,
Wind Speed (Knots)

1997
Jan 1 - Dec 31
Midnight - 11 PM

COMPANY NAME
from: Bay Area Air Quality Management District

Data collected by Tetra Tech EMI
Water Pollution Control Plant
San Jose, CA
575.168 UTME, 4173.808 UTMN
Dates: 1/1/97 to 12/31/97
10 meter tower

WINDPLOT View 3.5 by Lakes Environmental Software - www.lakes-environmental.com

ALVISO WINDROSE

FIGURE 20
characteristics, health effects and typical sources. Table 15 summarizes the federal and California state ambient air quality standards for the criteria pollutants.

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Characteristics</th>
<th>Health Effects</th>
<th>Major Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ozone</td>
<td>A highly reactive photochemical pollutant created by the action of sunshine on ozone precursors (primarily reactive hydrocarbons and oxides of nitrogen). Often called photochemical smog.</td>
<td>• Eye Irritation.</td>
<td>The major sources of ozone precursors are combustion sources such as factories and automobiles, and evaporation of solvents and fuels.</td>
</tr>
<tr>
<td>Carbon Monoxide</td>
<td>Carbon monoxide is an odorless, colorless gas that is highly toxic. It is formed by the incomplete combustion of fuels.</td>
<td>• Impairment of oxygen transport in the bloodstream. • Aggravation of cardiovascular disease. • Fatigue, headache, confusion, and dizziness. • Can be fatal in the case of very high concentrations.</td>
<td>Automobile exhaust, combustion of fuels, combustion of wood in woodstoves and fireplaces.</td>
</tr>
<tr>
<td>Nitrogen Dioxide</td>
<td>Reddish-brown gas that discolors the air, formed during combustion.</td>
<td>• Increased risk of acute and chronic respiratory disease.</td>
<td>Automobile and diesel truck exhaust, industrial processes, fossil-fueled power plants.</td>
</tr>
<tr>
<td>Sulfur Dioxide</td>
<td>Sulfur dioxide is a colorless gas with a pungent, irritating odor.</td>
<td>• Aggravation of chronic obstruction lung disease. • Increased risk of acute and chronic respiratory disease.</td>
<td>Diesel vehicle exhaust, oil-powered power plants, industrial processes.</td>
</tr>
<tr>
<td>Particulate Matter</td>
<td>Solid and liquid particles of dust, soot, aerosols and other matter which are small enough to remain suspended in the air for a long period of time.</td>
<td>• Aggravation of chronic disease and heart/lung disease symptoms.</td>
<td>Combustion, automobiles, field burning, factories and unpaved roads. Also a result of photochemical processes.</td>
</tr>
</tbody>
</table>
### Table 15
Federal and State Ambient Air Quality Standards

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Averaging Time</th>
<th>Federal Primary Standard(^{19})</th>
<th>State Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ozone</td>
<td>1-Hour 8-Hour</td>
<td>0.12 PPM 0.08 PPM</td>
<td>0.09 PPM</td>
</tr>
<tr>
<td>Carbon Monoxide</td>
<td>1-Hour 8-Hour</td>
<td>35.0 PPM 9.0 PPM</td>
<td>20.0 PPM 9.0 PPM</td>
</tr>
<tr>
<td>Nitrogen Dioxide</td>
<td>Annual Average</td>
<td>0.05 PPM</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>1-Hour</td>
<td>0.03 PPM</td>
<td>0.25 PPM</td>
</tr>
<tr>
<td>Sulfur Dioxide</td>
<td>Annual Average</td>
<td>0.14 PPM</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>24-Hour</td>
<td></td>
<td>0.04 PPM 0.25 PPM</td>
</tr>
<tr>
<td>PM(_{10})</td>
<td>Annual Average</td>
<td>50 µg/m(^3) 150 µg/m(^3)</td>
<td>20 µg/m(^3) 50 µg/m(^3)</td>
</tr>
<tr>
<td></td>
<td>24-Hour</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PM(_{2.5})</td>
<td>Annual Average</td>
<td>15 µg/m(^3) 65 µg/m(^3)</td>
<td>12 µg/m(^3)</td>
</tr>
<tr>
<td></td>
<td>24-Hour</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lead</td>
<td>Calendar Quarter</td>
<td>1.5 µg/m(^3)</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>30 Day Average</td>
<td></td>
<td>1.5 µg/m(^3)</td>
</tr>
<tr>
<td>Sulfates</td>
<td>24-Hour</td>
<td>25 µg/m(^3)</td>
<td>--</td>
</tr>
<tr>
<td>Hydrogen Sulfide</td>
<td>1-Hour</td>
<td>0.03 PPM</td>
<td>--</td>
</tr>
<tr>
<td>Vinyl Chloride</td>
<td>24-Hour</td>
<td>0.01 PPM</td>
<td>--</td>
</tr>
</tbody>
</table>

The federal and state ambient standards were developed independently with differing purposes and methods, although both processes attempted to avoid health-related effects. As a result, the federal and state standards differ in some cases. In general, the California state standards are more stringent. This is particularly true for ozone and particulate matter (PM\(_{10}\) and PM\(_{2.5}\)).

The U.S. Environmental Protection Agency established new national air quality standards for ground-level ozone and for fine particulate matter in 1997. The existing 1-hour ozone standard of 0.12 PPM microns or less is to be phased out and replaced by an 8-hour standard of 0.08 PPM. Implementation of the 8-hour standard was delayed by litigation, but was determined to be valid and enforceable by the U.S. Supreme Court in a decision issued in February 2001.

Suspended particulate matter (PM) is a complex mixture of tiny particles that consists of dry solid fragments, solid cores with liquid coatings, and small droplets of liquid. These particles vary greatly in shape, size, and chemical composition, and can be made up of many different materials such as metals, soot, soil, and dust. “Inhalable” PM consists of particles less than

---

\(^{19}\) PPM = Parts per Million; µg/m\(^3\) = Micrograms per Cubic Meter.
10 microns in diameter, and is defined as “suspended particulate matter” or PM$_{10}$. Fine particles are less than 2.5 microns in diameter (PM$_{2.5}$). PM$_{2.5}$, by definition, is included in PM$_{10}$.

In 1997 new national standards for fine Particulate Matter (diameter 2.5 microns or less) were adopted for 24-hour and annual averaging periods. The current PM$_{10}$ standards were to be retained, but the method and form for determining compliance with the standards were revised.

The State of California regularly reviews scientific literature regarding the health effects and exposure to PM and other pollutants. On May 3, 2002, the California Air Resources Board (CARB) staff recommended lowering the level of the annual standard for PM$_{10}$ and establishing a new annual standard for PM$_{2.5}$ (particulate matter 2.5 micrometers in diameter and smaller). The new standards, which are shown on Table 14, became effective on July 5, 2003.

**Toxic Air Contaminants**

In addition to the criteria pollutants discussed above, Toxic Air Contaminants (TACs) are another group of pollutants of concern. There are many different types of TACs, with varying degrees of toxicity. Sources of TACs include industrial processes such as petroleum refining and chrome plating operations, commercial operations such as gasoline stations and dry cleaners, and motor vehicle exhaust. Cars and trucks release at least forty different toxic air contaminants. The most important, in terms of health risk, are diesel particulate, benzene, formaldehyde, 1,3-butadiene and acetaldehyde.

Public exposure to TACs can result from emissions from normal operations, as well as accidental releases. Health effects of TACs include cancer, birth defects, neurological damage and death.

**Ambient Air Quality**

**Criteria Air Pollutants**

The Bay Area Air Quality Management District (BAAQMD) monitors air quality at several locations within the San Francisco Bay Air Basin. The closest multi-pollutant monitoring site to the project area is the San José Central monitoring station located in downtown San José. Table 16 summarizes exceedances of State and Federal standards at this monitoring site during the period 2001-2003. Table 16 shows that ozone and PM$_{10}$ exceed the state standards in the South Bay. Violations of the carbon monoxide standards had been recorded at the downtown San José site prior to 1992.

Of the three pollutants known to at times exceed the state and federal standards in the project area, two are regional pollutants. Both ozone and particulate matter (PM$_{10}$ and PM$_{2.5}$) are considered regional pollutants in that concentrations are not determined by proximity to individual sources, but show a relative uniformity over a region. Thus, the data shown in Table 16 for ozone and PM$_{10}$ provide a good characterization of levels of these pollutants in the project area.
Carbon monoxide is a local pollutant, i.e., high concentrations are normally only found very near emission sources. The major source of carbon monoxide, a colorless, odorless, poisonous gas, is automobile traffic. Elevated concentrations, therefore, are usually only found near areas of high traffic volumes.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Ozone</td>
<td>State 1-Hour</td>
<td>2</td>
<td>0</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Ozone</td>
<td>Federal 1-Hour</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Ozone</td>
<td>Federal 8-Hour</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Carbon Monoxide</td>
<td>State/Federal 8-Hour</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Nitrogen Dioxide</td>
<td>State 1-Hour</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>PM$_{10}$</td>
<td>State 24-Hour</td>
<td>4</td>
<td>0</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>PM$_{10}$</td>
<td>Federal 24-Hour</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>PM$_{2.5}$</td>
<td>Federal 24-Hour</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>


**Toxic Air Contaminants**

The TAC monitoring network operated by the BAAQMD includes gaseous samples collected over 24-hour periods on a 12-day sampling frequency. The network began in 1986 with six sites, and has gradually been expanded to its present size of 20 sites. The analytical protocol includes the following 12 gaseous compounds: benzene, carbon tetrachloride, chloroform, ethylene dibromide, ethylene dichloride, methyl tertiary butyl ether (MTBE), methylene chloride, perchloroethylene, toluene, trichloroethane, trichloroethylene, and vinyl chloride. Year 2002 data from the San José Fourth Street monitoring site are shown in Table 17.

<table>
<thead>
<tr>
<th>Compound</th>
<th>LOD (ppb)</th>
<th>% of Samples &lt; LOD</th>
<th>Maximum Conc. (ppb)</th>
<th>Minimum Conc. (ppb)</th>
<th>Mean Conc. (ppb)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benzene</td>
<td>0.10</td>
<td>0</td>
<td>1.80</td>
<td>0.20</td>
<td>0.77</td>
</tr>
<tr>
<td>Chloroform</td>
<td>0.02</td>
<td>40</td>
<td>0.06</td>
<td>&lt;0.02</td>
<td>0.03</td>
</tr>
<tr>
<td>Carbon Tetrachloride</td>
<td>0.01</td>
<td>0</td>
<td>0.11</td>
<td>0.10</td>
<td>0.11</td>
</tr>
<tr>
<td>Ethylene Dibromide</td>
<td>0.02</td>
<td>100</td>
<td>&lt;0.02</td>
<td>&lt;0.02</td>
<td>&lt;0.02</td>
</tr>
<tr>
<td>Ethylene Dichloride</td>
<td>0.10</td>
<td>100</td>
<td>&lt;0.10</td>
<td>&lt;0.10</td>
<td>&lt;0.10</td>
</tr>
<tr>
<td>Methyl Tertiary Butyl Ether</td>
<td>0.50</td>
<td>10</td>
<td>2.40</td>
<td>&lt;0.50</td>
<td>1.13</td>
</tr>
<tr>
<td>Methylene Chloride</td>
<td>0.50</td>
<td>90</td>
<td>0.70</td>
<td>&lt;0.50</td>
<td>0.30</td>
</tr>
<tr>
<td>Perchloroethylene</td>
<td>0.01</td>
<td>10</td>
<td>0.17</td>
<td>&lt;0.01</td>
<td>0.08</td>
</tr>
<tr>
<td>Toluene</td>
<td>0.10</td>
<td>0</td>
<td>4.50</td>
<td>0.30</td>
<td>2.04</td>
</tr>
</tbody>
</table>
Table 17
Summary of 2002 Ambient Air Toxics Data for San José Fourth Street Site

<table>
<thead>
<tr>
<th>Compound</th>
<th>LOD (ppb)</th>
<th>% of Samples &lt; LOD</th>
<th>Maximum Conc. (ppb)</th>
<th>Minimum Conc. (ppb)</th>
<th>Mean Conc. (ppb)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,1,1-Trichlorethane</td>
<td>0.05</td>
<td>0</td>
<td>0.07</td>
<td>0.05</td>
<td>0.06</td>
</tr>
<tr>
<td>Trichlorethane</td>
<td>0.08</td>
<td>100</td>
<td>&lt;0.08</td>
<td>&lt;0.08</td>
<td>&lt;0.08</td>
</tr>
<tr>
<td>Vinyl Chloride</td>
<td>0.30</td>
<td>100</td>
<td>&lt;0.30</td>
<td>&lt;0.30</td>
<td>&lt;0.30</td>
</tr>
</tbody>
</table>

LOD = the limit of detection of the analytical method used.
ppb = parts per billion.

Attainment Status and Regional Air Quality Plans

The Federal Clean Air Act and the California Clean Air Act of 1988 require that the State Air Resources Board, based on air quality monitoring data, designate portions of the state where the federal or state ambient air quality standards are not met as “nonattainment areas.” Because of the differences between the national and state standards, the designation of nonattainment areas is different under the federal and state legislation.

The Bay Area is currently a nonattainment area for the federal 1-hour ozone standard. In April 2004, however, U.S. EPA made a final finding that the Bay Area has attained the federal 1-hour ozone standard. The finding of attainment does not mean the Bay Area has been reclassified as an attainment area for the 1-hour standard. The region must submit a redesignation request to EPA in order to be reclassified as an attainment area. The California Air Resources Board and U.S. Environmental Protection Agency have both proposed that the San Francisco Bay Area be classified as a nonattainment area for the federal 8-hour standard.

The California Air Resources Board and U.S. Environmental Protection Agency have both proposed that the San Francisco Bay Area be considered unclassifiable with respect to the federal PM$_{2.5}$ standards. Unclassifiable means that an area cannot be classified on the basis of available information as meeting or not meeting the national primary or secondary ambient air quality standard for the pollutant. U.S. EPA plans to finalize PM$_{2.5}$ designations by December 15, 2004.

Under the California Clean Air Act, Santa Clara County is a nonattainment area for ozone and PM$_{10}$. The county is either attainment or unclassified for other pollutants. The California Clean Air Act requires local air pollution control districts to prepare air quality attainment plans. These plans must provide for district-wide emission reductions of five percent per year averaged over consecutive three-year periods or, if not, provide for adoption of “all feasible measures on an expeditious schedule.”

Sensitive Receptors

The Bay Area Air Quality Management District defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located. These land uses include residences, schools, playgrounds, child
care centers, retirement homes, convalescent homes, hospitals and medical clinics. Sensitive receptors, primarily in the form of residences, are located throughout the project area.

2. **Air Quality Impacts**

   **Thresholds of Significance**

   For the purposes of this EIR, an air quality impact is considered significant if the project would:

   - conflict with or obstruct implementation of the 1982 *Bay Area Air Quality Plan* and 2000 *Clean Air Plan*;
   - violate an ambient air quality standard or contribute substantially to an existing or projected air quality violation; or
   - result in substantial emissions or deterioration of ambient air quality; or
   - expose sensitive receptors to substantial levels of toxic air contaminants; or
   - create objectionable odors affecting a substantial number of people.

   According to the BAAQMD CEQA Guidelines an air quality impact from a near-term (development) project is significant if the project would: 1) contribute to carbon monoxide concentrations exceeding the State Ambient Air Quality Standard of nine parts per million (ppm) averaged over eight hours or 20 ppm for one hour; or 2) generate criteria air pollutant emissions in excess of 80 pounds per day and/or 15 tons per year for nitrogen oxides, reactive organic gases, and PM$_{10}$.

   For the purposes of determining significance for a plan or revisions to a plan, BAAQMD advises that air quality impacts would not be significant if the plan or plan revision(s) is consistent with the most recently adopted Clean Air Plan (CAP). Local plans found consistent with the CAP would have a less than significant impact on air quality. A plan or plan amendment is consistent with the CAP if: 1) population growth for the jurisdiction will not exceed the values included in the current CAP; 2) the rate of increase in vehicle miles traveled for the jurisdiction is equal to or lower than the rate of increase in population; and 3) the plan demonstrates reasonable efforts to implement those transportation control measures (TCMs) in the CAP.

   **Permanent Local Impacts**

   On the local scale, the project would change traffic on the local street network, changing carbon monoxide levels along roadways used by project traffic. Carbon monoxide is an odorless, colorless poisonous gas whose primary source in the Bay Area is automobiles. Concentrations of this gas are highest near intersections of major roads.

   Carbon monoxide concentrations under worst-case meteorological conditions have been predicted for signalized intersections affected by the project. These intersections were selected as having the worst intersection LOS and highest average delay. Impacts during the PM peak hour were evaluated using the CALINE-4 dispersion model to predict maximum 1-and 8-hour concentrations near these intersections under the worst-case assumption that background and project traffic changes would occur by 2025. As reflected in Table 18, local
air quality will improve by 2025 because of various ongoing regulatory requirements. The model results were used to predict the maximum 1- and 8-hour concentrations, corresponding to the 1- and 8-hour averaging times specified in the state and federal ambient air quality standards for carbon monoxide.

Table 18 shows the results of the CALINE-4 analysis for the peak 1-hour and 8-hour traffic periods in parts per million (PPM). The 1-hour values are to be compared to the federal 1-hour standard of 35 PPM and the state standard of 20 PPM. The 8-hour values in Table 18 are to be compared to the state and federal standard of 9 PPM.

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Existing (2004)</th>
<th>Existing + Approved (2025)</th>
<th>Existing + Approved + Project (2025)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1-Hr</td>
<td>8-Hr</td>
<td>1-Hr</td>
</tr>
<tr>
<td>McCarthy Bl./Montague Exp.</td>
<td>13.1</td>
<td>8.3</td>
<td>7.9</td>
</tr>
<tr>
<td>Old Oakland Rd./Montague Exp.</td>
<td>13.4</td>
<td>8.5</td>
<td>7.9</td>
</tr>
<tr>
<td>Trade Zone Bl./Montague Exp.</td>
<td>12.0</td>
<td>7.5</td>
<td>7.6</td>
</tr>
<tr>
<td>Trimble Road/Montague Exp.</td>
<td>12.1</td>
<td>7.6</td>
<td>7.7</td>
</tr>
<tr>
<td>River Oaks/Montague Exp.</td>
<td>11.0</td>
<td>6.9</td>
<td>7.5</td>
</tr>
<tr>
<td>Zanker Road/Montague Exp.</td>
<td>11.4</td>
<td>6.6</td>
<td>7.6</td>
</tr>
<tr>
<td>N. First St./Montague Exp.</td>
<td>12.3</td>
<td>7.7</td>
<td>7.8</td>
</tr>
<tr>
<td>Zanker Rd./Trimble Rd.</td>
<td>11.2</td>
<td>7.0</td>
<td>7.7</td>
</tr>
<tr>
<td>Zanker Rd./Brokaw Rd.</td>
<td>11.3</td>
<td>7.0</td>
<td>7.6</td>
</tr>
<tr>
<td>N. First St./Skyport Dr.</td>
<td>9.9</td>
<td>6.1</td>
<td>7.4</td>
</tr>
<tr>
<td>Most Stringent Standard</td>
<td>20.0</td>
<td>9.0</td>
<td>20.0</td>
</tr>
</tbody>
</table>

Table 18 shows that existing predicted concentrations meet the 1-hour and 8-hour standards. Future carbon monoxide concentrations will decrease due to improved controls of vehicle emissions in newer model vehicles. Traffic from the proposed project would increase concentrations by up to 0.5 PPM, but concentrations would remain below the most stringent state or federal standards. CO concentrations will generally improve, due primarily to required improvements in motor vehicles.

**Protected Intersections**

The project proposes to add four intersections to the City’s protected intersection list which would allow traffic levels at these intersections to deteriorate below Level of Service D. The deterioration of the Level of Service (LOS) would cause more congested conditions at these intersections. Longer wait times at these protected intersections could contribute to local impacts due to concentrations of carbon monoxide (CO). An analysis of the possible increase in CO concentrations at those intersections was done and is summarized in Appendix E of this EIR. The analysis found that, if the LOS were allowed to deteriorate, the increase in CO concentrations above existing conditions would not be greater than the 9.0 ppm 8-hour standard or 20.0 ppm 1-hour standard. The change in allowable LOS at these
intersections from D to F, therefore, would not result in adverse impacts on air quality from increases in localized concentrations of carbon monoxide.

- **Since project traffic would not cause any new violations of the 8-hour standards for carbon monoxide, nor contribute substantially to an existing or projected violation, project impacts on local carbon monoxide concentrations at the four intersections proposed for addition to the List of Protected Intersections under the City’s LOS policy will be less than significant. (Less Than Significant Impact)**

**Permanent Regional Impacts**

**Regional Impacts from Mobile Sources**

Vehicle trips generated by the project would result in air pollutant emissions affecting the entire San Francisco Bay Air Basin. Regional emissions associated with project vehicle use were calculated using the URBEMIS2002 emission model. The methodology used in estimating vehicular emissions is described in more detail in Appendix E.

The incremental daily emission increase associated with project land uses is identified in Table 19 for reactive organic gases (ROG) and oxides of nitrogen (two precursors of ozone) and PM$_{10}$. As shown in Table 19, project emissions of ozone precursors and PM$_{10}$ would exceed these thresholds of significance (80 pounds per day), so the proposed project would have a significant impact on regional air quality.

```
<table>
<thead>
<tr>
<th></th>
<th>Reactive Organic Gases</th>
<th>Nitrogen Oxides</th>
<th>PM$_{10}$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Project</td>
<td>1516.1</td>
<td>1253.8</td>
<td>5410.7</td>
</tr>
<tr>
<td>BAAQMD Significance Threshold</td>
<td>80.0</td>
<td>80.0</td>
<td>80.0</td>
</tr>
</tbody>
</table>
```

- **Project emissions of ozone precursors and PM$_{10}$ would exceed the BAAQMD threshold of significance of 80 pounds per day for regional pollutants. (Significant Impact)**

**General Plan Impacts**

The proposed project includes new land use designations proposed for the City’s General Plan Land Use/Transportation Diagram. The purpose of the new designations, for the Industrial Core Area and the Transit District Residential Overlay, is to encourage a substantial new quantity of both industrial and residential development in close proximity to each other and to the existing LRT system. While the creation of high density residential land uses close to job centers and along transit lines is specifically consistent with the CAP, the proposed actions would add substantial population to San José that is not reflected in the most recent CAP projections. The CAP and the planning process for achieving conformance with legislative mandates for air quality are predicated on specific population projections. The proposed project is not consistent with those projections and is not therefore consistent with the CAP.
• The proposed General Plan amendments are not consistent with the population projections in the most recently adopted CAP. The project would, therefore, have a significant impact on long-term regional air quality. (Significant Impact)

**Toxic Air Contaminant Emissions**

The project could result in new emissions of Toxic Air Contaminants (TACs). Sites in the project area upon which future redevelopment is proposed may use standby diesel generators for emergency use. The California Air Resources Board has identified particulate emissions from diesel fueled engines as a Toxic Air Contaminant.

Future projects which include the use of diesel generators should install generators that meet California Air Resources Board Risk Guidance and BAAQMD permit requirements regarding emissions below health risk thresholds (an increased cancer risk greater than 10 per million for either residential or workplace receptors).

• **Future development in the project area that requires the use of diesel-fueled generators will install generators that meet California Air Resources Board Risk Guidance and BAAQMD permit requirements regarding emissions below health risk thresholds.** (Less Than Significant Impact)

**Construction Impacts**

The proposed project would increase the amount of development that would occur within the project area, and therefore would increase emissions from demolition and construction activities. Demolition, grading, earthmoving and excavation are activities that generate the most emissions. Construction activities would generate exhaust emissions from vehicles/equipment and fugitive particulate matter emissions that would affect local air quality.

Construction dust could affect local air quality at different locations over the buildout period of the project. The dry, windy climate of the area during the summer months creates a high potential for dust generation when and if underlying soils are exposed to the atmosphere.

The effects of construction activities would be increased dustfall and locally elevated levels of PM$_{10}$ downwind of construction activity. Construction dust has the potential for creating a nuisance at nearby properties. This impact is considered potentially significant.

• **Construction activities related to the proposed project, particularly a generation of construction dust, could result in significant short-term air quality impacts.** (Significant Impact)

3. **Mitigation and Avoidance Measures**

**General Plan Policies**

The policies in the City of San José General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the
City. All future development addressed by this EIR would be subject to General Plan policies, including the following:

- **Transportation Goal #3** states that the City shall develop a continuous, safe, accessible, interconnected high quality pedestrian environment that promotes walking as a desirable mode of transportation.

- **Transportation Thoroughfare Policy #8** states that vehicular, bicycle, and pedestrian safety should be an important factor in the design of streets and roadways.

- **Transportation Policy #16 (Pedestrian Facilities)** states that pedestrian travel should be encouraged as a mode of movement between residential and non-residential areas throughout the City and in activity areas such as schools, parks, transit stations, and in urban areas, particularly the Downtown Core and Frame Areas and neighborhood business districts by providing pedestrian facilities that are pleasant, safe, and accessible to people with disabilities, and convenient.

- **Transportation Policy #22 (Pedestrian Facilities)** states that pedestrian pathways and public sidewalks should provide connectivity between uses, such as neighborhoods, schools, parks, libraries, open space, public facilities, shopping centers, employment centers, and public transit. A continuous pedestrian facilities network should include pedestrian connections between neighborhoods, across natural and man-made barriers, between dead-end streets, and to trails and transit.

- **Transportation Policy #41 (Bicycling)** states that the City should develop a safe, direct, and well-maintained transportation bicycle network linking residences, employment centers, schools, parks and transit facilities and should promote bicycling as an alternative mode of transportation for commuting as well as for recreation.

- **Transportation Policy #42 (Bicycling)** states that bike lanes are considered generally appropriate on arterial and major collector streets. Right-of-way requirements for bike lanes should be considered in conjunction with planning the major thoroughfares network and in implementing street improvement amendments.

- **Transportation Policy #43 (Bicycling)** states that priority improvements to the Transportation Bicycle Network should include:

  - Bike routes linking light rail stations to nearby neighborhoods.
  - Bike paths along designated trails and pathway corridors.
  - Bike paths linking residential areas to major employment areas.
Proposed Mitigation and Avoidance Measures

The following measures, which reflect the CAP Transportation Control Measures, are included in the Area Development Policy/Deficiency Plan, and would apply to future development within the Rincon Redevelopment area to ensure compliance with the aforementioned General Plan policies and state law:

- Expand employee assistance program. Provide assistance to regional and local ridesharing organizations.

- Improve bicycle access and facilities. Improve access and facilities by implementing the following: 1) improve and expand bicycle lane system by providing bicycle access in plans for all new road construction or modification, 2) establish and maintain bicycle advisory committees in all nine Bay Area counties, 3) designate a staff person as a Bicycle Program Manager, 4) develop and implement comprehensive bicycle plans, 5) encourage employers and developers to provide bicycle access and facilities, and 6) provide bicycle safety education.

- Improve Arterial Traffic Management. Improve arterial traffic management by implementing the following: 1) study signal preemption for buses on arterials with high volumes of bus traffic, 2) improve arterials for bus operations and to encourage bicycling and walking, and 3) continue and expand local signal timing programs, only where air quality benefits can be demonstrated.

- Local Clean Air Plans, Policies, and Programs. Incorporate beneficial air quality policies and programs into local planning and development activities, with a particular focus on subdivision, zoning, and site design measures that reduce automobile trips.

- Conduct Demonstration Projects. Promote demonstration projects to develop new strategies to reduce motor vehicle emissions. Projects include: low emission vehicles fleets and LEV refueling infrastructure.

- Pedestrian Travel. Implement the following measures: 1) review/revise general/specific plan policies to promote development patterns that encourage walking and circulation policies that emphasize pedestrian travel and modify zoning ordinance to include pedestrian-friendly design standards, 2) include pedestrian improvements in capital improvement programs, and 3) designate a staff person as a Pedestrian Program Manager.

- Promote Traffic Calming Measures. Promote traffic calming measures by implementing the following: 1) include traffic calming strategies in the transportation and land use elements of general and specific plans, and 2) include traffic calming strategies in capital improvement programs.
Transportation Demand Management Programs

Employment-generating development will be required to develop and implement a Transportation Demand Management program that would include, where feasible, the following elements:

- Provide physical improvements, such as sidewalk improvements, landscaping and bicycle parking that would act as incentives for pedestrian and bicycle modes of travel.
- Connect individual sites with regional bikeway/pedestrian trail system.
- Provide transit information kiosks.
- Implement a carpool/vanpool program, e.g., carpool ridematching for employees, assistance with vanpool formation, provision of vanpool vehicles, etc.
- Develop a transit use incentive program for employees in the project area, such as on-site distribution of passes and/or subsidized transit passes for local transit systems (participation in the VTA EcoPass system would satisfy this requirement).
- Provide preferential parking for electric or alternatively-fueled vehicles.
- Provide a guaranteed ride home program.
- Implement a flextime policy.
- Provide on-site child care.
- Provide showers and lockers for employees bicycling or walking to work.
- Provide secure and conveniently located bicycle parking and storage for workers.
- Implement parking cash out program for employees (non-driving employees receive transportation allowance equivalent to the value of subsidized parking).

Residential developments will be required to implement measures identified by the BAAQMD to reduce emissions from residential projects. Feasible mitigation measures include:

- Provide bicycle lanes, sidewalks and/or paths, connecting project residences to adjacent schools, parks, the nearest transit stop and nearby commercial areas. Provide a satellite telecommute center within or near the development.
- Provide secure and conveniently placed bicycle parking and storage facilities at parks and other facilities.
• Provide neighborhood-serving shops and services within or adjacent to residential project.

• Allow only natural gas fireplaces, pellet stoves or EPA-Certified wood-burning fireplaces or stoves in residences. Conventional open-hearth fireplaces should not be permitted. EPA-Certified fireplaces and fireplace inserts are 75 percent effective in reducing emissions from this source.

• Use electric lawn and garden equipment for landscaping.

• Construct transit amenities such as bus turnouts/bus bulbs, benches, shelters, etc.

• Provide direct, safe, attractive pedestrian access from project land uses to transit stops and adjacent development.

• Utilize reflective (or high albedo) and emissive roofs and light colored construction materials to increase the reflectivity of roads, driveways, and other paved surfaces, and include shade trees near buildings to directly shield them from the sun’s rays and reduce local air temperature and cooling energy demand.

• Provide transit passes to new residents.

The project has design features that would reduce air quality impacts. The project area has access to bus service and light rail. The project also proposes to increase proximate mixed land uses and improved internal circulation, which will facilitate non-auto trips between residential, industrial, and commercial uses. These features and the above measures have the potential to reduce project trip generation by up to 20%. This amount would still be well below the 98% reduction in emissions needed to reduce the project’s impact to a level that is less-than-significant, so project impacts would remain significant after implementation of proposed mitigation measures.

Mitigation Measures for Construction Impacts

The BAAQMD has prepared a list of feasible construction dust control measures that can reduce construction impacts to a less than significant level. The following construction practices will be implemented during construction on all sites within the project area:

• Water all active construction areas at least twice daily.

• Water or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind.

• Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.

• Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
• Sweep daily (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites.

• Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.

• Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.

• Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).

• Limit traffic speeds on unpaved roads to 15 mph.

• Install sandbags or other erosion control measures to prevent silt runoff to public roadways.

• Replant vegetation in disturbed areas as quickly as possible.

4. **Conclusion**

Implementation of the construction dust control listed above would reduce construction impacts of the project to a less than significant level. *(Less Than Significant Impact with Mitigation)*

The proposed project will implement mitigation measures identified above to reduce impacts to regional air quality. The project as proposed will, however, result in near-term and long-term impacts to regional air quality. *(Significant Unavoidable Impact)*
D. NOISE

The following discussion is based in part on an Environmental Noise Assessment prepared by Illingworth & Rodkin, Inc. in September 2004. A copy of this analysis is provided in Appendix F of this EIR.

1. Existing Setting

Overview

Noise is measured in “decibels” (dB), which is a numerical expression of sound levels on a logarithmic scale. A noise level that is 10 dB higher than another noise level has 10 times as much sound energy and is perceived as being twice as loud. Sounds less than five dB are just barely audible, and then only in the absence of other sounds. Intense sounds of 140 dB are so loud that they are painful and can cause damage with only a brief exposure. These extremes are not commonplace in our normal working and living environments.

Measurement of an “A-weighted” sound level (or dBA) filters out some of the low and high pitches that are not audible to the human ear and gives greater weight to the frequencies of sound to which the human ear is most sensitive. For this reason, noise impact analyses commonly use A-weighted or dBA measurements. Representative outdoor and indoor noise levels in units of dBA at various distances to the noise source are shown in Table 20.

Since excessive noise levels can adversely affect human activities, such as conversation, sleeping, and human health, various federal, state and local agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are usually expressed using one of several noise averaging methods, such as the Noise Equivalent Level (Leq), the Community Noise Equivalent Level (CNEL), and the Day/Night Average Sound Level (DNL or DNL). The Noise Equivalent Level is a measurement of the average energy intensity of noise over a given period of time, such as the noisiest hour. Since the sensitivity to noise increases during the evening and at night (excessive noise interferes with the ability to sleep), 24-hour descriptors have been developed that incorporate artificial noise penalties added to quiet-time noise events. The Community Noise Equivalent, CNEL, is a measure of the cumulative noise exposure in a community, with a five (5) dB penalty added to evening (7:00 PM - 10:00 PM) and a 10 dB addition to nocturnal (10:00 PM - 7:00 AM) noise levels. The Day/Night Average Sound Level, DNL, is essentially the same as CNEL, with the exception that the evening time period is dropped and all occurrences during this three-hour period are grouped into the daytime period. For this report, the DNL will be used to assess consistency with the General Plan guidelines of the City of San José. Maximum noise levels (Lmax) over short periods will also be used to describe short-term noise-generating events.

Effects of Noise

The thresholds for speech interference indoors are about 45 dBA if the noise is steady and above 55 dBA if the noise is fluctuating. Outdoors the thresholds are about 15 dBA higher. Steady noise of sufficient intensity above 35 dBA, and fluctuating noise levels above about 45 dBA have been shown to affect sleep. Interior residential standards for multi-family dwellings are set by the State of California at 45 dBA DNL. Typically, the highest steady
traffic noise level during the daytime is about equal to the DNL and nighttime levels are 10 dBA lower. The standard is designed for sleep and speech protection and most jurisdictions apply the same criterion for all residential uses. Typical structural attenuation is 12-17 dBA with open windows. With closed windows in good condition, the noise attenuation factor is around 20 dBA for an older structure and 25 dBA for a newer dwelling. Sleep and speech interference is, therefore, possible when exterior noise levels are about 57-62 dBA DNL with open windows and 65-70 dBA DNL if the windows are closed. Levels of 55-60 dBA are common along collector streets and secondary arterials, while 65-70 dBA is a typical value for a primary/major arterial. Levels of 75-80 dBA are normal noise levels at the first row of development outside a freeway right-of-way. In order to achieve an acceptable interior noise environment, bedrooms facing secondary roadways need to be able to have their windows closed, those facing major roadways and freeways, typically need sound-rated glass windows.

<table>
<thead>
<tr>
<th>Common Outdoor Noise Source</th>
<th>Noise Level (dBA)</th>
<th>Common Indoor Noise Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jet fly-over at 300 meters</td>
<td>120</td>
<td>Rock concert</td>
</tr>
<tr>
<td>Pile driver at 20 meters</td>
<td>110</td>
<td></td>
</tr>
<tr>
<td>Large truck pass by at 15 meters</td>
<td>100</td>
<td>Night club with live music</td>
</tr>
<tr>
<td>Gas lawn mower at 30 meters</td>
<td>90</td>
<td>Noisy restaurant</td>
</tr>
<tr>
<td>Commercial/Urban area daytime</td>
<td>80</td>
<td>Garbage disposal at 1 meter</td>
</tr>
<tr>
<td>Suburban expressway at 90 meters</td>
<td>70</td>
<td>Vacuum cleaner at 3 meters</td>
</tr>
<tr>
<td>Suburban daytime</td>
<td>60</td>
<td>Normal speech at 1 meter</td>
</tr>
<tr>
<td>Urban area nighttime</td>
<td>50</td>
<td>Active office environment</td>
</tr>
<tr>
<td>Suburban nighttime</td>
<td>40</td>
<td>Quiet office environment</td>
</tr>
<tr>
<td>Quiet rural areas</td>
<td>30</td>
<td>Library</td>
</tr>
<tr>
<td>Wilderness area</td>
<td>20</td>
<td>Quiet bedroom at night</td>
</tr>
<tr>
<td></td>
<td>10</td>
<td>Quiet recording studio</td>
</tr>
<tr>
<td></td>
<td>0</td>
<td>Threshold of human hearing</td>
</tr>
</tbody>
</table>

**Table 20**  
Typical Noise Levels in the Environment

**Regulatory Background**

The State of California, the Santa Clara County Airport Land Use Commission (ALUC), and the City of San José have established guidelines, regulations, and policies that are designed to
limit noise exposure at noise-sensitive land uses. These include: 1) the State CEQA Guidelines, Appendix G; 2) the State Building Code; 3) Santa Clara County Airport Land Use Commission; and 4) the City of San José’s 2020 General Plan.

**State CEQA Guidelines**

The California Environmental Quality Act (CEQA) has established guidelines to evaluate the significance of effects of environmental noise attributable to a proposed project. Appendix G of the CEQA Guidelines states that a project would normally be considered to have a significant impact if the resulting noise levels conflict with adopted environmental standards or plans, if noise levels generated by the project would substantially increase existing noise levels, if persons would be located within two miles of a public airport and exposed to excessive noise levels, or if persons would be exposed to excessive ground-borne noise or vibration.

CEQA does not define what noise level increase would be considered substantial. Typically, in high noise environments, if the DNL due to the project would increase by more than 3 dBA at noise-sensitive receptors, the impact would be considered significant. Where the existing noise level is lower, an increase of 5 dBA can be tolerated before significance occurs.

**California State Building Code**

New multi-family housing in the State of California is subject to the environmental noise limits set forth in Appendix Chapter 1208A.8.4 of the California Building Code. The noise limit is a maximum interior noise level of 45 DNL. Where exterior noise levels exceed 60 DNL, a report must be submitted with the building plans describing the noise control measures that have been incorporated into the design of the project to meet the noise limit.

**Santa Clara County Airport Land Use Plan**

The Santa Clara County Airport Land Use Plan establishes airport noise and land use compatibility standards for development within the vicinity of the airport. CNEL noise contours presented in this plan are used to evaluate land use compatibility for the proposed developments, and the 65 CNEL noise contour is recognized as the residential and commercial land use “satisfactory” noise limit for compatible land uses.

Residential land uses proposed within this noise contour should be avoided unless they are related to airport service. Commercial land uses proposed within the 65 CNEL noise contour and the 75 CNEL noise contour should be reviewed carefully to ensure that the noise insulation features to maintain an acceptable interior noise environment are adequate.

Policies adopted by the ALUC that pertain to the project are as follows:

N-1: The CNEL noise contours, which have been developed for Norman Y. Mineta San José International Airport (SJIA), shall be used for general guidance in determining suitability for various types of land uses.
N-2: Within the 65 CNEL noise contour at SJIA, the ALUC shall also consider single-event noise exposure levels in addition to the CNEL contours, when determining suitability of new land uses.

N-3: New residential uses within the 65 CNEL and 70 CNEL noise contours, which can be classified as infill, will be considered only if it is demonstrated that such structures can be adequately insulated to control interior noise, if the ALUC finds that exterior noise will not be intrusive, and if an avigation easement has been willingly granted to the jurisdiction owning the airport (i.e., City of San José).

N–4: New land uses other than residential land uses proposed within areas deemed incompatible are subject to case-by-case review, and can only be approved if the ALUC finds that adequate insulation for control of interior noise levels is designed into the plans and the single-event noise level for that new land use is compatible with the type of use proposed, and does not pose public health or safety issues.

N-7: Establishes the basis for determining the interior noise control required for various land uses located certain distances from aircraft operations at SJIA.

N-8: Establishes the acoustical rating system, Sound Transmission Class (STC) as a guide to the acoustical performance of common building construction elements in determining noise transmission loss.

**City of San José General Plan**

The Noise Element of the City of San José’s 2020 General Plan identifies noise and land use compatibility standards for various land uses. The City’s goal is to, “...minimize the impact of noise on people through noise reduction and suppression techniques, and through appropriate land use policies.”

Residential land uses are considered “satisfactory” up to 60 dBA DNL as the short-range exterior noise quality level, and 55 dBA DNL as the long-range exterior noise quality level. The guidelines state that where the exterior DNL at residential uses is above the “satisfactory” limit (between 60 and 70 dBA DNL), when new development requires a full EIR, an acoustical analysis should be made indicating the amount of attenuation necessary to maintain an indoor level of a DNL less than or equal to 45 dBA. Exterior noise levels exceeding 70 DNL require that new development would only be permitted if uses are entirely indoors and building design limits interior levels to less than or equal to 45 DNL. Outdoor activity areas should be permitted if site planning and noise barriers result in levels of 60 DNL or less.

The Noise Polices of the General Plan includes the following policies which relate to the project:

*Noise Policy #1*: The City’s acceptable noise level objectives are 55 dBA DNL as the long-range exterior noise quality level, 60 dBA DNL as the short-range exterior noise quality level, 45 dBA DNL as the interior noise quality level, and 76 dBA DNL as the maximum exterior noise level necessary to avoid significant adverse health
Noise Policy #9: Construction operations should use available noise suppression devices and techniques.

Noise Policy #11: When located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses, non-residential land uses should mitigate noise generation to meet the 55 dBA DNL guideline at the property line.

The General Plan sets forth the following Urban Design policies regarding sound attenuation along city streets:

Urban Design Policy #18: To the extent feasible, sound attenuation for development along city streets should be accomplished through the use of landscaping, setback, and building design rather than the use of sound attenuation walls. Where sound attenuation walls are deemed necessary, landscaping and an aesthetically pleasing design shall be used to minimize visual impact.

Urban Design Policy #21: To promote safety and to minimize noise impacts in residential and working environments, development which is proposed adjacent to railroad lines should be designed to provide the maximum separation between the rail line and dwelling units, yards or common open space areas, offices, and other job locations, facilities for the storage of toxic or explosive materials and the like. To the extent possible, areas of development closest to an adjacent railroad line should be devoted to parking lots, public streets, peripheral landscaping, the storage of non-hazardous materials, and so forth.

City of San José Zoning Ordinance

The City’s Zoning Ordinance applies specific noise standards to residential, commercial, and industrial zoning districts which limit the sound pressure level generated by any use or combination of uses at any property boundary. Noise standards in the Zoning Ordinance that apply to the project are listed in Table 21. Projects that generate maximum noise levels in excess of these standards are required to obtain a Conditional Use Permit.
### Table 21

<table>
<thead>
<tr>
<th>Uses</th>
<th>Maximum Noise Level in Decibels at Property Line</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential, open space, industrial or commercial uses adjacent to</td>
<td>55</td>
</tr>
<tr>
<td>a property used or zoned for residential purposes</td>
<td></td>
</tr>
<tr>
<td>Open space, commercial, or industrial use adjacent to a property</td>
<td>60</td>
</tr>
<tr>
<td>used or zoned for commercial purposes or other non-residential uses</td>
<td></td>
</tr>
</tbody>
</table>

The zoning ordinance that applies to equipment (such as emergency standby generators) operated on individual sites allows for a maximum level of 55 dBA when the adjoining property is residential.

### Existing Noise Conditions

This section discusses the sources of environmental noise within and around the project area. A noise monitoring survey was conducted between July 15th, 2004 and August 9th, 2004. The survey consisted of a combination of 8 long-term noise measurements and 5 short-term noise measurements. Noise measurements were recorded throughout the project area. Noise monitoring locations are shown on Figure 21.

The North San José Redevelopment Area can be roughly defined as the land bounded to the north by Route 237, to the east by Interstate 880, to the south by Highway 101, and to the west by the Guadalupe River. The project area is primarily developed with office buildings and other commercial land uses (including retail stores and restaurants). Existing residential areas within the plan area are generally located in the Rincon North area. Residential land uses also bound the project area to the west, east, and south. The noise environment throughout the project area consists primarily of vehicular traffic along the arterial roadways. Aircraft associated with the Norman Y. Mineta San José International Airport also contribute to the noise environment throughout the project limits and surrounding areas. The majority of the North San José Development Area is outside of the 60 CNEL contour for the 2010 Master Plan Conditions of the Norman Y. Mineta San José International Airport. There are portions of the plan area north and east of the airport that would be located within the 2010 Master Plan Conditions 60 CNEL noise contour.

After reviewing the existing and projected traffic volumes for project roadways, the following locations were selected which best represent the noise environment generated by the predominant roadway noise sources in and around the project area (refer to Figure 21).

LT-1 was located approximately 108 feet from the centerline of Zanker Road, south of Montague Expressway. The meter was placed in the parking lot of an unoccupied office building, to quantify noise generated by traffic along Zanker Road. The day-night average noise level (DNL) on a typical weekday, calculated based on the hourly noise level data measured at this monitoring location, was 64 dBA.

LT-2 was located approximately 66 feet from the centerline of Montague Expressway, between Zanker Road and Trimble Road. The noise environment at this location consisted...
entirely of traffic along Montague Expressway. The day-night average noise level (DNL) was 77 dBA.

LT-3 was located approximately 81 feet from the centerline of North First Street, south of Montague Expressway. Again, the meter was placed in the parking lot of an unoccupied office building to document noise generated by North First Street and the LRT line. Through observation and review of the data collected at the site, it was determined that the light rail is not a major contributor to the overall noise environment. The day-night average noise level (DNL) was 68 dBA.

LT-4 was located approximately 81 feet from the centerline of Trimble Road, west of North First Street. The noise environment at this location consisted primarily of vehicular traffic along Trimble Road. The day-night average noise level (DNL) was 73 dBA.

LT-5 was located behind the Bay 101 Hotel on Bering Drive. The hotel property is bounded to the south by Highway 101. The meter was placed approximately 111 feet from the centerline of Highway 101. The day-night average noise level (DNL) generated by Highway 101 was 83 dBA.

LT-6 was located along O’Toole Drive adjacent to Interstate 880. With the exception of intermittent traffic on O’Toole Drive, the noise environment at this location consisted primarily of traffic along Interstate 880. The day-night average noise level (DNL) was 75 dBA.

LT-7 was located approximately 90 feet from the centerline of Tasman Drive, east of North First Street. Similar to North First Street, the San José Light Rail runs down the center of this section of Tasman Drive. The day-night average noise level (DNL) was 66 dBA.

LT-8 was located approximately 117 feet from the centerline of Route 237, east of North First Street. The noise environment at this location consists primarily of traffic along Route 237. The day-night average noise level (DNL) was 80 dBA.
Five short-term measurements were made along other roadways within and around the project area. The locations of these five measurements are listed below and shown on Figure 21:

ST-1: Approximately 81 feet from the centerline of Brokaw Road, east of North First Street.

ST-2: Approximately 57 feet from the centerline of Charcot Road, east of North First Street.

ST-3: Approximately 57 feet from the centerline of Plumeria Road, east of North First Street.

ST-4: Approximately 102 feet from the centerline of Capitol Avenue, south of Montague Expressway.

ST-5: Approximately 57 feet from the centerline of Lafayette Street, south of Montague Expressway.

During each of the five measurements, data were recorded and traffic was counted for a period of 10 minutes. The results of these short-term measurements are summarized in Table 22.

<table>
<thead>
<tr>
<th>Map Symbol</th>
<th>Location</th>
<th>L&lt;sub&gt;eq&lt;/sub&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td>ST-1</td>
<td>Brokaw Road, east of North First Street</td>
<td>66</td>
</tr>
<tr>
<td>ST-2</td>
<td>Charcot Avenue, north of N. First Street</td>
<td>66</td>
</tr>
<tr>
<td>ST-3</td>
<td>Plumeria Road, east of North First Street</td>
<td>58</td>
</tr>
<tr>
<td>ST-4</td>
<td>Capitol Avenue, south of N. First Street</td>
<td>69</td>
</tr>
<tr>
<td>ST-5</td>
<td>Lafayette Street, south of Montague Exp.</td>
<td>72</td>
</tr>
</tbody>
</table>

2. **Noise Impacts**

**Thresholds of Significance**

For the purposes of this EIR, a noise impact is significant if the project will result in:

- exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or
- exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels; or
- a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; or
- a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project; or
• for a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport, will the project expose people residing or working in the project area to excessive noise levels.

The following criteria were used to evaluate the significance of noise impacts:

**Noise and Land Use Compatibility.** Changes in land use where existing or future noise levels exceed levels considered “satisfactory” in the San José General Plan would result in a significant impact.

**Substantial Increase in Ambient Noise Levels.** In areas where noise levels already exceed those considered satisfactory, and if the DNL due to the project would increase by more than 3 dBA at noise-sensitive receptors, the impact is considered significant.

**Construction Noise.** Construction activities produce temporary noise impacts. Since these impacts are generally short-term and vary considerably day-to-day, they are evaluated somewhat differently than operational impacts. When construction activities are predicted to cause prolonged interference with speech, sleep, or normal residential activities, the impact would be considered significant. Construction-related hourly average noise levels at noise-sensitive land uses above 70 dBA during the daytime and 55 dBA at night would be considered significant if the construction phase lasted more than 12 months.

**Aircraft Noise.** A significant impact would be identified if the project proposed noise-sensitive land uses in the vicinity of the Norman Y. Mineta San José International Airport where noise levels exceeded the applicable standards of the Santa Clara County ALUC or the City of San José.

**Impacts to the Project**

The project proposes to allow new noise-sensitive residential uses in North San José. These land uses would generally be concentrated along the North First Street, Zanker Road, and North Fourth Street corridors in the vicinity of major cross-streets that include Tasman Drive, River Oaks Parkway, Montague Expressway, Plumeria Drive, Trimble Road, Guadalupe Parkway, Charcot Avenue, and Brokaw Road. In addition, residential land uses are proposed in areas adjoining Highway 101 and Interstate 880 east of Norman Y. Mineta San José International Airport. Vehicular traffic along highways and major roadways traversing the project area would generate noise levels in excess of 60 DNL. Norman Y. Mineta San José International Airport would also generate noise levels in excess of 60 DNL in some small areas of North San José, northeast and east of the airport.

All residential development overlay sites included in the project fall within the 60 DNL noise contour of nearby roadways and would exceed the “satisfactory” level for noise and land use compatibility. Proposed development projects with noise-sensitive land uses would be analyzed during project-level design review prior to issuance of entitlements (i.e., prior to issuance of Site Development or Planned Development Permits), to identify exterior and interior noise attenuation measures that must be included in the project design to achieve acceptable exterior and interior noise levels.
The project would introduce noise-sensitive residential uses into a noisy environment that exceeds the “satisfactory” level for new residential development, according to the City’s General Plan. (Significant Impact)

Impacts from the Project

Noise increases will be introduced into the area both from the overall increased level of development and from the traffic generated by that development. The City’s Zoning Ordinance and General Plan policies both limit noise levels from industrial development, measured at the property line for the industrial site. The most likely sources of noise associated with the high intensity, mid-rise industrial development proposed with this project are air conditioning equipment and emergency generators. Truck docks are also likely to be included in most such projects. All of the new land uses introduced into this area, residential, commercial, and industrial, will increase the general level of noise associated with urban life—garbage trucks, moving vans, outdoor equipment, etc. Since the area is already substantially developed with a preponderance of industrial uses, the increased noise levels may be noticeable at some locations, but are unlikely to create a significant impact based on the identified thresholds of significance. The exception is likely to be the increased noise levels from traffic experienced at the existing residential developments in the area.

Based upon a review of the traffic study prepared by Hexagon Transportation Consultants, Inc., the proposed project would substantially increase traffic noise levels at locations throughout the project area and in surrounding areas. Table 23 shows the roadway links that are calculated to experience a substantial (3 dBA or more) noise increase as a result of the project.

The North San José Redevelopment Area and vicinity contains a variety of land uses with varying sensitivities to noise. Residential land uses in Rincon would likely be most affected by increased noise levels, especially traffic noise level increases. Increased operational noise unrelated to traffic will also occur, but would be minimized by zoning ordinance requirements. Industrial land uses would not generally be affected by an increase in traffic noise. Office and commercial uses may or may not be affected by traffic noise increases along the local roadway network. The noise environment would be noticeably increased over existing conditions with the implementation of the project and would affect various land uses differently. There are existing residential uses adjacent to the following links:

- North First Street south of SR 237
- North First Street south of Headquarters Drive
- North First Street south of Skyport Drive
- Oakland Road south of Montague Expressway
- North Eleventh Street south of Hedding Street
- North Eleventh Street south of Julian Street
- North Eleventh Street south of St. James Street
- Montague Expressway east of De La Cruz Boulevard
- Taylor Street east of North Tenth Street
- Taylor Street east of North Thirteenth Street
- Julian Street west of North Fourth Street
- Julian Street east of North Fourth Street
• Julian Street east of North Seventh Street
• Julian Street east of North Tenth Street
• Julian Street east of North Seventeenth Street
• Julian Street east of North Thirteenth Street

Table 23
Significant Project Generated Noise Level Increases

<table>
<thead>
<tr>
<th>Roadway</th>
<th>Segment</th>
<th>Existing DNL (dBA)*</th>
<th>Project DNL (dBA)*</th>
<th>Traffic Noise Level Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>North First Street</td>
<td>South of SR 237</td>
<td>66</td>
<td>69</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>South of Headquarters Dr.</td>
<td>67</td>
<td>70</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>South of Plumeria Drive</td>
<td>67</td>
<td>70</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>South of Charcot Avenue</td>
<td>68</td>
<td>71</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>South of Skyport Drive</td>
<td>69</td>
<td>72</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>South of SR 237</td>
<td>68</td>
<td>70</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>South of Tasman Drive</td>
<td>66</td>
<td>70</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>South of River Oaks Pkwy.</td>
<td>66</td>
<td>72</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>South of Montague Exp.</td>
<td>66</td>
<td>71</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>South of Plumeria Drive</td>
<td>67</td>
<td>72</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>South of Trimble Road</td>
<td>70</td>
<td>73</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>South of Charcot Avenue</td>
<td>69</td>
<td>73</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>South of Brokaw Road</td>
<td>69</td>
<td>72</td>
<td>3</td>
</tr>
<tr>
<td>Zanker Road</td>
<td>South of Tasman Drive</td>
<td>63</td>
<td>66</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>South of Trimble Road</td>
<td>61</td>
<td>64</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>South of Charcot Avenue</td>
<td>62</td>
<td>65</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>South of Montague Exp.</td>
<td>72</td>
<td>75</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>South of Brokaw Road</td>
<td>72</td>
<td>74</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>South of Hedding Street</td>
<td>58</td>
<td>61</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>South of Julian Street</td>
<td>59</td>
<td>62</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>South of St. James Street</td>
<td>59</td>
<td>62</td>
<td>3</td>
</tr>
<tr>
<td>North 11th Street</td>
<td>East of Zanker Road</td>
<td>62</td>
<td>65</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>West of Montague Exp.</td>
<td>63</td>
<td>67</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>East of De La Cruz Blvd.</td>
<td>77</td>
<td>80</td>
<td>3</td>
</tr>
<tr>
<td>McCarthy Boulevard</td>
<td>South of Trimble Road</td>
<td>61</td>
<td>64</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>South of Charcot Avenue</td>
<td>62</td>
<td>65</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>South of Montague Exp.</td>
<td>72</td>
<td>75</td>
<td>3</td>
</tr>
<tr>
<td>McCarthy Boulevard</td>
<td>South of Brokaw Road</td>
<td>72</td>
<td>74</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>South of Hedding Street</td>
<td>58</td>
<td>61</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>South of Julian Street</td>
<td>59</td>
<td>62</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>South of St. James Street</td>
<td>59</td>
<td>62</td>
<td>3</td>
</tr>
<tr>
<td>North 11th Street</td>
<td>East of Zanker Road</td>
<td>62</td>
<td>65</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>West of Montague Exp.</td>
<td>63</td>
<td>67</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>East of De La Cruz Blvd.</td>
<td>77</td>
<td>80</td>
<td>3</td>
</tr>
<tr>
<td>McCarthy Boulevard</td>
<td>West of North First Street</td>
<td>57</td>
<td>60</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>East of North First Street</td>
<td>59</td>
<td>62</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>East of Zanker Road</td>
<td>60</td>
<td>65</td>
<td>5</td>
</tr>
<tr>
<td>McCarthy Boulevard</td>
<td>East of North First Street</td>
<td>74</td>
<td>76</td>
<td>3</td>
</tr>
<tr>
<td>Montague Expressway</td>
<td>West of Orchard Parkway</td>
<td>67</td>
<td>71</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>East of Orchard Parkway</td>
<td>68</td>
<td>71</td>
<td>3</td>
</tr>
<tr>
<td>Plumeria Drive</td>
<td>East of North First Street</td>
<td>67</td>
<td>70</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>East of Zanker Road</td>
<td>65</td>
<td>69</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>East of Junction Avenue</td>
<td>65</td>
<td>70</td>
<td>4</td>
</tr>
<tr>
<td>Trimble Road</td>
<td>East of North Tenth Street</td>
<td>62</td>
<td>65</td>
<td>3</td>
</tr>
<tr>
<td>Guadalupe Parkway</td>
<td>East of North 13th Street</td>
<td>62</td>
<td>65</td>
<td>3</td>
</tr>
</tbody>
</table>
Table 23
Significant Project Generated Noise Level Increases

<table>
<thead>
<tr>
<th>Roadway</th>
<th>Segment</th>
<th>Existing DNL (dBA)</th>
<th>Project DNL (dBA)</th>
<th>Traffic Noise Level Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Julian Street</td>
<td>West of North 4th Street</td>
<td>59</td>
<td>63</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>East of North 4th Street</td>
<td>59</td>
<td>62</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>East of North 7th Street</td>
<td>59</td>
<td>64</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>East of North 10th Street</td>
<td>59</td>
<td>63</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>East of North 11th Street</td>
<td>58</td>
<td>63</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>East of North 17th Street</td>
<td>58</td>
<td>62</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>East of North 13th Street</td>
<td>60</td>
<td>63</td>
<td>3</td>
</tr>
</tbody>
</table>

*Decibel measurements are recorded 75 feet from the center of the roadway.
Note: Noise level measurements and increases were rounded since decibels are not expressed as decimals.

- Implementation of the proposed project will generate an increase in traffic along the local roadway network and will substantially increase noise levels at noise sensitive receptors in the project area on a permanent basis. Additionally, there are several roadway links outside of the project area on which existing sensitive receptors will be impacted by significant increases in noise from project-generated traffic. (Significant Impact)

Impacts from Protected Intersections

The project proposes to add four intersections to the City’s protected intersection list which would allow traffic levels at these intersections to deteriorate below Level of Service D. The deterioration of the Level of Service (LOS) would cause more congested conditions and therefore produce less noise than would be created if the same amount of traffic were allowed to flow unrestricted. If the LOS were allowed to deteriorate, the noise level increase above existing conditions would be reduced at these congested intersections. The change in allowable LOS at these intersections from D to F, therefore, would not result in significant adverse impacts on the noise environment.

- The addition of four intersections to the List of Protected Intersections under the City’s LOS policy would not result in a significant noise increase at these intersections. (Less Than Significant Impact)

Aircraft Noise

Year 2010 Master Plan noise contours for the Norman Y. Mineta San José International Airport are shown in Figure 21. A narrow strip of the project area immediately northeast and east of the airport is within the 60 CNEL contour for airport noise. A very small triangular-shaped portion of the Industrial Core Area (north of the Highway 101 and the Guadalupe Parkway (SR 87) Interchange) is within the 65 CNEL. While residential development could be allowed in mixed use configurations elsewhere within the proposed Industrial Core Area, the City does not propose to approve any residential development within the small triangular area. It is also unlikely that commercial land uses would be allowed within the 65 CNEL noise contour.
Industrial Core Area residential developments between Trimble Road and Highway 101, west of Orchard Parkway, could be located in areas exceeding 60 CNEL. As discussed earlier in this subsection under Impacts to the Project, all residential development proposed within areas exposed to 60 CNEL/DNL noise levels will be subject to design specific acoustic analysis and mitigation requirements consistent with City policy and state law.

- **The project would locate noise-sensitive residential development within the Airport’s 60 CNEL noise contour.** All residential development proposed within a noise environment that could exceed 60 CNEL/DNL will be required to prepare an acoustic analysis and to incorporate appropriate design mitigation, consistent with City General Plan policy and state law. (Less Than Significant Impact)

**Construction Noise**

The development of the project would generate noise and would temporarily increase noise levels at adjacent land uses. Noise impacts resulting from construction depend on the noise generated by various pieces of construction equipment, the timing and duration of noise generating activities, and the distance between construction noise sources and noise sensitive receptors. Where noise from construction activities exceeds 60 dBA Leq (hr) and the ambient noise environment by at least 5 dBA, the impact would be considered significant.

Construction activities generate considerable amounts of noise, especially during the demolition phase and the construction of project infrastructure when heavy equipment is used. The highest maximum noise levels generated by project construction would typically range from about 90 to 105 dBA at a distance of 50 feet from the noise source. Typical hourly average construction generated noise levels are about 81 dBA to 89 dBA measured at a distance of 50 feet from the center of the site during busy construction periods (e.g., earth moving equipment, impact tools, etc.) Construction generated noise levels drop off at a rate of about 6 dBA per doubling of distance between the source and receptor. Shielding by buildings or terrain often result in much lower construction noise levels at distant receptors.

Typically, small residential, commercial, or office construction projects do not generate significant noise impacts when standard construction noise control measures are enforced at the construction site and when the duration of the noise generating construction period is limited to one construction season (typically one year) or less. Construction noises associated with projects of this type are disturbances that are necessary for the construction or repair of buildings and structures in urban areas. Reasonable regulation of the hours of construction, as well as regulation of the arrival and operation of heavy equipment and the delivery of construction materials, are necessary to protect the health and safety of persons, promote the general welfare of the community, and maintain the quality of life.

Larger construction projects, including both private developments and major infrastructure, are typically built out over more than one construction season, and some construction methods, such as pile driving, generate higher noise levels and noise that would be considered impulsive. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (early morning, evening, or nighttime...
hours), the construction occurs in areas immediately adjoining noise sensitive land uses, or when construction durations last over extended periods of time. Limiting the hours when construction can occur to daytime hours is often a simple method to reduce the potential for noise impacts. In areas immediately adjacent to construction, controls such as constructing temporary noise barriers and utilizing “quiet” construction equipment can also reduce the potential for noise impacts.

- The construction of the individual development and infrastructure that make up the proposed project would temporarily elevate noise levels at adjacent noise-sensitive land uses. (Significant Impact)

3. Mitigation and Avoidance Measures

General Plan Policies

The policies in the City of San José General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. All future development addressed by this EIR would be subject to General Plan policies, including the following:

- **Noise Policy #1** states the City’s acceptable noise level objectives are 55 dBA DNL as the long-range exterior noise quality level, 60 dBA DNL as the short-range exterior noise quality level, 45 dBA DNL as the interior noise quality level, and 76 dBA DNL as the maximum exterior noise level necessary to avoid significant adverse health effects. These objectives are established for the City, recognizing that the attainment of exterior noise quality levels in the environs of the Norman Y. Mineta San José International Airport, the Downtown Core Area, and along major roadways may not be achieved in the time frame of this Plan. To achieve the noise objectives, the City should require appropriate site and building design, building construction and noise attenuation techniques in new residential development.

- **Noise Policy #8** states the City should discourage the use of outdoor appliances, air conditioners, and other consumer products which generate noise levels in excess of the City’s exterior noise level guidelines.

- **Noise Policy #9** states construction operations should use available noise suppression devices and techniques.

- **Noise Policy #11** states when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses, non-residential land uses should mitigate noise generation to meet the 55 dBA DNL guideline at the property line.

- **Urban Design Policy #18** states to the extent feasible, sound attenuation for development along city streets should be accomplished through the use of landscaping, setback, and building design rather than the use of sound attenuation
walls. Where sound attenuation walls are deemed necessary, landscaping and an aesthetically pleasing design shall be used to minimize visual impact.

- **Urban Design Policy #21** states to promote safety and to minimize noise impacts in residential and working environments, development which is proposed adjacent to railroad lines should be designed to provide the maximum separation between the rail line and dwelling units, yards or common open space areas, offices, and other job locations, facilities for the storage of toxic or explosive materials and the like. To the extent possible, areas of development closest to an adjacent railroad line should be devoted to parking lots, public streets, peripheral landscaping, the storage of non-hazardous materials, and so forth.

**State Law**

All new multi-family residential development will be subject to existing laws, including the following state code:

- **Title 24** – Multi-family housing proposed on any site is subject to the requirements of Title 24, Part 2, of the State Building Code. When noise levels exceed 60 dB DNL on the site, an analysis detailing the treatments incorporated into the building plans must be prepared and submitted to the Building Division prior to issuance of a building permit. The report shall demonstrate that the design will achieve an interior DNL of 45 dBA or less in all habitable residential areas.

**Mitigation for Impacts From the Project**

Impacts to existing residential land uses from project traffic will be incremental, occurring over many years as traffic gradually increases. Newer residential development, including housing along Zanker Road, River Oaks Parkway, Montague Expressway, McCarthy Boulevard, and North First Street, which was built to reduce impacts from existing roadway noise may never experience significant impacts from the additional traffic. Other residential uses in North San José that might be impacted include mobile home parks and multi-family housing that is built immediately adjacent to North First Street. Feasible mitigation to reduce noise impacts for these residences would be limited to include individual retrofit of the dwelling units, including replacement of windows and possible addition of mechanical ventilation where not already in existence. Noise impacts to front-on residences adjacent to Taylor, Julian and North Eleventh Streets could also only be mitigated by internal retrofit that would probably need to include window replacement, addition of weatherstripping, and possible mechanical ventilation.

Noise impacts would occur as a result of traffic from individual developments occurring over time. No individual development would cause a significant noise increase, so there is no nexus for requiring mitigation from private development. There is no existing agency or entity that is in a position to implement noise mitigation in individual homes over time. This mitigation is considered infeasible.
4. Conclusion

Implementation of the mitigation measures provided in the General Plan policies listed above, particularly inclusion of design-specific noise mitigation in all new development, would reduce impacts to the project from the existing noise environment to a less than significant level. (Less Than Significant Impact with Mitigation)

Incorporation of the construction noise mitigation measures would reduce temporary impacts to receptors surrounding individual construction sites to a less than significant level. (Less Than Significant Impact with Mitigation)

Implementation of the mitigation measures for aircraft noise in the project area, which are similar to mitigation for impacts from all other noise sources, would reduce impacts from aircraft noise to a less than significant level. (Less Than Significant Impact with Mitigation)

Significant Unavoidable Impacts

The proposed increase in development density would increase noise levels noticeably at certain receptors. Given the implementation time frame of the project and the incremental contributions from individual developments, there is no nexus for requiring mitigation for traffic noise at affected receptors from individual developments. Implementation of measures available to reduce the project noise level increases would not likely be reasonable or feasible and the impact would therefore be significant and unavoidable. (This is a Significant Unavoidable Impact)

5. Mitigation and Avoidance Measures to be Considered at the Time of Future Development

Impacts to the Project

Implementation of the following measures would reduce impacts to proposed noise-sensitive land uses to a less than significant level:

- Prior to the project-level design review process for new residential development, retain a qualified Acoustical Engineer to identify areas of the site which exceed the 60 DNL contour. The project design should then incorporate into the plan measures for minimizing or avoiding noise impacts, which could include a combination of open space buffer areas, sound barriers, and building/site design to create common and private outdoor use areas with noise exposures of 60 DNL or less. As an alternative, less sensitive land uses (such as parking, passive open space, commercial uses) should be located between more-sensitive uses and noise sources. Such uses would act to shield the more-sensitive uses allowing for a compatible residential noise environment.

To be consistent with transit-oriented development standards, building masses may need to be placed closer to the street to shield active open space areas from street noise.
• During the entitlements process, prepare for City review and approval a design-specific study that illustrates how the project will achieve consistency with General Plan guidelines and state law.

• Prior to issuance of building permits, retain a qualified Acoustical Engineer to prepare for City review and approval a detailed acoustical analysis of exterior and interior noise reduction requirements and specifications for all project phases, in accordance with State and City standards. Project-specific acoustical analyses are mandated by the State for new multi-family uses. Appropriate noise control treatments necessary to achieve a compatible interior noise environment (45 DNL) shall be incorporated into the proposed structures located within the 60 DNL contour. Interior noise levels could be reduced to acceptable levels by including such measures as forced-air mechanical ventilation systems and/or sound-rated construction to allow occupants the option of controlling noise in interior spaces by maintaining the windows closed.

Impacts from the Project

Because the actual development in North San José will be occurring incrementally over several years, methods for requiring and implementing mitigation are limited. Individual projects will not result in significant noise impacts. The substantial increase in noise would occur during the later stages of project implementation, as the traffic on North First Street and Zanker Road double. Methods available to mitigate project generated noise level increases may not be effective and their actual implementation is problematic at the present time.

Possible methods to reduce project noise could include the following:

• New or larger noise barriers or other noise reduction techniques could be constructed to protect existing residential land uses where reasonable and feasible.

• Alternative noise reduction techniques could be implemented, such as re-paving the streets with “quiet” pavement types such as Open-Grade Asphaltic Concrete. The use of “quiet” pavement can reduce noise levels by 2 to 5 dBA depending on the existing pavement type, traffic speed, traffic volumes, and other factors.

• Installing traffic calming measures to slow traffic. Since the project will substantially increase localized congestion in North San José, this measure may be redundant.

• Affected residences could be provided building sound insulation such as sound rated windows and doors on a case-by-case basis as a method of reducing noise levels in interior spaces. Since most of the effected residences are mobile homes, this may not be effective.
These incremental methods for mitigating project noise would have to be implemented by a responsible party. There is no single entity that could be held accountable for implementing the measures. The mitigation identified therefore is considered to be infeasible.

**Construction Noise**

The following mitigation measures shall be included in all construction projects to reduce the impact to a less-than-significant level:

- Noise-generating activities at the construction site or in areas adjacent to the construction site associated with the project in any way should be restricted to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturdays. No construction activities should occur Sundays or holidays.

- All internal combustion engine driven equipment will be equipped with intake and exhaust mufflers which are in good condition and appropriate for the equipment.

- Stationary noise generating equipment will be located as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.

- “Quiet” air compressors and other stationary noise sources will be used where technology exists.

- Multiple-pile drivers shall be considered to expedite construction. Although noise levels generated by multiple pile drivers would be higher than the noise generated by a single pile driver, the total duration of pile driving activities would be reduced.

- Temporary noise control blanket barriers shall shroud pile drivers or be erected in a manner to shield the adjacent land uses. Such noise control blanket barriers can be rented and quickly erected.

- Foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile. Pre-drilling foundation pile holes is a standard construction noise control technique. Pre-drilling reduces the number of blows required to seat the pile.

- The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with the adjacent noise sensitive facilities so that construction activities can be scheduled to minimize noise disturbance.

- A “disturbance coordinator” will be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and
will require that reasonable measures warranted to correct the problem be implemented.

- Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

_Aircraft Noise_

The following mitigation measures would reduce the impact to a less-than-significant level:

- Avigation easements shall be granted to the City prior to issuance of any building permits for development within the existing or projected 65 dB CNEL (General Plan Aviation Policy #49).

- During design review for project specific entitlements, retain a qualified Acoustical Engineer to prepare for City review and approval a detailed acoustical analysis of exterior and interior noise reduction requirements and specifications for all project phases, in accordance with State, County and City standards.

- Appropriate noise control treatments necessary to achieve a compatible interior noise environment (CNEL/DNL 45 dBA) shall be incorporated into the proposed structures located within the 60 CNEL contour.
E. BIOLOGICAL RESOURCES

A Biotic Resources Report which covered the Rincon area was prepared by H.T. Harvey & Associates, Inc. in May 1997, which focused on the presence of special status species and habitats and on then-vacant properties. That report was updated in September 2004 to reflect changes that have occurred in the project area since the 1997 report was prepared. Copies of both reports are included in Appendix G of this EIR.

1. Existing Setting

Biotic Habitats

Five habitat types were identified within the Rincon area. These habitats include urban landscape, agricultural (orchards, row crops, fallow fields and ruderal), non-native grassland, coyote brush scrub, and remnant sycamore alluvial woodland. The identification of these habitats was based upon physical characteristics such as soils, hydrology and topography, and upon floristic composition. In addition to the biotic habitats identified in the Rincon area, the Guadalupe River and Coyote Creek flow along either side of most of the Rincon project area. Specific parcels referred to in the text are shown on Figure 22. Habitats identified in the Rincon area are described below.

Urban Landscape

Properties that are occupied by commercial buildings, farm houses, residences, and outbuildings generally contain a mixture of landscape plants and weeds. The more modern commercial properties possess well-manicured trees, shrubs, and flower beds. In several instances, vacant lots are edged with landscaped berms and beds, especially when near sidewalks and major traffic thoroughfares. Some of the more commonly used landscape trees include coast redwood (Sequoia sempervirens), Japanese black pine (Pinus thunbergii), Tasmanian blue gum (Eucalyptus globulus), and tulip tree (Liriodendron tulipifera). Hedges and landscape understory plants equally conspicuous in the urban landscape. These species include oleander (Nerium oleander) and pittosporum (Pittosporum spp.). Many buildings are surrounded by plantings of turfgrass, such as bluegrass (Poa pratensis), or English ivy (Hedera helix).

The urban landscape habitats of the project area support a suite of wildlife species typical of developed areas in Santa Clara County. Most of the species found in this habitat are fairly common species due to heavy management (e.g., irrigation, mowing, trimming trees, etc.), presence of humans, and the abundance of non-native landscaped vegetation. Nonetheless, this habitat does support a variety of wildlife. Several bird species are typical of this type of habitat. A common invasive species is the European Starling (Sturnus vulgaris), which presumably nest in trees within the project area. House Sparrows (Passer domesticus) typically nest under eaves or in shrubs near human habitation. Other bird species commonly found in these urban landscape habitats within the Rincon area include the American Robin (Turdus migratorius), Northern Mockingbird (Mimus polyglottos), California Towhee (Pipilo crissalis), and House Finch (Carpodacus mexicanus). Mammals such as the Virginia opossum (Didelphis virginiana), deer mouse (Peromyscus maniculatus), raccoon (Procyon lotor), and striped skunk (Mephitis mephitis) will forage in this habitat, especially if
undisturbed habitat is nearby. Raptors, such as the red-tailed Hawk (*Buteo jamaicensis*) and Barn Owl (*Tyto alba*), may nest and/or roost in the taller trees of the area. Pocket gopher (*Thomomys bottae*) mounds were evident in some landscaped areas.

**Agricultural (Orchards, Row Crops, Fallow Fields, and Ruderal)**

The few remaining relatively large tracts of vacant land are being used for agriculture or have been used in the recent past for crop and fruit production. Some of the parcels possess actively-managed apple or apricot orchards while others have orchards that are apparently abandoned. In addition, several properties were cultivated during the past growing season for oats or pasture forage. One farm is being used for strawberries, blackberries, and fruit tree production. Finally, several of the vacant lots were plowed or disked at the time of the field surveys.

Many of the parcels previously under agricultural production are currently vegetated with non-native, ruderal vegetation. Dominant species found include forbs and common European grasses such as heart-podded hoary cress (*Cardaria draba*), prickly sow thistle (*Sonchus asper*), common sow thistle (*S. oleraceus*), milk thistle (*Silybum marianum*), Italian thistle (*Carduus pycnocephalus*), field bindweed (*Convolvulus arvensis*), white-leaf filaree (*Erodium moschatum*), cheeseweed (*Malva parviflora*) bull mallow (*M. nicaeensis*), ripgut grass (*Bromus diandrus*), white-leaf filaree (*Erodium moschatum*), Mediterranean barley (*Hordeum marinum* ssp. *gussoneanum*), Italian ryegrass (*Lolium multiflorum*), smilo grass (*Piptatherum mileaceum*), and giant reed (*Arundo donax*). Himalayan blackberry (*Rubus discolor*), a prickly shrub that forms an arched bramble, is also present in this habitat.

In the absence of frequent tilling or other disturbance, fallow fields, orchards and ruderal vegetation can provide moderate to good habitat for wildlife. California ground squirrels (*Spemophilus beecheyi*), for example, were observed in areas that did not appear to have been recently disked, and gopher mounds were also relatively common in fallow fields. Evidence of burrowing animals is more common in the northern Rincon area. Gopher snakes may forage in the grasses and other annuals for small mammals, including gophers or various species of mice. Western toad (*Bufo boreas*) and Pacific treefrog (*Hyla regilla*) are the most likely amphibians present here. Opossums, raccoons, and birds, such as American Robins, Western Scrub-jays (*Aphelocoma californica*), Cedar Waxwings (*Bombycilla cedrorum*), and Mockingbirds will forage for fruit within old orchards. Other species that may forage over or in these agricultural areas include Red-tailed Hawk, American Kestrel (*Falco sparverius*), Barn Owl (*Tyto alba*), Horned Lark (*Eremophila alpestris*), Loggerhead Shrike (*Lanius ludovicianus*), Western Meadowlark (*Sturnella neglecta*), House Finch (*Carpodacus mexicanus*), Mexican free-tailed bat (*Tadarida brasiliensis*), black-tailed hare (*Lepus californicus*), western harvest mouse (*Reithrodontomys megalotis*), California vole (*Microtus californicus*), striped skunk, and red fox (*Vulpes vulpes*). In general, larger expanses of undisturbed fallow agricultural habitat will be utilized by a greater variety of species than smaller, undisturbed agricultural areas surrounded by development.

Where orchards or agricultural fields are routinely disked or plowed for weed control and agricultural operations, the resulting habitat is often of limited value to wildlife. The periodic removal of the herbaceous understory deprives many species of both food and cover, and
This small remnant of riparian woodland is isolated from larger patches of woodlands and will primarily be used by a variety of small birds. These species include the American Kestrel, Yellow-rumped Warbler (*Dendroica coronata*), Anna’s Hummingbird (*Calypte anna*), Allen’s Hummingbird (*Selasphorus sasin*), and Western Scrub Jay. Mammals that would use this habitat include opossums, hoary bats (*Lasiurus cinereus*), red bats (*L. blossevillii*), brush rabbits (*Sylvilagus bachmani*), deer mice, voles, red foxes, and raccoons.

**Special-Status Plant and Animal Species**

Information concerning threatened, endangered, or other special-status species that may occur in the area was collected from several sources and reviewed by the consulting biologists. These sources included the Santa Clara County Sensitive Species data base maps, the California Department of Fish and Game’s Natural Diversity Database, Rarefind, California Wildlife Habitat Relationships species notes, and miscellaneous information available through the U.S. Fish and Wildlife Service (USFWS), CDFG, and technical publications.

A search of published accounts on the locations of these species was conducted within the Milpitas and San José West Quadrangles (U.S. Geological Survey Topographical Quadrangle Maps), in which most of the project site occurs, and in the ten surrounding quads including Newark, Niles, La Costa Valley, Calaveras Reservoir, San José East, Santa Teresa Hills, Los Gatos, Castle Rock Ridge, Cupertino, and Mountain View, using CNDDB Rarefind reports. All species listed as occurring in Santa Clara County and occurring on CNPS Lists 1A, 1B, or 2 were reviewed. In addition, CNPS list 4 species known to occur within the Rincon area were also considered.

**Special-Status Plant Species and Their Habitats**

Reconnaissance-level surveys for special-status plants within the project area were conducted on April 3, 10, 15, and 22, 1997. The survey method involved hiking survey areas in a zigzag pattern and driving on established roads throughout the project area. There is no new information available since these surveys were conducted that would warrant new surveys (i.e., no new plants have been listed that would occur in the habitats found in this area).

Several of the special-status plants known to occur in the vicinity of the project area are found in habitat types that are not present on any of the parcels of in the project area. These habitat types include serpentine soils, chaparral, vernal pools, and coastal dunes. Therefore, appropriate habitat for Hamilton thistle (*Cirsium fontinal var. campylon*), Contra Costa goldfields (*Lasthenia conjugens*), smooth lessingia (*Lessingia micradenia var. glabrata*), Metcalf Canyon jewelflower (*Streptanthus albidus ssp. albidus*), most beautiful jewelflower (*Streptanthus albidus ssp. peramoenus*), Santa Clara Valley dudleya (*Dudleya setchellii*), and robust spineflower (*Chorizanthe robusta var. robusta*) does not occur within the Rincon area.

Due both to the lack of appropriate habitat and the highly disturbed condition of the vacant sites (i.e., routine diskng for fire protection or agriculture), no special-status plant species are expected to occur on the vacant parcels. Based on information available at the time this EIR was prepared, no further surveys for currently listed special-status plants are warranted. Should new species be added to federal, state, local or CNPS lists in the future, additional surveys may be required.
Special-Status Animal Species

Parcels within the Rincon area were originally surveyed on April 16-19, and 29, 1997 and were subsequently surveyed on August 26 and September 1 and 2, 2004 for special-status animals. The survey method involved hiking on the parcels and driving established roads throughout the project area.

Several of the special-status animal species found in the vicinity breed and forage in habitat types that are not present in the project area. Habitat types absent from the Rincon area include saline and brackish marsh. Thus, species requiring these habitat types, such as California Black Rail (*Laterallus jamaicensis coturniculus*), California Clapper Rail (*Rallus longirostris obsoletus*), salt marsh wandering shrew (*sorex vagrans halicoetes*), and salt marsh harvest mouse (*Reithrodontomys raviventris*), are not expected to occur within the Rincon area.

Table 24 lists the special-status wildlife species, their status, and their potential for occurrence in the project area. Expanded descriptions are included of only those species for which potentially suitable breeding habitat occurs within the Rincon area, for which surveys were conducted, or for which the resources agencies have expressed particular concern.

Federal or State Threatened Species

**California Red-legged Frog** (*Rana aurora draytonii*). Federal listing status: Threatened; State listing status: Species of Special Concern. The USFWS listed the California red-legged frog as federally threatened on May 23, 1996. The red-legged frog is a medium-sized frog with reddish-colored legs. This species is generally restricted to riparian habitats in California and northern Baja California. Red-legged frogs prefer deep, quiet pools (greater than three feet deep) in creeks, rivers, or lakes below 1,000 meters in elevation (about 3,000 feet). Habitat requirements include fresh emergent or dense riparian vegetation, especially willows adjacent to shorelines. Red-legged frogs can survive in seasonal bodies of water that are dry for short periods if a permanent water body or dense vegetation stands are nearby.

The adults are normally active at night and breed in ponds and creeks or in marshes during the late winter or early spring after waters recede. Females attach eggs in a single cluster to a vegetation brace just under the surface of the water. The eggs hatch in just over a week and the resulting larvae feed on plant and animal material on the bottom of the pond. It takes at least four months for the larvae to metamorphose into juvenile frogs.

Analysis of known locality records for California red-legged frogs reveals that the species has essentially disappeared from the urbanized lowland areas of the county, including the lower Guadalupe River and Coyote Creek. Extant riparian habitats within this region are largely channelized or contain a wide variety of introduced predatory fishes and bullfrogs. Additionally, no suitable red-legged frog habitat exists on property in the Rincon area.

**California Species of Special Concern or State Protected**

**White-tailed Kite** (*Elanus caeruleus*). Federal listing status: None; State listing status: Protected. This species prefers habitats with low ground cover and variable tree growth.
Kite nests are built near the tops of oaks, willows, or other dense broad-leaved deciduous trees in partially cleared or cultivated fields, grassy foothills, marsh, riparian, woodland, and savanna. Kites prey primarily on small rodents (especially the California vole), but also feed on birds, insects, reptiles, and amphibians. When prey is abundant these birds may rear two broods in a single breeding season. Once considered endangered, the kite is now fairly common, though fully protected, in the state of California. Suitable breeding habitat exists in the taller trees within the Rincon area, although no nests have been observed on the vacant parcels in the Rincon area. White-tailed Kites have been observed foraging within the vacant parcels.

**Cooper’s Hawk (Accipiter cooperii).** Federal listing status: None; State listing status: Species of Special Concern. The Cooper’s Hawk is a larger accipiter than the Sharp-shinned Hawk and thus, this species can prey upon medium-sized birds (e.g., jays, doves, and quail) and occasionally takes small mammals and reptiles. The Cooper’s Hawk prefers landscapes where wooded areas occur in patches and groves, which facilitates the ambush hunting tactics employed by this species. Breeding pairs in California prefer nest sites within dense stands of live oak woodland or riparian areas and prey heavily on young birds during the nesting season. The predominance of landscaped trees limits nesting opportunities for this raptor; however, it is a possible breeding species within the project area. It is expected to forage on parcels within the Rincon area.

**Burrowing Owl (Speotyto cunicularia).** Federal listing status: none; State listing status: Species of Special Concern. The Burrowing Owl is a small, terrestrial owl of open country. These owls prefer annual and perennial grasslands, typically with sparse or nonexistent tree or shrub canopies. In California, Burrowing Owls are found in close association with California ground squirrels. Owls use the abandoned burrows of ground squirrels for shelter and nesting.

Burrowing Owl populations are thought to be declining throughout much of their range in the United States and in Canada. Loss of habitat and campaigns against the burrowing mammals upon which Burrowing Owls depend for nesting habitat are suspected causes of this decline. In California, the Burrowing Owl has been designated as a Species of Special Concern, due to diminishing habitats and concurrent population declines. The Bay Area Burrowing Owl population is estimated to have lost 61% of nesting colonies since the late 1980s. In 1992, the California population was estimated at 9,266 pairs, with most of them (approximately 6,571 pairs) occurring in the Imperial Valley. The South Bay region (from San Mateo on the Peninsula and Alameda County in the East Bay) supports the state’s fourth largest discrete population, estimated at 165 pairs in 1992. Burrowing Owls are colonially-nesting raptors, and colony size is indicative of habitat quality. Colony size is also positively correlated with annual reuse by breeding Burrowing Owls.
frequent disturbance discourages breeding and foraging. Birds are best able to utilize frequently disturbed habitats such as orchards due to their mobility that comes from flight. This mobility allows birds to leave in time of disturbance and to return when conditions are again favorable. For example, Brewer’s Blackbirds (*Euphagus cyanocephalus*) were seen foraging for grain in recently disked fields, and Barn Swallows (*Hirundo rustica*) flew overhead foraging for insects.

**Non-native Grassland**

Some parcels may have supported non-native grassland earlier in the growing season, but recent plowing or disking of these sites has obscured or destroyed preexisting vegetation.

Non-native grassland habitats are generally productive habitats for wildlife, and many wildlife species foraging on the parcel containing non-native grassland will probably also forage in the adjacent agricultural fields. A suite of species similar to those utilizing agricultural fields would be expected in non-native grassland. Turkey Vultures (*Cathartes aura*), White-tailed Kites (*Elanus caeruleus*), Red-tailed Hawks, American Kestrels, Horned raccoons probably forage over or in this field. Golden-crowned Sparrows (*Zonotrichia atricapilla*) and White-crowned Sparrows (*Z. leucophrys*) forage in this habitat during the winter. Open, undisturbed habitat is rare in the project area, and thus these parcels provide important foraging habitat for some wildlife species in the area. Furthermore, the nearby Guadalupe River may provide terrestrial wildlife with access to this habitat. The relatively small size of this habitat, however, and the adjacent urban uses are factors that may limit the number of wildlife species able to utilize this grassland.

**Coyote Brush Scrub**

In those areas protected from mechanical disturbance, for example along fences or in property corners, coyote brush (*Baccharis pilularis*) occurs. These areas are vegetated with relatively dense thickets up to ten feet high, usually accompanied by a tangled, weedy understory of ripgut grass and other non-native herbs.

Wildlife species commonly associated with this shrub habitat include the western fence lizard (*Sceloporus occidentalis*), southern alligator lizard (*Gerrhonotus multicarinatus*), and in winter, White-crowned and Golden-crowned Sparrows. The small, isolated nature of the pockets of scrub habitat within the project area provide refuge for species that may forage in the adjacent, more open habitats. These species include California Towhees (*Pipilo maculatus*) and Loggerhead Shrikes.

**Remnant Sycamore Riparian Woodland**

Four, mature California sycamore (*Platanus racemosa*) trees with a sparse understory composed of annual weeds such as bull mallow, cheeseweed, and ripgut grass were observed on a vacant parcel bounded by Brokaw Road, Ridder Park Drive, and I-880 (Parcel #44 on Figure 22). The drip-line of these trees is wholly surrounded by a plowed field. Essentially an island of remnant riparian woodland vegetation, these clumps of California sycamores are on the out-board side of the levee and cut-off from the depositional effects of Coyote Creek.
<table>
<thead>
<tr>
<th>NAME</th>
<th>*STATUS</th>
<th>HABITAT</th>
<th>POTENTIAL FOR OCCURRENCE ON SITE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Federal or State Endangered or Threatened Species</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Steelhead Rainbow Trout <em>(Oncorhynchus mykiss)</em> Central Coast ESU</td>
<td>FE</td>
<td>Cool streams with suitable spawning habitat and conditions allowing migration.</td>
<td>Known to occur in lower Guadalupe River and Coyote Creek, but instream barriers limit migration to the upper watershed.</td>
</tr>
<tr>
<td>California Red-legged Frog <em>(Rana aurora draytonii)</em></td>
<td>FT, SP, CSSC</td>
<td>Streams, freshwater pools and ponds with overhanging vegetation.</td>
<td>No suitable habitat on site; the lower Guadalupe River and Coyote Creek channels are outside of the present range of this species.</td>
</tr>
<tr>
<td>Longhorn Fairy Shrimp <em>(Branchinecta longiamtenna)</em></td>
<td>FE</td>
<td>Occurs in vernal pools.</td>
<td>No suitable habitat on site; site is outside of known range; presumed absent.</td>
</tr>
<tr>
<td>Vernal Pool Tadpole Shrimp <em>(Lepidarus packardi)</em></td>
<td>FE</td>
<td>Occurs in vernal pools.</td>
<td>No suitable habitat on site; no historic or current records for Santa Clara County; presumed absent.</td>
</tr>
<tr>
<td>Vernal Pool Fairy Shrimp <em>(Branchinecta lynchi)</em></td>
<td>ST</td>
<td>Occurs in vernal pools.</td>
<td>No suitable habitat on site; site is outside of known range; presumed absent.</td>
</tr>
<tr>
<td>American Peregrine Falcon <em>(Falco peregrinus anatum)</em></td>
<td>FE, SE, SP</td>
<td>Forages in many habitats; requires cliffs for nesting.</td>
<td>Rare to occasional forager on site; no suitable breeding habitat on site.</td>
</tr>
<tr>
<td>Willow Flycatcher <em>(Empidonax traillii)</em></td>
<td>SE</td>
<td>Breeds locally in riparian habitats in mountains and southern deserts.</td>
<td>Rare, transient.</td>
</tr>
<tr>
<td>Bank Swallow <em>(Riparia riparia)</em></td>
<td>ST</td>
<td>Nests in riparian and other lowland habitats; requires vertical banks/cliffs with fine/sandy soils.</td>
<td>No suitable habitat on site; presumed absent.</td>
</tr>
<tr>
<td><strong>Federal Candidate Species</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>California Tiger Salamander <em>(Ambystoma californiense)</em></td>
<td>FC, CSSC</td>
<td>Vernal or temporary pools in annual grasslands, or open stages of woodlands.</td>
<td>No suitable habitat; presumed absent.</td>
</tr>
<tr>
<td><strong>California Species of Special Concern</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chinook salmon – Central Valley fall/late fall-run <em>(Oncorhynchus tshawytscha)</em></td>
<td>FC, CSSC</td>
<td>Found in streams that reach the ocean; require shallow, partly shaded pools, riffles, and runs with temperatures &lt;58 degrees F for developing embryos.</td>
<td>Known to occur in the lower Guadalupe River and Coyote Creek, but instream barriers limit migration to the upper watershed.</td>
</tr>
<tr>
<td>Western Spadefoot Toad <em>(Scaphiopus hammondii)</em></td>
<td>CSSC</td>
<td>Grasslands with temporary pools.</td>
<td>Presumed absent. No historic or current records for Santa Clara County.</td>
</tr>
<tr>
<td>Foothill Yellow-legged Frog <em>(Rana boylii)</em></td>
<td>CSSC</td>
<td>Rocky streams in a variety of habitats. Found in coast ranges.</td>
<td>No suitable habitat on site; presumed absent.</td>
</tr>
<tr>
<td>Western Pond Turtle <em>(Clemmys marmorata)</em></td>
<td>CSSC</td>
<td>Permanent or nearly permanent water in a variety of habitats.</td>
<td>No suitable habitat on site; however, occurs off-site in Guadalupe River and Coyote Creek.</td>
</tr>
<tr>
<td>Northern Harrier <em>(Circus cyaneus)</em></td>
<td>CSSC</td>
<td>Forages in open to herbaceous stages of many habitats.</td>
<td>Transient and winter visitor.</td>
</tr>
<tr>
<td>Ferruginous Hawk <em>(Buteo regalis)</em></td>
<td>CSSC</td>
<td>Open grasslands and agricultural fields.</td>
<td>Possibly a rare winter visitor or migrant.</td>
</tr>
<tr>
<td>NAME</td>
<td>*STATUS</td>
<td>HABITAT</td>
<td>POTENTIAL FOR OCCURRENCE ON SITE</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>---------</td>
<td>------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------</td>
</tr>
<tr>
<td>Sharp-shinned Hawk (Accipiter striatus)</td>
<td>CSSC</td>
<td>Uses many habitats in winter and migration.</td>
<td>Migrant and winter visitor.</td>
</tr>
<tr>
<td>Cooper’s Hawk (Accipiter cooperii)</td>
<td>CSSC</td>
<td>Uses many habitats in winter and migration.</td>
<td>Marginal breeding habitat on site; transient and winter visitor.</td>
</tr>
<tr>
<td>Golden Eagle (Aquila chrysaetos)</td>
<td>CSSC</td>
<td>Breeds in cliffs or in large trees or structures.</td>
<td>Potential forager on site; no known nest on site.</td>
</tr>
<tr>
<td>Merlin (Falco columbarius)</td>
<td>CSSC</td>
<td>Uses many habitats in winter and migration.</td>
<td>Occasional forager during migration and winter.</td>
</tr>
<tr>
<td>Prairie Falcon (Falco mexicanus)</td>
<td>CSSC</td>
<td>Open grasslands.</td>
<td>Possibly a rare visitor.</td>
</tr>
<tr>
<td>Burrowing Owl (Athene cunicularia)</td>
<td>CSSC</td>
<td>Open grasslands and ruderal habitats.</td>
<td>Suitable habitat on site. Owls observed during surveys in 1997.</td>
</tr>
<tr>
<td>Long-billed Curlew (Numenius americanus)</td>
<td>CSSC</td>
<td>Grasslands, agricultural fields, and wetlands.</td>
<td>Occasional visitor.</td>
</tr>
<tr>
<td>California Gull (Larus californicus)</td>
<td>CSSC</td>
<td>Utilizes a variety of habitats including wetlands,</td>
<td>Common, but no breeding areas.</td>
</tr>
<tr>
<td>Vaux’s Swift (Chaetura vauxi)</td>
<td>CSSC</td>
<td>Breeds in north coast or mountain forests.</td>
<td>Occasional migrant.</td>
</tr>
<tr>
<td>California Horned Lark</td>
<td>CSSC</td>
<td>Short-grass prairie, annual grasslands, coastal plains, open fields.</td>
<td>Suitable breeding habitat on site; migrant and winter visitor.</td>
</tr>
<tr>
<td>Loggerhead Shrike (Laniaus ludovicianus actia)</td>
<td>CSSC</td>
<td>Open brushy habitats.</td>
<td>Fairly common resident; breeding habitat in project area.</td>
</tr>
<tr>
<td>California Yellow Warbler (Dendroica petechia brewsteri)</td>
<td>CSSC</td>
<td>Breeds in riparian woodlands and meadow edges;</td>
<td>Migrant.</td>
</tr>
<tr>
<td>Saltmarsh Common Yellowthroat (Geothlypis trichas sinuosa)</td>
<td>CSSC</td>
<td>Fresh and brackish water marshes; thick foraging</td>
<td>No suitable breeding or foraging habitat on site; presumed absent.</td>
</tr>
<tr>
<td>Yellow-breasted Chat (Icteria virens)</td>
<td>CSSC</td>
<td>Dense riparian habitat.</td>
<td>No appropriate habitat. Chats are uncommon and local, primarily in southern Santa Clara County.</td>
</tr>
<tr>
<td>Tricolored Blackbird (Agelais tricolor)</td>
<td>CSSC</td>
<td>Breeds near fresh water in dense emergent vegetation.</td>
<td>Transient, winter visitor; could nest in overgrown fields, but unlikely.</td>
</tr>
<tr>
<td>Townsend’s Big-eared Bat (Plecotus townsendii)</td>
<td>CSSC</td>
<td>Roosts in buildings, caves, and mine tunnels in a</td>
<td>Potential forager; potential roosting habitat in old buildings on site.</td>
</tr>
<tr>
<td>California Mastiff Bat (Eumops perotis californicus)</td>
<td>CSSC</td>
<td>Forages over many habitats, requires tall cliffs or</td>
<td>Potential forager; roosting habitat unlikely on site.</td>
</tr>
<tr>
<td>Pallid Bat (Antrozous pallidus)</td>
<td>CSSC</td>
<td>Forages over many habitats;.roosts in building attics and walls, rocky crevices and caves.</td>
<td>Potential forager; potential roosting habitat in old buildings in the project area. Old buildings provide potential nursery sites.</td>
</tr>
<tr>
<td>American Badger (Taxidea taxus)</td>
<td>CSSC</td>
<td>Found in many open habitats, lives in burrows.</td>
<td>No suitable habitat on site; presumed absent.</td>
</tr>
<tr>
<td>NAME</td>
<td>*STATUS</td>
<td>HABITAT</td>
<td>POTENTIAL FOR OCCURRENCE ON SITE</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>---------</td>
<td>-------------------------------------------------------------------------</td>
<td>-------------------------------------------</td>
</tr>
<tr>
<td>White-tailed Kite (Elanus caeruleus)</td>
<td>SP</td>
<td>Forages in open to herbaceous stages of many habitats.</td>
<td>Potential breeding habitat on site, common forager.</td>
</tr>
<tr>
<td>Ringtail (Bassariscus astutus)</td>
<td>SP</td>
<td>Prefers riparian and heavily wooded habitats near water.</td>
<td>Marginally suitable habitat along Guadalupe River and Coyote Creek.</td>
</tr>
</tbody>
</table>

**SPECIAL STATUS SPECIES CODE DESIGNATIONS**

- **FE** = Federally listed Endangered
- **FT** = Federally listed Threatened
- **FC** = Federal Candidate. Sufficient biological information to support a proposal to list the species as Endangered or Threatened
- **SE** = State listed Endangered
- **ST** = State listed Threatened
- **CSSC** = California Species of Special Concern
- **SP** = State Protected Species
- **CNPS 1B** = Plants considered by CNPS to be rare, threatened, or endangered in California, and elsewhere
Reconnaissance-level habitat evaluations of all the Rincon parcels were conducted from April 16 through 19, 1997. To identify habitats of value to Burrowing Owls in the Rincon area, parcels identified in the study plan were scored based on several criteria, then ranked. These criteria included nesting habitat quality, foraging habitat quality, and prevalence of California ground squirrels. To minimize inter-observer variation in ranking parcels, a single observer assigned scores. Parcels that had been developed, and were thus of no value as habitat, were scored a zero. Parcels that remained undeveloped, yet had none of the habitats preferred by either Burrowing Owls or California ground squirrels were scored to rank as “potential.” Because many of the parcels had been routinely disked (and thus appeared similar), the scores assigned to those parcels that were occupied by Burrowing Owls presently or since the parcel was last human-altered (other than disking) were elevated to the highest ranking for both nesting and foraging habitat.

Population constancy (annual site reuse) by Burrowing Owls is largely a function of two factors: 1) California ground squirrel populations and 2) Burrowing Owl nesting group size. California ground squirrels essentially create and maintain Burrowing Owl habitat. Ground squirrels provide nesting and refuge burrows, and maintain short vegetation height, which provides visual protection from avian predators and foraging habitat. In the absence of ground squirrel populations, habitats soon become unsuitable for occupancy by owls. Burrowing Owls are semi-colonial nesters, and group size is the single largest factor contributing to site constancy by breeding Burrowing Owls.

As habitat parcels become surrounded by human developments and are increasingly fragmented and isolated within human environments, they become increasingly inhospitable to breeding Burrowing Owls. Thus, parcels in the less developed northern portion of the study area probably represent the highest quality habitats. At present, the largest concentrations of breeding Burrowing Owls are also in the northern portion of the Rincon area. All vacant parcels, however, provide potential foraging or nesting habitats for Burrowing Owls and other raptors.

California Horned Lark (Eremophila alpestris actia). Federal listing status: None; State listing status: Species of Special Concern. Grinnell and Miller (1944) list 13 subspecies of Horned Lark in California. One of these subspecies, the California Horned Lark, is currently a California Species of Special Concern. This subspecies is a widespread breeder along the coast and in the Central Valley of California, and it represents the only subspecies that breeds in the general region of the project area. This species may breed in remaining suitable habitat in the area. Several other subspecies of Horned Lark occur in the region during migration and winter. It is not possible, however, to identify these birds to subspecies without collecting them.

The non-native grasslands and fallow agricultural fields provide suitable nesting habitat for the California Horned Lark. Therefore, it is possible that this species breeds in the project area.

Loggerhead Shrike (Lanius ludovicianus). Federal listing status: None; State Listing Status: Species of Special Concern. In approximately the last 20 years, some populations of the Loggerhead Shrike have declined significantly. These populations are primarily in eastern North America. Other populations, however, including those in western North
America, appear to be decreasing as well. In California, Loggerhead Shrikes are still considered a fairly common species. Shrikes generally build their nests in dense shrubs or bushes in open areas.

Several areas within the Rincon area support a sufficiently dense understory of herbaceous vegetation, which would provide appropriate nesting substrate for this species. Therefore, Loggerhead Shrikes may breed within the Rincon area.

**Pallid Bat (Antrozous pallidus pacificus).** Federal listing status: None; State listing status: Species of Special Concern. Pallid bats are pale to light brown in color, and, at about 24 grams, the Pacific race is one of the state’s largest bats. These coastal colonies commonly roost in deep crevices in rocky outcroppings, in buildings, under bridges, and in hollow trees. Colonies can range from a few individuals to over a hundred. Some female/young colonies use their day roost for their nursery as well as a hibernacula, while other colonies migrate locally on a seasonal basis. Although crevices are important for day roosts, night roosts often include open buildings, porches, garages, highway bridges, and mines. Pallid bats may travel up to several miles for water or foraging sites if roosting sites are limited. Pallid bats prefer foraging on terrestrial arthropods in dry open grasslands near water and rocky outcroppings or old structures. They may also occur in oak woodlands and at the edge of redwood forests along the coast. This species may forage on open fields and roost in old buildings in the northernmost vacant parcels in the Rincon area.

**Townsend’s Big-eared Bat (Plecotus townsendii).** Federal listing status: None; State listing status: Species of Special Concern. This once common bat is now considered uncommon in the state. This species may occur in rural buildings (especially in coastal areas), in woodlands, or in xeric environments. Townsend’s big-eared bats are particularly sensitive to human disturbance and will abandon a traditional summer or nursery roost if disturbed. This species may occur on abandoned buildings within the Rincon area, as some of the attics, walls, and roofs of old buildings may provide suitable roosting sites.

**Regulated Habitats and Resources**

Regulated habitats and resources could still occur on some of the Rincon redevelopment area parcels. Table 25 provides a summary by parcel of the likely presence of biotic resources, including riparian woodland, and ordinance-size trees. The closest scrutiny was made of vacant parcels as being generally more likely to retain habitat values.

Table 25 is only a snapshot summary of conditions that existed at the time this EIR was prepared. Biotic conditions change, sometimes rapidly. Trees grow, habitats change, species become rare or adapt to new conditions. Any proposal to develop in North San José would require an update on the physical conditions present on the proposed project site, including an updated evaluation of the vegetation and wildlife present, or likely to be present, on the property.

**Ordinance-Size Trees and Heritage Trees**

The City of San José Tree Removal Controls (San José City Code, §13.31.010-13.32.100) serve to protect all trees having a trunk that measures 56 inches or more in circumference (18
inches in diameter) at the height of 24 inches above the natural grade or slope. The ordinance
protects both native and non-native species. A tree removal permit is required from the City
of San José for the removal of ordinance-sized trees. In addition, any tree found by the City
Council to have special significance can be designated as a heritage tree, regardless of tree
size or species. It is unlawful to vandals, mutilate, remove, or destroy such heritage trees.
In addition, the City of San José requires, prior to the issue of any approval or permit for
construction of any improvement on any project site, that all trees on the project site be
inventoried and categorized according to size, species, and location.

A detailed tree survey was not conducted for this EIR since the City has no right of entry for
any of the privately owned property, and no trees are proposed to be removed at this time.
When specific development projects are proposed for a site, tree surveys will be completed to
document all trees, including ordinance-size trees, that would be affected by a proposed
project. Based upon observations during reconnaissance-level surveys of currently vacant
land, conducted from public rights-of-way, trees that appear to be ordinance-sized occur on
some of the parcels surveyed (refer to Appendix G). These trees include the California
sycamores that dominate the sycamore alluvial riparian woodland remnants discussed above,
and landscape trees such as English walnuts (Juglans nigra), coast redwoods, forest red gum
(Eucalyptus tereticornis), and Fremont cottonwoods. Many of the landscape trees were
planted in bermed landscaping (required for flood protection) and in parking lots or narrow
landscaped strips. Substantial numbers of such trees are shallow rooted and appear
unhealthy. Many of the tree species planted were not placed in suitable soil and have not
thrived.

<table>
<thead>
<tr>
<th>Parcel Number*</th>
<th>Vacant Land</th>
<th>Adjacent to Riparian Corridor</th>
<th>Riparian Ordinance Trees</th>
<th>Abandoned Structures</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>27</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>32</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>37</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>38</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>42</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>43</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>44</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>46</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>52</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Table 25
Parcels With Biotic Resources Within the Rincon Area

<table>
<thead>
<tr>
<th>Parcel Number*</th>
<th>Vacant Land</th>
<th>Adjacent to Riparian Corridor</th>
<th>Riparian Trees</th>
<th>Abandoned Structures</th>
</tr>
</thead>
<tbody>
<tr>
<td>C</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Parcel numbers refer to Figure 22.

Riparian Corridors

The Guadalupe River runs along the western boundary of the project, and Coyote Creek runs along and inside the eastern boundary.

Riparian trees are generally absent on the in-board sides of the Guadalupe River levees from the Trimble bridge downstream to the lower end of the Rincon area. The vegetation along these reaches (which is outside the Rincon parcels) consists of high quality tidal and brackish marsh. Upstream from the Trimble bridge, the vegetation becomes stratified with a dominant Fremont cottonwood overstory, a sparse to vigorous willow understory, and associated woody vines and herbs. This riparian habitat is moderate to high quality.

Those reaches of lower Coyote Creek that occur east of the Rincon project area possess a greater density of riparian trees and shrubs than similar areas near US 101 along the Guadalupe River. Below the Montague Expressway bridge, two channels are present. The easternmost channel is densely vegetated with high quality riparian forest. From Montague northward, an overflow channel has been constructed that is generally devoid of trees.

2. Biological Resources Impacts

Thresholds of Significance

For the purposes of this EIR, a biological resources impact is considered significant if the project will:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations; or
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or region plans, policies, or regulations; or
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) Through direct removal, filling, hydrological interruption, or other means; or
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
• Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Overview

Most remaining undeveloped land within the project area is designated for industrial and/or residential uses.

Direct impacts to wildlife species are assumed to be correlated with the loss of plant communities that provide their primary habitat. These losses could result from grading on project sites, road building, infrastructure installation, filling or other damage to habitats, and direct wildlife loss or disturbance by construction activities and human use. The conversion of these communities to industrial, commercial and other land uses, therefore, may result in the loss of or reduction of use for some wildlife species. The existing wildlife species are usually replaced with a suite of species that tolerate these development activities.

Indirect impacts to wildlife are also expected to occur. Some remaining fragments of undeveloped habitat will be isolated from larger areas of contiguous habitat and are expected to have lower biological values than those prevailing before development.

Impacts to Biotic Habitats

Loss of Urban Landscape Habitat

Urban landscape habitat is scattered throughout the project area (Table 26). Much of this landscaping could be lost to redevelopment of parcels pursuant to the proposed project. Although the future mix of plant species used for landscaping may vary from what currently exists, future development will likely include landscaping. Urban landscaping is common regionally, and the plants and animals that it supports are locally abundant. Therefore, the loss of this habitat type will result in a less than significant impact.

Loss of Agricultural and Non-native Grassland Habitats

Development allowed under the proposed General Plan and policy amendments would result in the loss of the remaining agricultural and non-native grassland within the Rincon area. The loss of this habitat would be less than significant for most wildlife species due to the availability of similar habitats in the region. Development proposed within the Rincon area will result in a significant loss of foraging and breeding habitat for resident Burrowing Owl and other raptors. This impact is discussed below under Loss of Habitat for Burrowing Owls and Other Raptors. This impact is likely to occur under the existing General Plan designations, which also contemplate replacement of the vacant lands with urban development.

Loss of Coyote Brush Scrub Habitats

A few Rincon parcels contain coyote brush scrub (Table 26), which could be lost upon development. Due to their degraded nature and small size, these scattered patches of coyote
brush provide little habitat value. Furthermore, the species able to utilize these areas are common regionally. Therefore, the loss of this habitat type will result in a less than significant impact.

This impact is also likely to occur under the existing General Plan designations, which also encourage replacement of the vacant lands with urban development.

**Loss of Remnant Sycamore Riparian Woodland**

A relatively small island of sycamore riparian woodland is present on a vacant parcel south of Coyote Creek and Brokaw Road and east of I-880 (refer to Figure 22, parcel 44). It is separated from the nearby remaining cottonwood riparian forest by the Coyote Creek levee. Nonetheless, because these trees are only separated from the adjacent forest by a relatively narrow strip of field and the grassy levee slopes, the sycamores are a significant contribution to the riparian habitat.

As noted above, San José’s Riparian Corridor Policy states that remnant riparian species, even if existing outside the mapped riparian corridor, should be retained in development plans. Because General Plan policies provide for protection of this habitat, and would characterize loss of this remaining habitat as a significant impact, the analysis in this EIR assumes that the woodland will be retained or replaced as indicated under Program Mitigation; its removal without replacement mitigation is not addressed in this document. Any future development that proposes removal of the woodland without replacement mitigation would require preparation of another EIR.

- Development that is covered by the analysis in this EIR, including development of the vacant parcel near the intersection of Coyote Creek and Brokaw Road, is assumed to include preservation of the remnant sycamore riparian woodland or its replacement. (Less Than Significant Impact)

**Impacts to Wildlife Movements**

The entire Rincon area consists entirely of habitats previously altered by development and agriculture.

The thresholds of significance above identify interfering substantially with native wildlife movements as a significant environmental effect. This rather broad language sometimes causes confusion because in fact animals make three different types of movements on a regular basis. Typically, substantial interruption is interpreted as the disruption of a wildlife movement corridor. The term “corridor” implies a linkage between or among larger habitat patches. In order to assess the importance of an area as a “movement corridor” it is important to understand the basic concepts underlying animal movement patterns. Animal movements can generally be subdivided into three major behavioral categories: 1) movements within a home range or territory; 2) movements during migration; and 3) movements during dispersal. These different types of movement patterns and how they relate to use of the Rincon area by the various wildlife species are described below.
Movements Within a Home Range or Territory. Home range can be defined as that area an animal learns thoroughly and habitually patrols during its normal activities of foraging, mating, and caring for young. The term territory refers to an area that an animal defends through overt defense or advertisement. The breeding territories of song birds is a classic example of this behavior. Not all animals, however, exhibit territorial behavior.

Movements During Migration. Along with the normal movements associated with a home range or territory some wildlife species exhibit a number of distinct movement patterns such as migration and dispersal. Migration is generally defined as a movement from the breeding or natal grounds to a “wintering” area and the subsequent return for the next reproductive effort.

Movements During Dispersal. Dispersal generally refers to the movement of an animal (usually juveniles) from its natal area to an area of unoccupied habitat, or movements by adults related to short-term changes in resource availability. Many small mammals such as California voles and deer mice are considered good colonizers since a portion of their populations will frequently disperse from their site of origin.

Animal Movements in the Rincon Area

No detailed study of animal movements within Rincon was conducted for this EIR. Knowledge of the region, its habitats, and the ecology of the species in the area, however, permits sufficient predictions on the types of movements that are occurring within the region, particularly in light of the existing physical conditions. The development of the habitats in the project area will have an insignificant impact on movements of animals regionally due to the present level of commercial, residential, and roadway/freeway development throughout the project area.

The Rincon area is included in the foraging radius for many avian species. The territories for most of these species are not likely to exceed the size of the area. A number of other avian species (primarily raptors) will forage over much larger areas than Rincon. Bird species with relatively small foraging territories that may breed in the area include the Mockingbird, Chestnut-backed Chickadee, California Towhee, Song Sparrow, Common Bushtit, House Finch, Lesser Goldfinch, and Nuttall’s Woodpecker. Dispersing juveniles of these species might traverse the area, immigrate, or emigrate from the parcels in search of suitable unoccupied habitat. The Rincon parcels provide foraging opportunities for several raptor species that nest within the region. These include the Red-tailed Hawk, Red-shouldered Hawk, White-tailed Kite, Golden Eagle, American Kestrel, Barn Owl, Great-horned Owl, and Burrowing Owl.

A number of medium to large mammals such as red fox and raccoons use the area for breeding and foraging. The home ranges of several of these species are larger than the individual Rincon parcels, but not the entire planning area. Juveniles of these species would either traverse the Rincon area, immigrate, or emigrate from it.

The Rincon area is not known to be a migratory route for any of the terrestrial species either known to occur on individual sites or within the vicinity of the project area. It does however, support several different vegetation cover types that provide habitat for a variety of wildlife...
species. These wildlife species will use the area during their normal movements (e.g., home range or territory), or juveniles (and to a lesser extent adults) may disperse over, from, or onto the various parcels. The riparian woodlands associated with the Guadalupe River and Coyote Creek are discontinuous for some portion of their length. Nonetheless, several terrestrial vertebrate species will use these woodlands as movement corridors. These species include (but are not limited to) Great-horned Owl, Bewick’s Wren, Plain Titmouse, Bushtit, Nuttall’s Woodpecker, Chestnut-backed Chickadee, opossum, Yuma bat, dusky footed woodrat, deer mouse, raccoon, and red fox. Some species may spend their entire life cycle within this riparian habitat, use the habitat for cover, or access other habitats along the creek.

Some species may disperse through the area, but most wildlife that presently use the area do so as part of their normal movements for foraging, mating, and caring for young. In other words, the Rincon area falls within their home range or territory. Individuals of the various amphibian, reptile, and small mammal species that presently occupy the parcels will be displaced or lost as development proceeds. As described previously, the loss of urban landscape and coyote brush scrub habitat is considered a less-than-significant impact to most wildlife species due to the availability of similar habitats in the region.

The development of Rincon will not interfere substantially with the movement of any resident or migratory fish or wildlife species, but will result in a significant loss of foraging and breeding habitat for some raptors, especially the Burrowing Owl (see Loss of Habitat for Burrowing Owls and Other Raptors, below).

- **Development of vacant parcels in the Rincon area will not interfere substantially with the movement of any resident or migratory fish or wildlife species. (Less Than Significant Impact)**

**Special-Status Plant and Animal Species**

**Loss of Habitat for Various Special-Status Animal Species**

Several special-status animal species have been identified as historically or currently occurring in the project vicinity. On the basis of field inspections done by the consulting biologists in 1997 and 2004, it was determined that no special-status plants, including alkali milk-vetch (Astragalus tener var. tener), Santa Clara red ribbons (Clarkia concinna ssp. automixa), fragrant fritillary (Fritillaria liliacea), and Congdon’s tarplant (Hemizonia parryi ssp. congdonii), nor appropriate habitat for those species, presently occurs on vacant parcels within the project area. No vernal pool habitat, which is the preferred wetland ecosystem for the alkali milk-vetch, was identified on the Rincon parcels. Nor were serpentine or alkaline seeps and native grasslands, habitat for fragrant fritillary and Congdon’s tarplant, identified. Finally, the absence of cismontane woodland and coastal scrub precludes the presence of Santa Clara red ribbons. Therefore, the project will not have any impacts on special-status plants.

Sites within the project area do not support suitable habitat for longhorn fairy shrimp (Branchinecta longiantenna), vernal pool fairy shrimp (B. lynchii), vernal pool tadpole shrimp (Lepidurus packardi), chinook salmon (Oncorhynchus tshawytscha), steelhead rainbow trout (O. mykiss), California tiger salamander (Ambystoma californiense), western spadefoot toad
(Scaphiopus hammondii), California red-legged frog, foothill yellow-legged frog (Rana boylii), western pond turtle (Clemmys marmorata), Bank Swallow (Riparia riparia), Saltmarsh Common Yellowthroat (Geothlypis trichas sinuosa), Yellow-breasted Chat (Icteria virens), and American badger (Taxidea taxus). Therefore, development within the project area would result in no direct impacts to these species.

Some special-status terrestrial vertebrates may be occasional visitors, migrants, or transients. These species include the Ferruginous Hawk (Buteo regalis), American Peregrine Falcon (Falco peregrinus anatum), Prairie Falcon (Falco mexicanus), Long-billed Curlew (Numenius americanus), Vaux’s Swift (Chaetura vauxi), California Yellow Warbler (Dendroica petechia brewsteri), Willow Flycatcher (Empidonax traillii), and Tricolored Blackbird (Agelaius tricolor). Due to these species’ limited use of the Rincon area, development of parcels within the project area will have a less than significant effect on their breeding or migratory success.

The California Gull (Larus californicus) utilizes a variety of habitats for foraging, including developed areas such as parking lots, landfills, and school yards. Impacts to breeding habitat represent the principal threat to California Gull populations. California gulls do not breed within the Rincon area, and may continue to forage there after development. Project development will thus have a less than significant impact on this species.

The California Horned Lark may occasionally breed in the project area. This species is a common breeder in Central California and is considered a Species of Special Concern generally due to its severe decline in the coastal areas of southern California. Additionally, the Loggerhead Shrike (Lanius ludovicianus) is fairly common in the San Francisco Bay Area (and in the state), and the population appears to be stable regionally. The project area represents a small fraction of the available breeding habitat for these two species in Santa Clara County. Thus, project development will have a less than significant impact on these species.

Although marginally suitable habitat for the ringtail (Bassariscus astutus) occurs along the Guadalupe River and Coyote Creek, these riparian areas are not within any of the anticipated development sites. Impacts to ringtails are thus expected to be less than significant.

Pallid bats and Townsend’s big-eared bats may forage over the area. Pallid bats and Townsend’s big-eared bats were observed during reconnaissance-level surveys. Loss of potential foraging habitat for either species is a minimal impact, since open fields are disked, reducing potential arthropod prey for pallid bats and flying prey for Townsend’s big-eared bats. Both bats are also capable of flying a few miles for foraging areas, the nearest being north of State Route 237. California mastiff bats (Eumops perotis californicus) may also forage over the Rincon area. This species generally forages 1,000 to 2,200 feet or more above ground, however, and frequently forages 15 or more miles from its day roost. Mastiff bats may forage over Rincon after development and are capable of flying to other foraging areas. The impact from the loss of potential foraging habitat for special-status bat species from future Rincon development is thus less than significant.

**Loss of Habitat for Burrowing Owls and Other Raptors**
Burrowing Owls forage and breed within the Rincon area. Burrowing Owls in this area are declining largely due to the rate and extent to which habitats are being converted to human use and thus rendered unsuitable for Burrowing Owls. In addition to Burrowing Owls, other special-status raptors, such as White-tailed Kites and Cooper’s Hawks, currently forage and may even breed within the Rincon area.

All of the currently undeveloped Rincon parcels are slated for development under the San José General Plan. With limited exception (e.g., narrow strips of land along Coyote Creek and the Guadalupe River), no open, undeveloped habitat will remain within the Rincon area at buildout. Development of the vacant parcels within the Rincon area will thus result in the loss of virtually all of the remaining Burrowing Owl habitat within a 4,660 acre area of San José – a loss of approximately 600 acres of remaining Burrowing Owl habitat. This habitat loss would be a significant impact.

**Potential Disturbance to Active Raptor Nests and Occupied Owl Burrows from Project Construction**

Raptors (e.g., eagles, hawks, and owls) and their nests are protected under both federal and state regulations. The federal Migratory Bird Treaty Act (16 U.S.C., Sec. 703, Supp. I, 1989) prohibits killing, possessing, or trading in migratory birds, except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs. Birds of prey are protected in California under Fish and Game Code section 3503.5 (1992). Section 3503.5 states that it is “unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.” Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered a “taking” by the CDFG. Furthermore, the destruction of occupied Burrowing Owl burrows is also considered a taking. Any loss of fertile eggs, nesting birds, any activities resulting in nest abandonment, or the destruction of occupied Burrowing Owl burrows would constitute a significant impact. This significance criteria would apply to White-tailed Kites, Cooper’s Hawks, Burrowing Owls, and other birds of prey. Construction activities such as tree removal and site grading that disturb a nesting raptor on a specific site or immediately adjacent to the specific site would constitute a significant impact.

Raptors are known to nest in mature trees and sometimes on both occupied and abandoned buildings throughout the Rincon area. Many of the mature trees present in Rincon are found in the landscaping on developed sites, as well as on the vacant properties. Since development and redevelopment at the levels of intensity proposed for the Industrial Core Area and at the densities proposed for the new residential development will leave very little of these sites in either a natural or existing state, it is likely that the trees will be removed. The destruction of occupied raptors’ nests in the trees would be a significant impact.

Likewise, destruction of a burrow occupied by a Burrowing Owl, whether during the nesting season or otherwise, would constitute a violation of the Migratory Bird Treaty Act and the Fish and Game Code. As the remaining viable habitat has disappeared, Burrowing Owls
have been found in marginal habitat locations, including landscape islands and in parking strips. The destruction of an occupied nest or of an individual bird, no matter where the nest is located, would be a significant impact.

Potential Disturbance to Pallid Bat and Townsend’s Big-eared Bat Nursery Colonies

Pallid bat and Townsend’s big-eared bat nursery colonies, which develop from late spring to early or mid-summer, may exist in the attics or wall spaces of old buildings on sites within the Rincon area. The razing of buildings with active nursery colonies would eliminate those nursery colonies. Furthermore, Townsend’s big-eared bats are so sensitive to human disturbance that females will permanently leave a traditional summer roost if disturbed. Although evidence of the two bat species was not observed during reconnaissance-level surveys, if nursery colonies of either species should exist, destruction or disturbances from parcel development that cause colony abandonment would be a significant impact.

- Development of vacant parcels within the Rincon area would result in impacts to urban landscape, agricultural, non-native grassland, and coyote brush scrub habitats that are regionally common. Development of vacant parcels within the Rincon area would result in significant loss of habitat for Burrowing Owls and other raptors. In addition, development and/or redevelopment of developed sites could result in potential disturbance to active raptor nests, occupied Burrowing Owl burrows, and pallid bat and Townsend’s Big-eared Bat nursery colonies, and/or destruction of members of these species. (Significant Impact)

Impacts to Riparian Corridors

Riparian areas in central California support a rich and diverse wildlife component. Riparian corridors that connect natural areas such as the baylands and the hillsides surrounding Santa Clara County are also wildlife corridors. The use of these habitats is adversely affected by the close proximity of human activity and the placement of structures. The quality of the riparian habitat and type of structures or activities adjacent to it determines the overall effect on wildlife use. In general, the greater the amount of human activity and the closer that activity occurs to riparian areas, the greater the potential for negative impacts to wildlife use.

Therefore, it is generally desirable to minimize human activities adjacent to riparian habitats. This need to reduce human use has led to the development of the setback or buffer concept along riparian areas as an attempt to reduce impacts to riparian areas. While empirical evidence exists to support the hypothesis that wildlife values of the riparian corridor can be compromised by adjacent human activity, little empirical data presently exists for the establishment of a precise setback area.

To address this issue, riparian setbacks of up to 100 feet are often recommended by CDFG and by consulting biologists as appropriate for streams with high quality riparian habitat. These setbacks are typically measured from either the top of the bank or the outer edge of riparian vegetation, whichever is greater. In addition, the General Plan Riparian Corridor Policy Study indicates that “development adjacent to riparian habitats should be set back 100 feet from the outside edge of the riparian habitat (or top of bank) whichever is greater.”
Both of the adjacent stream systems (Guadalupe River and Coyote Creek) are major components of the riparian system of the waterways of the South Bay. Project development could adversely affect the respective riparian corridors if development were allowed to encroach within the standard riparian setback for high quality riparian corridors (i.e., 100 feet). Because General Plan policies would characterize encroachment into the riparian setback as a potentially significant impact, the analysis in this EIR assumes that future development will observe riparian setbacks of at least 100 feet, within which minimal human use and disturbance will be allowed. The 100 feet is measured from the top-of-bank or edge of riparian canopy, whichever is greater. The impacts of encroaching into that setback are not addressed in this EIR.

Any development proposal that encroaches within the 100-foot riparian setback will require additional environmental review, including a biological assessment of the impacts associated with the reduced setback, and would have to be found consistent with the Policy's setback reduction criteria to be approved. If such encroachment is found to be a significant impact the Guadalupe River or Coyote Creek Riparian Corridors, a subsequent EIR will be required to evaluate the impacts of that project.

- Development that is covered by this EIR will be consistent with the City’s adopted Riparian Corridor Policy Study. It is assumed that future development or redevelopment will not encroach upon the 100-foot setback from the riparian corridors of the Guadalupe River or Coyote Creek, or otherwise significantly impact these corridors. (Less Than Significant Impact)

**Degradation of Aquatic Habitat**

Development of the vacant parcels and substantial redevelopment of previously developed property will increase the potential for stormwater runoff to carry a variety of pollutants into the Guadalupe River. Street runoff often carries grease, oil, and trace amounts of heavy metals into natural drainages. Runoff from landscaping can carry pesticides, herbicides, and fertilizers. Particulates generated by project traffic and construction that are deposited on paved surfaces and carried by runoff into natural waterways will increase sedimentation impacts to the Guadalupe River and San Francisco Bay. Although the amounts of these pollutants ultimately discharged into the river are unknown, over time they could be substantial. Please also refer to the discussion in Section II.H. Hydrology and Water Quality.

Significant degradation of the Guadalupe River and the aquatic habitat it provides would reduce the number and diversity of aquatic invertebrate species. In turn, the number and diversity of terrestrial vertebrates which prey on aquatic organisms can be expected to decline. The degradation of the aquatic habitat found in the Guadalupe River would be a significant impact.

- Contaminated runoff from the future development could contribute to the degradation of aquatic habitat in the Guadalupe River. (Significant Impact)
Impacts to Ordinance-Size Trees

Development of vacant properties and redevelopment of landscaped properties having ordinance-sized trees may result in a loss of most or all of those trees. This does not include the remnant sycamore riparian woodland discussed previously, which has habitat values associated with the location, number and proximity of trees, apart from the value of the individual trees. As stated previously, the retention or mitigation for the loss of the remnant woodland is assumed by this EIR.

Project developers would have to apply to the City of San José for tree removal permits. Any proposal to remove trees for a development project would be evaluated, taking into consideration the number, age, size, condition and species of the trees. It is generally acknowledged that the redevelopment of this area for high intensity, transit-oriented development will require removal of most of the trees on an individual site. The loss of a large number of these trees would be a significant impact. Individually significant trees whose loss could not be mitigated by replacement planting, could be required to be moved.

The loss of a significant number of ordinance size trees in Rincon, including most of the trees in the Industrial Core Area, would be a significant impact. There are not significant stands of mature native trees remaining in North San José, other than the remnant sycamore riparian woodland described earlier. The trees that exist in this area are primarily introduced species. The significance of the loss of these trees is primarily a function of their substantial numbers, since most of the trees are not native species. The large number of non-native trees provide localized shading and refuge for birds and other fauna in the area.

- Development of vacant parcels and redevelopment of properties with mature landscaping in the Rincon area could result in the removal of a significant number of ordinance-size trees. (Significant Impact)

3. Mitigation and Avoidance Measures

General Plan Policies

The policies in the City of San José General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. All future development addressed by this EIR would be subject to General Plan policies, including the following:

- **Riparian Corridors and Upland Wetlands Policy #1** - Creeks and natural riparian corridors and upland wetlands should be preserved whenever possible.

- **Riparian Corridors and Upland Wetlands Policy #2** - New public and private development adjacent to riparian corridors should be consistent with the provisions of the Riparian Corridor Policy Study.

- **Riparian Corridors and Upland Wetlands Policy #3** - New development within the Urban Service Area should be set back from the outside edge of riparian habitat (or...
top of bank, whichever is greater) a distance sufficient to buffer the impacts of adjacent human activities and provide avenues for wildlife dispersal.

- **Riparian Corridors and Upland Wetlands Policy #4** - New development should be designed to protect adjacent riparian corridors from encroachment of lighting, exotic landscaping, noise and toxic substances into the riparian zone.

- **Riparian Corridors and Upland Wetlands Policy #5** - When disturbances to riparian corridors and upland wetlands cannot be avoided, appropriate measures should be required to restore, or compensate for damage to, the creeks or riparian corridors.

- **Species of Concern Policy #1** - Consideration should be given to setting aside conservation areas in the Bay and baylands, along riparian corridors, upland wetlands, and hillside areas to protect habitats of unique, threatened and endangered species of plants and animals, and to provide areas for educational and research purposes.

- **Species of Concern Policy #2** - Habitat areas that support Species of Concern should be retained to the greatest extent feasible.

- **Urban Design Policy #17** - Development adjacent to creekside areas should incorporate compatible design and landscaping including plant species which are native to the area or are compatible with native species.

- **Urban Design Policy #24** - New development projects should include the preservation of ordinance-sized and other significant trees. Any adverse affect on the health and longevity of such trees should be avoided through appropriate design measures and construction practices. When tree preservation is not feasible, the project should include appropriate tree replacement.

- **Water Resources Policy #8** - The City should establish nonpoint source pollution control measures and programs to adequately control the discharge of pollutants into the City’s storm sewers.

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

**Other Program Mitigation Measures**

- Specific development proposals on properties containing or adjacent to existing riparian habitat will be evaluated for conformance with design guidelines in the City’s adopted Riparian Corridor Policy Study. Projects consistent with the Policy would observe a 100-foot setback from the edge of the riparian corridor or top of bank, whichever is greater, within which little or no human activity or disturbance would occur.
Development of parcels containing remnant cottonwood forest or sycamore riparian woodland will preserve the habitat, in order to be consistent with the Riparian Corridor Policy Study. Any area of this habitat impacted by development must be replaced at a minimum ratio of 1:1. Replacement habitat should be designed to expand areas with existing riparian vegetation and could occur within gaps in riparian vegetation that exist along the Guadalupe River.

- The City of San José has established regulations for removal of ordinance sized trees (56 inches in circumference or more) within the City, in order to retain as many trees as possible. At the time of future development, the proposed developments within the project area will obtain a permit for the removal of ordinance trees and provide for relocation and/or replacement of removed trees in accordance with City of San José Tree Removal Controls (San José Municipal Code Title 13 Chapter 13.32). Trees removed with a valid tree removal permit shall be replaced in accordance with the terms of the permit and trees to remain on individual sites within the project area will be protected from damage during construction.

In conformance with the Migratory Bird Treaty Act and with federal and state regulations regarding protection of raptors, appropriate surveys for Burrowing Owls following California Department of Fish and Game protocols will be completed prior to any development occurring on sites with foraging or nesting habitat for Burrowing Owls, or prior to redevelopment occurring on sites with substantial landscaped areas. Likewise, preconstruction surveys for nesting raptors will be conducted on proposed development or redevelopment sites with mature trees.

- If surveys confirm that a site is occupied habitat, or that a nest exists that could be disturbed by proposed development, then additional Mitigation and Avoidance Measures to minimize or avoid impacts to the raptors, their burrows or nests, and foraging habitat and would be identified and implemented.

- Future projects will comply with the NPDES General Construction Activity Stormwater Permit administered by the Regional Water Quality Control Board. Prior to construction grading for the proposed land uses with land disturbance of one acre or more, the applicant will file a “Notice of Intent” (NOI) to comply with the General Permit and prepare a Stormwater Pollution Prevention Plan (SWPPP) which addresses measures that would be included in the project to minimize and control construction and post-construction runoff. The SWPPP will be submitted to the City of San José Department of Public Works. The following measures would be included in the SWPPP:

  - Preclude non-stormwater discharges to the stormwater system.
  - Effective, site-specific Best Management Practices for erosion and sediment control during the construction and post-construction periods.
  - Coverage of soil, equipment, and supplies that could contribute non-visible pollution prior to rainfall events or perform monitoring of runoff.
  - Perform monitoring of discharges to the stormwater system.
• The Post-Construction Urban Runoff Management Policy establishes that all new development projects are required to include specific measures for improving the water quality of urban runoff to the maximum extent feasible. In addition, the Policy establishes general guidelines and best management practices for particular land uses, and requires that all post-construction treatment control measures be maintained to operate effectively.

• Development projects will comply with the City of San José Grading Ordinance, including erosion- and dust-control during site preparation and with the City of San José zoning ordinance requirement for keeping adjacent streets free of dirt and mud during construction. Construction practices will include use of stabilized construction entrances and/or wash racks, street sweeping, use of erosion control devices including straw bales and/or silt fences, and storm drain inlet protection to minimize contamination of storm water runoff.

4. Conclusion

Implementation of the General Plan policies and Program Mitigation Measures will reduce all impacts to vegetation and wildlife in the Rincon area resulting from implementation of the proposed project, other than the loss of Burrowing Owl habitat, to a less than significant level. (Less Than Significant Impacts with Mitigation)

Significant Unmitigated Impact

In the absence of replacement habitat to offset the loss of the remaining Burrowing Owl habitat in the area, the implementation of the a proposed project would result in the loss of up to 600 acres of Burrowing Owl habitat, which is a significant, unavoidable impact. (Significant Unavoidable Impact)

5. Mitigation Measures to Be Considered at the Time of Future Development

Loss of Remnant Sycamore Riparian Woodland

Remnant sycamore riparian woodland must be preserved or protected in conformance with the City’s Riparian Corridor Policy in the adopted General Plan; protection is defined to include a 100-foot setback, consistent with adopted policy. Any proposal to remove remnant riparian woodland would result in a significant impact that is not covered by this EIR, unless the project provides replacement of the habitat removed at a 1:1 ratio and the replacement habitat is designed to expand areas with existing riparian vegetation and/or fill in gaps that exist along the Guadalupe River. If replacement habitat is proposed, it must be documented by submittal of a plan prepared by a qualified ecologist and implemented in conformance with the plan. Any replacement habitat must be monitored in conformance with a Mitigation Monitoring and Reporting Plan approved by the City of San José.
**Burrowing Owls**

In the absence of a City-wide Burrowing Owl Mitigation Plan, off-site mitigation may be provided in order to reduce the significant impacts for specific development projects. Mitigation could take the form of the following:

- **Affected Individuals** Mitigation would replace habitat used by specific owls. Mitigation may include active relocation (capture and relocation) or passive relocation (eviction from the project site) of affected owls to specific areas set aside and managed for these individual owls. Any relocation or eviction would require appropriate permits from the California Department of Fish and Game.

- **In-kind** Mitigation would be used to protect off-site habitat for Burrowing Owls in general, but not for the individual owls affected by the project. Burrowing Owls would be passively evicted from the site without being relocated to a selected mitigation site.

Mitigation habitat should be a minimum of 30 contiguous acres, and must meet standards for Burrowing Owl habitat established by the **Burrowing Owl Consortium** and the California Department of Fish and Game. Areas set aside as owl habitat should be mowed rather than disked for weed control. Areas that are circular in shape are preferable to linear areas of habitat, to reduce potential predation pressures. Mitigation habitat areas should be preserved and managed as owl habitat in perpetuity, through a legal mechanism approved by the City of San José. Mitigation habitat must be within Santa Clara County, or near the Rincon de los Esteros Redevelopment Area to mitigate the habitat lost to the current population of Burrowing Owls.

**Other Raptors**

Parcels with trees and/or structures should be surveyed for nesting raptors if any construction activities will occur during the nesting season (February to August). Preconstruction surveys should be conducted by a qualified ornithologist and could be done in conjunction with Burrowing Owl surveys. Surveys should be conducted no more than 30 days prior to the start of construction.

In the event nesting raptors are found during the preconstruction survey, no construction activities (including tree removal and grading) that could result in disturbance to active raptor nest should proceed. A construction-free zone would be established around the nest as determined by a qualified ornithologist. The U.S. Fish and Wildlife Service and CDFG should also be notified of any active raptor nest within construction areas.

**Pallid bat and Townsend’s Big-eared Bats**

Development activities during the Pallid bat and Townsend’s big-eared bat nursery season (April to July) on Parcels 5, 7, and 25, or any parcel which may contain very large trees, unused structures, and/or structures known to have been used by bats, should be preceded by predemolition surveys for bat nursery colonies by a qualified bat biologist. Demolition of buildings outside of the nursery season need not be preceded by preconstruction surveys.
activities (including entering an occupied attic) that would result in disturbance to active nurseries would proceed prior to the completion of surveys. The extent of construction-free zones around active bat nurseries would be determined by the bat biologist. The California Department of Fish and Game should also be notified of any active nurseries within construction areas.
F. CULTURAL RESOURCES

The following discussion is based upon a Cultural Resources Review prepared by Basin Research Associates in September 2004. Various archival and literature resources were reviewed for this document including an extensive review of the Rincon de los Esteros Redevelopment Area (Rincon) which was initially undertaken by Theodoratus Cultural Research (TCR) in 1980 for the Second Expansion of the Redevelopment area. A supplement to the TCR document was completed in 1984 by Basin Research Associates. A prehistoric and historic site record search was completed by Basin Research Associates at the California Historical Resources Information System (CHRIS), Northwest Information Center (NWIC), Sonoma State University, Rohnert Park (File Nos. 04-103 and 04-109) to obtain site forms and compliance reports added to the archive since early 1997 to supplement a previous report prepared by Basin Research Associates in 1997. Summary reviews were also conducted of the approximately additional 110 cultural resources compliance studies completed within Rincon since 1996.

This report discusses the location of specific archaeological sites and therefore is considered administratively confidential and is not included in this EIR. The report is on file with the City of San José, Department of Building, Planning, and Code Enforcement.

1. Existing Setting

The review of records, maps and other documents including previous overviews and supplements completed for the Rincon de los Esteros Redevelopment Area identified numerous recorded and/or potential cultural resources within and immediately adjacent to the project area. Approximately 410 cultural resources studies have been undertaken within or partially within the Rincon area. These include literature reviews, surface surveys, subsurface testing programs, construction monitoring programs linked to specific development projects, and regional overviews. The discussion below summarizes the information in these studies.

Prehistoric Resources Review

Eighteen prehistoric archaeological sites, one isolated prehistoric find, two reported but unrecorded prehistoric resources and two Native American ethnographic villages/settlements are known to be present in the project area.

Prehistoric archaeological resources within and adjacent to Rincon are generally classified as midden sites formed through extensive and intensive human occupation which modified the natural soil. These midden deposits are characterized by charcoal flecks, varying quantities of baked and vitrified clay, fire affected rock, various shellfish remains (esp. *Cerithidea californica*), faunal remains, and chipped and ground stone artifacts. Native American burials are often present in these deposits. These sites include former mounds now straddling the Guadalupe River as well as sites covered with up to four feet of sediments. Three of the sites appear to have been bisected as a result of the channelization of the Guadalupe River based on both a historic map and site testing data.

The locations within Rincon of many skeletal remains either left in place at the time of their exposure or removed and reburied elsewhere on a parcel are presently unclear. Formal
None of the 18 prehistoric archaeological sites located within or partially within Rincon is formally listed on the National Register. Five sites (CA-SCI-288, SCI-300, SCI-302, and SCI-418 and SCI-447), however, have been determined eligible for the National Register and one site, CA-SCI-675, has been determined ineligible. The California Register of Historical Resources (California Register) has similar criteria to the National Register and the five sites determined eligible for the National Register also appear eligible for the California Register. None of the remaining sites (CA-SCI-268, SCI-276, SCI-343, SCI-359, SCI-450, SCI-478, SCI-553, SCL-559, SCI-566, SCI-581, SCI-762 and SCI-828) are pending a determination of eligibility for placement on the National Register. This means that the remaining sites have not been formally determined eligible or non-eligible and a review is not pending. Each site would have to be researched to determine if it is eligible or not-eligible. The opinion would have to be submitted to the SHPO for concurrence/non-concurrence usually as part of a project and by the lead agency. These sites, therefore, are known but “eligibility” has never been formally determined to allow listing on the directory of archaeological sites for Santa Clara County. None of the recorded prehistoric sites have been identified as a State of California, County of Santa Clara or City of San José landmark, contributing site, etc. None of the tribelet/village locations identified as possibly located within Rincon have been placed on any federal, state or local lists.

**Historic Resources Review**

As shown on Figure 23, Historic Period resources in the project area include six specific locations from the Hispanic Era as well as one with a resource at an undetermined location site, three Hispanic/American Transition resources and 47 American Period cultural resources not including bridges. The American Era sites include three recorded archaeological sites representing either a ranch or homestead, 12 resources representing the locations of residences, ranches, farms and a school identified by previous researchers, and another 30 individual parcels with potential subsurface historic archaeological resources.

None of the recorded Historic Period archaeological sites or potential historical sites appear to have been evaluated for placement on the National Register, California Register or local heritage inventories. Therefore, additional environmental review shall be required at the time of a specific project proposal on any site containing such resources.

**Architectural Resources**

A comprehensive review of all existing buildings in the Rincon area for possible historic significance was not completed for this report. The following discussion reflects the information available in existing documents only. Consistent with City of San José policies, any future development proposal for a property that contains structures more than 45 years old at the time would be required to prepare an evaluation of the historic and/or architectural significance of the structures.
Two architectural properties in Rincon have been determined eligible for the National Register. The complex located at 2343 North First Street, referred to as the Emily J. Horne House/Ranch (formerly located at 2341 and 2343 North First Street, northwest corner of North First Street and Guadalupe Parkway), was determined eligible for the National Register. It is now incorporated into the ten-acre BEA Systems business park/development at 2315 North First Street. It is also listed as a Contributing Structure in the City of San José Historic Resources Inventory.

The water tower in the Agnews East Complex at 3500 Zanker Road has been determined eligible for the National Register under Criteria A and C. The remainder of the hospital complex has not been evaluated, but there are buildings on the site that are more than 50 years old.

The 90-acre parcel, located between Baypointe Drive and River Oaks Parkway currently known as the Moitozo Property (3544 N. First Street) contains 14 buildings (Erikson House and Moitozo Complex) none of which were found to be eligible for the National Register.20 One building, the Erikson House (3544 N. First Street), is marginally eligible as a Structure of Merit under the City of San José’s local criteria for historical significance. This building is not listed in the current City of San José Historic Resources Inventory.

Only one building within Rincon was found to be listed on the Santa Clara County Heritage Resource Inventory. This property, the John H. Townsend House formerly located at 1585 Schallenberger Road, was built by John H. Townsend, son of early 1840s pioneers Dr. John Townsend and Elizabeth Townsend. It was subsequently dismantled to “make furniture.”

Eight bridges in Rincon over the Guadalupe River and the Union Pacific Railroad bridge (formerly Southern Pacific Railroad property) near Wayne Station over Coyote Creek, have been evaluated by Caltrans for historic significance and were classified as not eligible for the National Register, but of local interest. A number of the bridges evaluated by Caltrans along Coyote Creek were reviewed and re-evaluated in 1995 as part of a flood control project. None of the bridges were determined eligible for the National Register although the Union Pacific Railroad bridge (DA 43.82) near Wayne Station was evaluated as eligible for listing in the City of San José Historic Resources Inventory as a Structure of Merit. Since the project proposes no work in the creek or river rights-of-way, nor any activity near any of the bridges, none of the bridges are discussed further in this report.

2. Cultural Resources Impacts

For the purpose of this EIR, a cultural resources impact is considered significant if the project would:

- cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5 of the CEQA Guidelines;
- cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5;

---

20 The entire Moitozo property was the subject of a PD rezoning and EIR in 1998. The EIR concluded that the buildings on the site were not eligible for the national or state registers or the City’s landmark status.
• directly or indirectly destroy a unique paleontological resource or site or unique geological feature; or
• disturb any human remains, including those interred outside of formal cemeteries.

Impacts to Cultural Resources

While much of the new development that is likely to occur as a result of the actions analyzed in this EIR will be in the areas designated for residential uses and within the newly designated Industrial Core Area, it is also anticipated that other, currently vacant properties will develop, some previously developed properties will redevelop and/or expand, and modifications will be made to existing structures and developments throughout the Rincon area.

The properties proposed for the high density residential overlay designation, and the proposed Industrial Core Area have varying degrees of sensitivity for cultural resources based on the review of available documentation (Refer to Figure 23). Most of the proposed residential areas generally have a low sensitivity for cultural resources based on the archival data. The Agnews East Complex on the east side of Zanker Road south of Tasman Drive, has not yet been subjected to a site-specific reconnaissance or detailed evaluation of the buildings and, based on preliminary research, the complex could be eligible for the National Register/California Register. Other properties proposed for residential designations south of the Industrial Core Area (identified on Figure 23 as G, H, I, and J) are within an area that is believed to have contained an ethnographic village.
### Table 26
Summary of Archaeological Resources Survey

<table>
<thead>
<tr>
<th>Location</th>
<th>Recorded Site</th>
<th>Survey/Result</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Site A</td>
<td>P-1437</td>
<td>Not Yet Surveyed</td>
<td>Agnews East Complex has not yet been inventoried and evaluated; P-1437 appears eligible for the National Register</td>
</tr>
<tr>
<td>Residential Site B</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Site C</td>
<td>ISO-17</td>
<td>Yes</td>
<td>Isolated find near location to the northeast</td>
</tr>
<tr>
<td>Residential Site D</td>
<td>Yes</td>
<td>No Known Resources</td>
<td></td>
</tr>
<tr>
<td>Residential Site E</td>
<td>SCI-276 SCI-359</td>
<td>Yes</td>
<td>CA-SCI-276 appears to be part of a “large Indian village” associated with CA-SCI-7/H. CA-SCI-359 40 meter square area of unknown depth with a high potential for a buried deposit. Potential Resource 5 to immediate north (possible site in Thompson &amp; West 1876)</td>
</tr>
<tr>
<td>Residential Site H</td>
<td>Yes</td>
<td>Within possible ethnographic village location</td>
<td></td>
</tr>
<tr>
<td>Residential Site I</td>
<td>Yes</td>
<td>Within possible ethnographic village location</td>
<td></td>
</tr>
<tr>
<td>Residential Site J</td>
<td>Yes</td>
<td>Within possible ethnographic village location</td>
<td></td>
</tr>
<tr>
<td>Residential Site K</td>
<td>Yes</td>
<td>SCI-478 to north; within possible ethnographic village location</td>
<td></td>
</tr>
<tr>
<td>Urban Industrial Core</td>
<td>SCI-288 SCI-300 SCI-302</td>
<td>Yes</td>
<td>Sites are National Register eligible; Native American burials present; significant sub-surface cultural materials are known for all three sites; potential for additional sub-surface archaeological deposits and human remains is high.</td>
</tr>
<tr>
<td></td>
<td>SCI-566</td>
<td>Yes</td>
<td>Buried midden deposit noted at 70 cm below the surface; estimated to extend about 75 x 10+ meters with a high possibility of Native American human remains; a 1992 surface survey did not observe any cultural material due to parcel development. Potential for additional subsurface archaeological materials high.</td>
</tr>
<tr>
<td></td>
<td>SCI-310H SCI-311H SCI-596H</td>
<td>Yes</td>
<td>CA-SCI-310H subsurface archaeological artifacts and features were excavated or exposed during archaeological monitoring in 1980s. CA-SCI-311H original alignment of Trimble Road; considered significant because of archaeological debris which may have been associated with the road or with residences located along the road. CA-SCI-569H, Broughton homestead; exposed during monitoring; estimated to cover an area 860 x 600 meters to a depth of 2+ meters; now capped by an office complex at 2310 and 2314 N, First Street.</td>
</tr>
<tr>
<td></td>
<td>P-975 to 977</td>
<td>Yes</td>
<td>Emily J. Horn Ranch and other features at 2341/2343 North First Street (incorporated into BEA Systems, 2315 North First Street)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Yes</td>
<td>Locations of two Wade Ranch structures not included within SCI-310H; could have significant subsurface archaeological deposits present.</td>
</tr>
</tbody>
</table>

The proposed *Industrial Core Area* is extremely sensitive for recorded resources due to the presence of four prehistoric archaeological sites, three of which appear eligible for the
National Register/California Register. Most sites in this area have contained Native American remains. The potential for exposing as yet unknown subsurface prehistoric archaeological resources during subsurface construction is still very high. In addition, the Industrial Core Area also has a high potential for historic archaeological resources, particularly those associated with the early American Period.

Future development activity that is anticipated to occur if the proposed policy revisions and General Plan amendments are approved is likely to cause both direct and indirect impacts to known and unknown archaeological resources and to historic buildings and structures.

Future development will include demolition of existing buildings and improvements throughout the area (especially in the newly designated Industrial Core Area), and construction of new buildings, streets, and below-ground infrastructure. The intensity of both residential and industrial development proposed will likely include subsurface parking, requiring extensive excavation. As described in Section II.H, Hydrology and Water Quality, improvements to manage storm drainage in conformance with Regional Board policies will require extensive upgrading of the storm water collection and storage system, which will also involve substantial excavation. The extent and amount of such disturbance could result in significant impacts to the integrity of archaeological deposits and may cause the loss of information important to prehistory and history; the disturbance of prehistoric burials; and the alteration of setting for existing historic properties.

As summarized in the Existing Setting subsection, the Rincon area is recognized as highly sensitive for both prehistoric and historic cultural resources. Eighteen prehistoric sites have been recorded throughout the area, with most of the sites having been discovered during subsurface construction associated with development activities since the mid-1970s. Five of these sites have been determined eligible for inclusion on the National Register. The project area is also highly sensitive for Historic Era resources including four recorded historic sites and 54 potential historic archaeological locations identified as a result of both previous and current research.

Most of the prehistoric sites, concealed by overburden deposited during the periodic flooding of the Guadalupe River and varying from 0.3 to 1.6 meters (1-5 feet) thick, were exposed during utility trenching and other subsurface construction in areas with no prior surface evidence of cultural materials. The potential for the presence of additional buried sites with undisturbed or partially undisturbed cultural deposits is very high, especially in the vicinity of known archaeological sites (e.g., Industrial Core Area). Previous agricultural activities such as plowing, planting, and the uprooting of orchards have also disturbed surface indicators of both prehistoric and historic cultural deposits and construction grading or fill placement has buried, obscured, or destroyed many of the old structures or building remnants. The potential for subsurface building foundations and related trash deposits and privies associated with the historic use in the Rincon area is especially high for those areas previously used either for residential buildings and/or agricultural outbuildings.

It should also be noted that currently developed properties within and adjacent to parcels with known prehistoric resources that have yielded Native American burials may have human remains that are still in place and/or were reburied on the property due to previous agreements with the “most likely descended” Native Americans.
Future development and redevelopment of properties within the Rincon de los Esteros Redevelopment Area is likely to result in significant disturbance of and impacts to prehistoric or historic archaeological resources. (Significant Impact)

Architectural Resources

The archival research and review of the area by the cultural resources consultants found the likelihood of additional American Period architectural resources older than 50 years to be relatively low. Reports prepared for development projects in the area, such as that done for the Moitozo property, found that most of the few remaining structures have problems of integrity, fabric, and location. A notable exception may be the Agnews East Complex on Zanker Road. The facility contains a water tower identified as potentially eligible for the National Register. The State of California acquired the property in 1943; the buildings on the site were constructed after that date, some as late as the end of the 20th century. Many of the buildings are 50 years old and may qualify as historical resources.

The State of California has announced that the Agnews East facilities will be closed in the near future, but no specific date has been set and there is presently no proposal to remove any buildings. Redevelopment of the site for high density housing, consistent with the proposed land use designation, could result in removal of the water tower and/or any or all of the other buildings.

There may be other structures or parts of structures remaining within the project area that still retain sufficient fabric that they would qualify as historic resources. The loss of such resources would be a significant impact.

General Plan and adopted Council policies on historic resources strongly encourage their protection and reuse. Because these policies provide for protection of these resources, and would characterize loss of significant historic structures as a significant impact, the analysis in this EIR assumes that any structures that are found to be historical resources as defined by CEQA Guidelines §15064.5(a) will be preserved or otherwise protected from demolition and any substantial adverse change in their historic significance. Any future development that proposes removal or substantial adverse change in the historic significance of such resources would require preparation of another EIR.

Future development and redevelopment of properties within the Rincon de los Esteros Redevelopment Area that contain historically significant architectural resources are assumed to include preservation and protection of such resources. (Less Than Significant Impact)

3. Mitigation and Avoidance Measures

General Plan Policies

The policies in the City of San José General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the
City. All future development addressed by this EIR would be subject to General Plan policies, including the following:

- **Historic, Archaeological and Cultural Resources Policy #1** states because historically or archaeologically significant sites, structures and districts are irreplaceable resources, their preservation should be a key consideration in the development review process.

- **Historic, Archaeological and Cultural Resources Policy #2** states the City should use the Area of Historic Sensitivity overlay and the landmark designation process of the Historical Preservation Ordinance to promote and enhance the preservation of historically or architecturally significant sites and structures.

- **Historic, Archaeological and Cultural Resources Policy #4** states areas with a concentration of historically and/or architecturally significant sites or structures should be considered for preservation through the creation of Historic Preservation Districts.

- **Historic, Archaeological and Cultural Resources Policy #5** states new development in proximity to designated historic landmark structures should be designed to be compatible with the character of the designated historic resource. In particular, development proposals located within the Areas of Historic Sensitivity designation should be reviewed for such design sensitivity.

- **Historic, Archaeological and Cultural Resources Policy #6** states the City should foster the rehabilitation of individual buildings and districts of historic significance and should utilize a variety of techniques and measures to serve as incentives toward achieving this end.

- **Historic, Archaeological and Cultural Resources Policy #7** states structures of historic, cultural or architectural merit which are proposed for demolition because of public improvement projects should be considered for relocation as a means of preservation.

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

- **Historic, Archaeological and Cultural Resources Policy #9** states recognizing that Native American burials may be encountered at unexpected locations, the City should impose a requirement on all development permits and tentative subdivision maps that upon discovery of such burials during construction, development activity will cease until professional archaeological examination and reburial in an appropriate manner is accomplished.
- *Historic, Archaeological and Cultural Resources Policy #11* states the City should encourage the continuation and appropriate expansion of Federal and State programs which provide tax and other incentives for the rehabilitation of historically or architecturally significant structures.

**Other Program Mitigation Measures**

The CEQA Guidelines provide detailed direction on the requirements for avoiding or mitigating significant impacts to historical and archaeological resources. Section 15064.5(b)(4) of the Guidelines states that a lead agency shall identify mitigation measures and ensure that the adopted measures are fully enforceable through permit conditions, agreements, or other measures. In addition, CEQA Guidelines Section 15126.4(b)(3) states that public agencies should, whenever feasible, seek to avoid damaging effects on any historical resources of an archaeological nature. Preservation in place is the preferred manner of avoiding impacts to archaeological sites, although data recovery through excavation is acceptable if preservation is not feasible. If data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historic resource, needs to be prepared and approved by the City prior to any excavation being undertaken.

**Architectural Resources**

- If baseline data are not available on the presence/absence and significance of architectural properties present on or adjacent to a 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 historic report should provide recommendations or mitigation options. Significant properties located adjacent to the proposed development site will be considered in any impact analysis as to the likelihood that they may be indirectly affected by development and/or redevelopment (e.g., noise, vibration, setting, etc). In keeping with the intent of the General Plan and current planning practice, a Historic Report will be completed for the Agnews East Complex. The report should be prepared prior to approval by the City of any specific development approvals on these parcels.

- The San José City Council has adopted a Council Policy on the “Preservation of Historic Landmarks.” The policy states that it has the following applicability:

  “This policy affects any designated City Landmark structure, Contributing Structure in a City Landmark Historic District, a structure designated on the State of California Register of Historic Places, the National Register of Historic Places, a Contributing Structure in a National Register Historic District, or a structure that qualifies for any of the above, based on the applicable City, State, or National qualification criteria.”
The Council’s policy requires that “Every effort should be made to incorporate existing landmark structures” into future development plans. The policy also identifies a public process for any proposal to alter or demolish a landmark structure. A comprehensive analysis should be prepared of the economic and structural feasibility of preservation and/or adaptive reuse of the structure, as well as an analysis of potential funding sources for preservation.

**Archaeological Resources**

In keeping with General Plan policies and consistent with current planning practice in the City of San José, any specific development proposal to develop or redevelop property in the project area, including any proposal to construct new infrastructure or other physical improvements that would include any disturbance of native soil (*i.e.*, soil that is not imported fill), will be accompanied by an updated Archaeological Resources Assessment Report (as described below) prepared by a qualified archaeologist that identifies the status of the site *vis-à-vis* known cultural resources.

Development proposals at these indicated locations will also be accompanied by an Archaeological Resources Assessment Report, including a records review and a field inventory:

- East Agnews Complex;
- Site G – south side of Brokaw Road northeast of US 101;
- Site H – Northwest corner of Skyport Boulevard and North First Street;
- Site I – Northeast corner of Skyport Boulevard and North First Street;
- Site J – East side of North Fourth Street south of US 101; and
- Urban Industrial Core – four areas do not appear to have been inventoried\(^2\): 1) parcel fronting on both Trimble Road and Bonaventura Drive; 2) parcel(s) between Component Drive including a small portion south of Charcot Drive; 3) parcels in vicinity of Karina Court and O’Neil Drive; and, 4) parcels bounded by Brokaw Road, the VTA Light Rail tracks, and Highway 101.

The Archaeological Resources Assessment Reports will:

1. address the potential for prehistoric and historic resources through a review of compliance reports completed and on file at the NWIC coupled with any other supplementary archival research including the baseline data in this report;
2. complete a field inventory of the property (only if the property has not been subject to a previous inventory);
3. identify any resources or potential resources that might be affected by the project; and,

\(^2\) The data review of available reports and record maps could not determine if these areas had been subject to an archaeological assessment. It is probable, based on reports for surrounding areas, that they were previously assessed. Detailed research may confirm this conclusion.
4. present project recommendations and a mitigation strategy that focuses on a minimal impact strategy on identified and potential resources and stresses the preservation and/or avoidance of an identified resource rather than mitigation through data recovery.

- Management recommendations should consider either subsurface testing to determine the horizontal and vertical extent, integrity and significance of potential cultural deposits in high sensitivity areas and/or archaeological monitoring of subsurface construction if a site testing program is not possible or inappropriate.

- Reporting and evaluation requirements should be in accordance with current archaeological standards (e.g., Archaeological Resource Management Reports (ARMR): Recommended Contents and Format, California Office of Historic Preservation, Preservation Planning Bulletin 4(a); any internal City of San José reporting standards for cultural resources reports including Guidelines for Historic Reports) and evaluation criteria (e.g., National Register of Historic Places, California Register of Historical Resources; City of San José Historic Resources Inventory guidelines). All research should be undertaken by professionals who meet the requirements of the California State Office of Historic Preservation for their respective disciplines.

- Whether the project is public or private, appropriate language regarding the sensitivity of the proposed project area for archaeological resources should be inserted in the General Conditions section of any construction contract requiring subsurface disturbance and the contractor cautioned on the legal and/or regulatory implications of knowingly destroying cultural resources or removing artifacts, human remains, bottles and other cultural materials from the project. Furthermore, the language should also detail the procedures to be followed by the contractor for any archaeological monitoring requirements and requirements in the event of an inadvertent exposure of cultural resources.

- The need for preparation of an updated Archaeological Resources Assessment Report, as described previously, for properties previously inventoried and reported will be determined by the Department of Planning, Building, and Code Enforcement after an initial review of likely project impacts and any available cultural resources documentation including the base line data in this EIR. An updated report will be undertaken if the project has a recorded resource(s) present or a potential resource(s) is present and an evaluation of the resource(s) was not completed during the previous study(ies).

- Prior to approval of a Site Development or Planned Development Permit, the preparation of an Historic Properties Treatment Plan (HPTP) by a professional

---

22 Given the substantial body of information available on Rincon, an updated archival search and summary will be required for any development proposal in Rincon that includes disturbance of native soil.

23 A Historic Properties Treatment Plan (HPTP) is a document that provides detailed, specific information and procedures for the management/treatment of both known and unknown cultural resources that may be affected by a project. In contrast, an Archaeological Resources Assessment Report (ARAR) usually only provides general recommendations for a project. The HPTP should be viewed as an implementation tool.
archaeologist will be required for any development project on a property that has: 1) a recorded archaeological site present that has been determined eligible for or is listed on one of the registers and/or is adjacent to a parcel with a recorded site that has been determined eligible for or is listed on one of the registers; or, 2) a potential for significant subsurface cultural resources identified through either archival research and/or site testing (see Table 27). The Industrial Core Area is extremely sensitive for both recorded and unknown prehistoric resources which are likely to yield Native American burials. Residential areas adjacent to the Urban Industrial Core also appear to have some sensitivity.

The HPTP should provide a background context for the parcel/resources and appropriate guidelines for considering and protecting cultural resources during any future development or modification of the site. The plan should include resource protection and monitoring plans\(^{24}\) for both prehistoric and historic archaeological resources as well as methods and procedures to deal with inadvertent cultural discoveries\(^{25}\) that may be exposed during subsurface construction. In the case of parcels that have only been partially inventoried but have either known sites or potential cultural resource properties present and/or adjacent, the HPTP should include a records review and field inventory. Any new findings should be incorporated into the HPTP guidelines.

4. Conclusion

Implementation of the above identified mitigation measures will reduce impacts to archaeological and architectural resources to a less than significant level. (Less than Significant Impacts with Mitigation)

5. Mitigation to Be Considered at the Time of Future Development

Architectural Resources

Protection of historically significant architectural resources in a manner consistent with CEQA Guidelines §15064.5(b) and the City policies described above would reduce impacts to those resources to a less than significant level. Any proposal to remove historically significant architectural resources or any development that would result in a substantial adverse change in the significance of an historical resources as defined by CEQA Guidelines §15064.5(b), would result in a significant impact that is not covered by this EIR.

Archaeological Resources

\(^{24}\) The intensity and duration of the archaeological monitoring program should be at the discretion of a professional archaeologist familiar with resources in the study area. Archaeological monitoring may range from full time to “as needed” inspections on either a regular or intermittent basis throughout all ground disturbing operations. The intensity of monitoring shall be determined by the Project Archaeologist.

\(^{25}\) In the case of an inadvertent discovery of cultural resource(s) exposed during construction, work at the location of the find will stop immediately, the find will be evaluated and a treatment program developed if it is evaluated as significant. Other specific procedures will be followed if Native American burials are exposed during construction.
Consistent with General Plan policies and the standards in the CEQA Guidelines, the City of San José will include conditions of approval for development projects that address discovery of unexpected cultural resources during construction. These conditions may include:

- In the event any significant cultural materials are encountered, all construction within a radius of 50 feet of the find would be halted, the Director of Planning, Building, and Code Enforcement would be notified, and a professional archaeologist will examine the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. Recommendations could include collection, recordation, and analysis of any significant cultural materials.26

- If human remains are discovered, the Santa Clara County Coroner will be notified. The Coroner would determine whether or not the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he would notify the Native American Heritage Commission, would attempt to identify “most likely” descendants of the deceased.

- If the Director of Planning, Building, and Code Enforcement finds that the archaeological find is not a significant resource, work would resume only after the submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted.

A final report would be prepared when a find is determined to be a significant archaeological site, and/or when Native American remains are found on the site. The final report would include background information on the completed work, a description and list of identified resources, the disposition and curation of these resources, any testing, other recovered information, and conclusions.

The cultural resources consultant recommends that a comprehensive survey of the project area be done to identify resources in the area. This survey is not presently proposed, but may be completed in the future:

- In order to create a definitive understanding of the buildings and structures within the proposed Residential Areas and Urban Industrial Core, it is recommended that a comprehensive built environment survey be completed by a qualified consultant to provide baseline data on the Residential Areas and the Urban Industrial Core.

- The survey should inventory all standing buildings and structures within the Residential Areas and Urban Industrial Core by address and consult the most recent national, state, and local lists to determine the presence/absence of “listed” resources. The survey should include all architectural properties, including those less than 45 years in age. Evaluations of integrity and significance including those buildings less than 45 years in age should be made using appropriate national, state and local criteria. As a compliment to the built environment

---

26 Significant cultural materials include but are not limited to: aboriginal human remains; chipped stone; groundstone; shell and bone artifacts; concentrations of fire-cracked rock; ash and charcoal; shell; bone; and historic features such as privies or building foundations.
inventory, historic research should be undertaken to identify the location of potentially significant archaeological resources that could be associated with either existing or removed buildings and provide an evaluation of the resource.
G. GEOLOGY AND SOILS

1. Existing Setting

Geology and Topography

The Rincon area is located in the Santa Clara Valley, between the base of the western foothills of the Hamilton-Diablo Mountain Range and the northeasterly foothills of the Santa Cruz Mountains, in the Coast Range Geomorphic Province of Central California. Bedrock underlying the area is part of the Franciscan Complex, a diverse group of igneous, sedimentary, and metamorphic rocks of the Upper Jurassic to Cretaceous age (70 to 140 million years old). These rocks are part of a northwesterly-trending belt of material that lies along the east side of the San Andreas Fault system, which is located approximately 12 miles southwest of the area. The Franciscan Complex is overlain by alluvium deposits of Holocene age (less than two million years old). This alluvium is comprised by primarily of clay, silt, sand, gravel. Below surface soils, older alluvial soils extend to depths greater than 950 feet.

The Rincon area is roughly bordered by the Guadalupe River and Coyote Creek, two perennial streams which drain from the Santa Cruz Mountains in a northwesterly direction to San Francisco Bay.

The ground surface in the project area is relatively flat and the surface elevations presently range between approximately five feet NGVD\(^2\) in the northwest near SR 237 and 50 feet NGVD south of Interstate 101.

Soils

The soils mapped in the Rincon area consist of six different soil series with nine different soil types. The soil series include the Campbell, Cropley, Mocho, Pacheco, Willows, and Yolo series. Three soil types of the Campbell series, \textit{Campbell silty clay}, and \textit{Campbell silty clay loam}, \textit{clay substratum}, and two soil types of the Mocho series, \textit{Mocho loam} and \textit{Mocho clay loam}, are present in the area.

The Cropley and Willows series exhibit high shrink-swell behavior and the remainder of the soils in the area exhibit moderate shrink-swell behavior. Expansive soils undergo large volume changes with changes of moisture content and may undergo significant strength reduction when saturated. Soils with moderately expansive characteristics can cause damage to substandard structures.

Weak soils are soils having a low sheer strength which tend to undergo significant settlement when overloaded with man-made fills or structures. Relatively weak and potentially compressible soils are present within the alluvial soils in the Rincon area. These soils are present throughout the Rincon area, although the depth at which these weak soils occur varies.

\(^2\) National Geodetic Vertical Datum (NGVD) is equivalent to mean sea level.
Groundwater Conditions

Parts of North San José are characterized by a relatively high groundwater table. Geotechnical investigations from recent projects in the North San José area have found groundwater at depths as high as five feet below the existing ground surface. Generally groundwater levels are highest near the Guadalupe River and Coyote Creek.

Extensive historic withdrawal of groundwater in the area resulted in regional land subsidence of as much as eight feet from 1938 to 1967. Control of groundwater withdrawal and regional programs of groundwater recharge managed by the Santa Clara Valley Water District has halted subsidence in the area.

Seismicity and Seismic Hazards

The San Francisco Bay Area is one of the most seismically active regions in the United States. Many faults exist in the southern San Francisco Bay Area and some of them are capable of producing ground motions that would affect the site. The closest large regional faults are the Hayward, Calaveras, and San Andreas faults. The Rincon area is approximately six miles southwest of the Hayward fault, eight miles southwest of the Calaveras fault, and 12 miles northeast of the northern segment of the San Andreas fault.

The Silver Creek fault has been projected by earlier studies to exist very near or within the project area. The Silver Creek fault has not ruptured during Holocene geologic time (within approximately 11,000 years) and, therefore, is not shown on the most recent fault hazard maps issued by the California Division of Mines and Geology, pursuant to the Alquist-Priolo Act. The Silver Creek fault is not considered a significant seismic source for ground shaking in or near the project site.

Liquefaction

Soil liquefaction is a condition where saturated granular soils near the ground surface undergo a substantial loss of strength during seismic events. Loose, water-saturated soils are transformed from a solid to a liquid state during ground shaking. Liquefaction can result in significant deformations. Soils most susceptible to liquefaction are loose, uniformly graded, saturated, fine-grained sands that lie close to the ground surface. The Rincon area is within the State of California Seismic Hazard Zone for liquefaction.

Ground water levels within the Rincon area are at times within 5 feet of the surface. Potentially liquefiable soils are present within the Rincon area and most of the Rincon area is considered as highly susceptible to liquefaction.

Lateral Spreading

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open area, such as a steep bank of a stream channel. Historical accounts indicate that lateral spreading has occurred along Coyote Creek near SR 237. In the vicinity of the SR 237 bridge over Coyote Creek,
the ground failure zone from the 1906 earthquake was estimated to extend approximately 300 meters west of the creek.
2. **Geology and Soils Impacts**

**Thresholds of Significance**

For the purposes of this EIR, a geologic impact is considered significant if the project would:

- expose people or structures to substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure (including liquefaction), landslides, or expansive soils;
- cause substantial erosion or siltation; or
- expose people or property to major geologic hazards that cannot be mitigated through the use of standard engineering design and seismic safety techniques.

This area is believed to not be subject to seiche or inundation from dam failure. Flooding potential from other sources is discussed in *Section II.H. Hydrology and Water Quality.*

**Soil Hazards**

The primary soil and geologic hazards identified within the Rincon area are related to compressibility of soil materials under anticipated foundation loads, relatively high groundwater levels, and high expansion characteristics of clayey surface soils when subjected to fluctuations in moisture content.

- **Construction of high-rise industrial/office/R&D and high-density residential buildings on compressible clay layers and highly expansive surface soils could result in significant structural damage. Relatively high water table levels could also result in damage to structures from hydrostatic pressure. (Significant Impact)**

**Seismic Hazards**

The Rincon de Los Esteros area is within the seismically active San Francisco Bay Area and severe ground shaking is probable during the anticipated life of future development within the North San José area. Ground shaking could damage buildings, parking lots, and utilities. Additionally, Rincon includes areas with potentially liquefiable soil materials.

- **Development within the North San José area would result in future industrial and residential development being built on sites subject to seismic hazards, including liquefaction. (Significant Impact)**

3. **Mitigation and Avoidance Measures**

The policies in the City of San José General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. All future development addressed by this EIR would be subject to General Plan policies, including the following:
• *Soils and Geologic Conditions Policy #1* states that the City should require soils and geologic review of development proposals to assess such hazards as potential seismic hazards, surface ruptures, liquefaction, landsliding, mudsliding, erosion and sedimentation in order to determine if these hazards can be adequately mitigated.

• *Soils and Geologic Conditions Policy #2* states the City should not locate public improvements and utilities in areas with identified soils and/or geologic hazards to avoid any extraordinary maintenance and operating expenses. When the location of public improvements and utilities in such areas cannot be avoided, effective mitigation measures should be implemented.

• *Soils and Geologic Conditions Policy #5* states the Development Review process should consider the potential for any extraordinary expenditures of public resources to provide emergency services in the event of a manmade or natural disaster.

• *Soils and Geologic Conditions Policy #6* states that development in areas subject to soils and geologic hazards should incorporate adequate mitigation measures.

• *Soils and Geologic Conditions Policy #8* states that development proposed within areas of potential geologic hazards should not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties.

• *Earthquake Policy #1* states that the City should require that all new buildings be designed and constructed to resist stresses produced by earthquakes.

• *Earthquake Policy #3* states that the City should only approve new development in areas of identified seismic hazard if such hazard can be appropriately mitigated.

• *Earthquake Policy #4* states the location of public utilities and facilities, in areas where seismic activity could produce liquefaction should only be allowed if adequate mitigation measures can be incorporated in to the project.

• *Earthquake Policy #5* states that the City should continue to require geotechnical studies for development proposals; such studies should determine the actual extent of seismic hazards, optimum location for structures, the advisability of special structural requirements, and the feasibility and desirability of a proposed facility in a specified location.

• *Earthquake Policy #7* states land uses in close proximity to water retention levees or dams should be restricted unless such facilities have been determined to incorporate adequate seismic stability.
Other Program Mitigation Measures

The following mitigation measures would be incorporated into all future development projects as part of the project design:

- Seismic shaking hazards would be mitigated by implementation of construction practices in accordance with Seismic Zone 4 building criteria as described in the Uniform Building Code.

4. Conclusion

Conformance with the proposed mitigation and avoidance measures will reduce geologic and seismic hazards present in the project area to a less than significant level. (Less than Significant Impacts with Mitigation)

5. Mitigation Measures to be Considered at the Time of Future Development

Implementation of the following mitigation measures at the time of future development in the project area could be required to further reduce potential geologic and seismic hazards to a less than significant level:

- Detailed site specific soils and geologic investigations would be required prior to design and construction of all future new structures within the Rincon Area. These investigations would assess the existing soil conditions and groundwater conditions to be considered for structural design and construction and must be completed by project prior to issuance of a Public Works Clearance and Building Permit.

- Extension of public utilities and infrastructure to serve development in the Rincon Area expansion area would be required to be designed to withstand seismic and structural damage in conformance with General Plan policy.
H. HYDROLOGY AND WATER QUALITY

The following analysis was prepared based in part on a flooding and drainage evaluation prepared by Schaaf & Wheeler in November 2004. A copy of this report is provided in Appendix H of this EIR.

1. Existing Setting

The project area is located within the alluvial plains of the Santa Clara Valley which is bounded by the Santa Cruz Mountains to the west and the Diablo Range to the east. The project area is within the Guadalupe River and Coyote Creek watersheds. The area generally drains in a northwest direction towards the Guadalupe River. According to the Flood Insurance Rate Maps (FIRM) prepared by the U.S. Federal Emergency Management Agency (FEMA), much of the project area is located within the 100-year floodplain.

Coyote Creek

Coyote Creek has its headwaters in the Diablo Range, southeast of Gilroy. Coyote Creek is approximately 75 miles long and flows through the cities of Morgan Hill, San José, and Milpitas. The principal tributaries of Coyote Creek within the Santa Clara Valley are Lower Penitencia Creek, Upper Penitencia Creek, Silver Creek, and Fisher Creek. These tributaries, together with Coyote Creek, compose the major drainage network for the easterly portion of the Santa Clara Valley. The stream channel has been improved28 by the Santa Clara Valley Water District (SCVWD) and the Corps of Engineers from SR 237 north to the San Francisco Bay.

The stream flow in Coyote Creek is regulated by Coyote and Anderson reservoirs, which have a combined storage capacity of approximately 115,000 acre-feet.

The Coyote Creek flood control project was completed in 1995 to improve the channel from Montague Expressway to the Bay. The improved channel has a design capacity of 15,000 cubic feet per second (cfs) to contain the 100-year flood. Flooding may still occur in events greater than the 100-year design flood. Prior to completion of the Coyote Creek project, the channel capacity was approximately 5,000 cfs south of SR 237.

Guadalupe River

The Guadalupe River originates in the Santa Cruz Mountains and its watershed covers approximately 90 square miles. The river flows in a northwesterly direction through San José and the Rincon area, and ultimately empties into San Francisco Bay.

The upper basin of the Guadalupe River watershed contains six dams which effect downstream flows. These dams create Lexington, Calero, Elsman, Guadalupe, Almaden, and Vasona Reservoirs.

28 “Improved” is a term used to describe engineered modifications made to a waterway, usually for the purpose of providing flood protection.
The major tributaries of the Guadalupe River are Los Gatos Creek, Guadalupe Creek, Alamitos Creek, and Canoas Creek. The river channel has been improved in certain reaches through the urbanized areas of the Santa Clara Valley floor. The channel from Interstate 880 north to the Bay has been improved to 100-year design standards by the Santa Clara Valley Water District. Spills from the channel south of Interstate 880 would flow north along the east side of the channel through the North San José area to SR 237.

At SR 237, the estimated 100-year flow rate for a Guadalupe River spill would be approximately 2,300 cubic feet per second. The flood water would cross SR 237 near North First Street and continue north to the Alviso area. Overflows from the Guadalupe River have not flooded the North San José area since the 1955 flood, prior to the construction of the channel from Interstate 880 to the Bay. The channel did overflow in downtown San José in 1995, but the flooding did not extend into North San José. There has been localized flooding in North San José in recent years, but it resulted from constraints in the local storm sewers (see discussion in Section II.J. Utilities, of this EIR).

The U.S. Army Corps of Engineers (Corps), in conjunction with the Santa Clara Valley Water District (SCVWD), is constructing a flood protection project for the Guadalupe River from I-880 south to I-280. The Guadalupe River Park and Flood Protection project will provide 100-year flood protection for the area between the Guadalupe River and Coyote Creek due to spills from the Guadalupe River. The flood control facilities south of Coleman Avenue are currently under construction. The first phase from I-880 to Coleman Avenue has been completed. The critical features of the flood control facilities in the Downtown segment of the Guadalupe River project were completed in December 2004.

The SCVWD is also currently constructing a project to improve the channel capacity of the Guadalupe River downstream of I-880 to Alviso. The Lower Guadalupe Flood Protection project will increase the channel capacity to contain the 100-year design capacity of the upstream flood protection project, and potential increases from stormwater pump stations in the lower reach. The Lower Guadalupe River project is also scheduled to be completed in December 2004.

The SCVWD and City of San José are in the process of amending the existing FEMA floodplain maps to include the effects of the Coyote Creek and Guadalupe River flood protection projects. The SCVWD is preparing a study to define the areas of residual 100-year flooding which may occur after completion of the flood protection project. This will include areas of local flooding and sheetflow due to local runoff in excess of the storm drainage system capacity. It is anticipated that the extent and depth of flooding will be significantly reduced in the project area by the flood protection improvements. The draft flooding study is due in January 2005. The FEMA map amendment process is scheduled to be completed in 2005.

Part of the project area (south of SR 237 in the vicinity of North First Street and Headquarters Drive) is subject to potential flooding from tidal inundation due to levee over topping or levee failure in the salt pond areas north of Alviso. The salt pond levees are not adequate to meet 100-year design standards as defined by the Federal Emergency Management Agency. In addition, localized areas of the levees near the railroad north of
Alviso are below the 100-year tidal elevation and may be overtopped. The Flood Insurance Rate Maps are based on an estimated 100-year high tide elevation of 9 feet.

The Corps of Engineers has prepared a feasibility level study for the south bay shoreline area including the Alviso area. The study only considered overtopping of the existing levees, not potential levee failure during an extreme high tide. Historically, levee failures during tidal events have been a rare occurrence. The levees were assumed to be maintained in their current condition. The study conclusion was that there would not be sufficient benefits from reduced flooding in the Alviso area to justify the cost of major levee improvements. The Corps is in the process of reevaluating flood protection for the Alviso levees in conjunction with the South Bay Salt Pond Restoration Project.

1987 North San José Floodplain Management Study

Development in the North San José area must conform to the City’s floodplain management ordinance. The ordinance is required for the City to participate in the National Flood Insurance Program. The floodplain ordinance requires all new construction or substantial improvement of existing structures to have lowest finished floor elevations above the existing 100-year flood elevation as shown on the Flood Insurance Rate Maps. In the tidal floodplain area, this would require first floor elevations of 9 feet (NGVD 1929). Based on the floodplain ordinance, certain types of commercial structures can be flood-proofed to allow finished floors below the 100-year flood elevation.

The City has a special floodplain management plan for the North San José area that considers the effects of new development on the freshwater overflows from Coyote Creek and Guadalupe River. The plan requires new construction to consider an additional constraint to allow shallow flooding to cross the property after development. This generally requires maintaining parking and open space areas for flood conveyance. To balance the impact of development on the water surface elevation, each site is restricted to allow buildings or fill on only 50 percent of the available property, as measured along a cross section perpendicular to the direction of the sheet flow across the site. Projects that exceed the 50 percent blockage criteria are required to provide engineering studies to document the potential impact of the project.

Due to the completed 1995 Coyote Creek flood protection improvements, new development projects are only required to analyze sheetflow conveyance based on overflows from the Guadalupe River. The design flood elevations from the 1987 Floodplain Management Study are used to establish the flood elevations of existing buildings within the area. No building flooding would be expected for flood events below the design levels. New development projects include finish floor elevations at or above the existing design levels to maintain a consistent level of flood protection throughout the area. New development projects include low areas in parking lots and open space to convey sheet flow across the site.

City staff has proposed to update the Floodplain Management Study to consider the revised effective floodplain conditions after the FEMA maps have been amended to include the Guadalupe River flood protection improvements. The revised FEMA maps would be used to identify the areas subject to flooding and the effective flood elevations or flood depths. The revised flood maps would include existing development in the area and therefore would
incorporate the existing flood blockage which has occurred in the past. The revision to the Floodplain Management Study would compare the revised flood elevations to the design elevations established in the 1987 study to identify areas where increased blockage may be allowed. Because the new floodplain conditions are expected to reduce the flood flows in sheetflow areas, there may be a potential to allow increased blockage, without affecting the existing buildings which were designed to be consistent with the 1987 study.

**Stormwater Drainage**

The project area is served by eight main storm drainage systems that discharge to both Coyote Creek and the Guadalupe River. Each system includes storm sewers that convey runoff to these waterways. When the water surface elevation is lower than adjacent ground level, runoff can be conveyed to the waterways by gravity. However, the levees that separate North San José from Coyote Creek and the Guadalupe River enable water levels in both waterways to rise to elevations higher than adjacent lands in North San José. In those instances, pump stations are needed to discharge storm runoff into the waterways. In the absence of pump stations, internal flooding will likely occur in various portions of North San José.

The Oakmead system serves the northwestern portion of the project area from SR 237 south to Montague Expressway and from the Guadalupe River east to Coyote Creek. The existing pump station has a capacity of 735 cfs and serves an area of over 1,200 acres. The pump station capacity exceeds the 10-year design flow for stormwater runoff from the area. Portions of the storm drain system may not have 10-year capacity under the existing condition.

Three smaller drainage systems serve portions of the overall Oakmead system area. The Lamplighter mobile home park on the west side on North First Street near SR 237 has a separate storm drain system and pump station. The Valley Transportation Agency bus yard on the east side of Zanker Road near SR 237 also has a separate storm drain system which drains to Coyote Creek. Finally, the River Oaks system serves an area west of North First Street north of Montague Expressway. The River Oaks system has a pumping capacity of 67 cfs.

The area between Montague Expressway and US 101 is served by two drainage systems. The Montague system serves 1,339 acres in North San José and drains to the Guadalupe River through two pump stations. The Rincon pump station at Montague Expressway was completed in 1998 and has a capacity of 360 cfs. The Trimble Road pump station was completed in 2004 and has a capacity of 600 cfs. The combined pump capacity is based on the 10-year design flow. Based on the storm drain master plan for the area, the existing storm drain system does not provide 10-year capacity and additional storm drain improvements have been identified but are not yet funded.

The Charcot system serves approximately 430 acres and drains to Coyote Creek south of Charcot Avenue. The system serves an area generally bounded by Coyote Creek, US 101, East Brokaw Road (west of Zanker Road) and south of Charcot Avenue (east of Zanker Road). The system does not include a pump station, but does include a flap gate to prevent high flow in Coyote Creek from backing up into the storm drain system. Portions of the
drainage area are lower than the 10-year water surface elevation in the channel. The storm drain master plan has proposed a pump station and additional storm drain improvements for the Charcot system.

South of US 101 there are several smaller storm drain systems in the project area which drain the area between the Guadalupe River and US 101. These systems drain to the Guadalupe River and also include flapgates at the outlet to the river. The Gateway system near US 101 includes a pump station with a capacity of seven cfs. These systems generally have less than 10-year capacity.

**Groundwater Levels**

Groundwater in North San José occurs in a complex pattern of aquifers at varying depths. Generally, groundwater levels are highest near the Guadalupe River and Coyote Creek. In some areas, shallow groundwater rises to a level near the surface, above the level of underground sanitary and storm sewer lines. This groundwater can infiltrate these lines through seepage at the joints in the pipes. As a result, low flow pumps are used to remove this water from storm lines. Infiltration into sanitary lines results in an additional volume of effluent that must be treated at the San José/Santa Clara Water Pollution Control Plant (WPCP).

**Water Quality**

Various land uses occupy the Coyote Creek and Guadalupe River watersheds, with each land use discharging different types of contaminants. Land uses within these watersheds include industrial, commercial, residential, and open space. Little or no apparent erosion occurs under existing conditions because the Rincon area is relatively flat. Runoff from Rincon may currently contain sediments and small amounts of oil, grease, and heavy metals from paved areas, including parking lots and roadways.

**Regulatory Overview**

The major federal legislation governing water quality is the Clean Water Act, as amended by the Water Quality Act of 1987. The U.S. Environmental Protection Agency (EPA) is the federal agency responsible for water quality management nationwide.

The State of California’s Porter-Cologne Water Quality Control Act provides the basis for water quality regulation within California; the Act assigns primary responsibility for the protection and enhancement of water quality to the State Water Resources Control Board (SWRCB), and the nine regional water quality control boards. The SWRCB provides state-level coordination of the water quality control program by establishing state-wide policies and plans for the implementation of state and federal laws and regulations. Each Regional Water Quality Control Board (RWQCB) adopts and implements a water quality control plan (“Basin Plan”) that recognizes the unique characteristics of each region with regard to natural water quality, actual and potential beneficial uses, and water quality problems. The RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements to control water quality and protect beneficial uses.
The State Water Resources Control Board has implemented an NPDES general construction permit for the Santa Clara Valley. For properties disturbing one (1) acre or more, a Notice of Intent (NOI) and Stormwater Pollution Prevention Plan (SWPPP) must be prepared prior to commencement of construction. Construction activity subject to this permit includes clearing, grading, and disturbances to the ground such as stockpiling, or excavation. Subsequent to implementation of the general construction permit, the San Francisco Bay RWQCB issued a Municipal Stormwater NPDES Permit to the municipalities in Santa Clara Valley, the County of Santa Clara, and the Santa Clara Valley Water District (SCVWD) as co-permittees. The Santa Clara Valley Urban Runoff Pollution Prevention Program assists the co-permittees in implementing the provisions of this permit.

In October 2001, the RWQCB approved an amendment to the NPDES Permit Number CAS 029718, Provision C.3. The amendment to Provision C.3. includes new stormwater discharge requirements for new development and redevelopment. For development within the City of San José, implementation of the NPDES MS4 Permit requirements will be in accordance with the City of San José’s ordinances, policies, and other City, local, state, and federal requirements.

Development projects are required to comply with Provision C.3 of the City’s NPDES Permit and the City’s local policies and ordinances regarding urban runoff and water quality. The City is currently working on preparation of the Hydrograph Modification Management Plan (HMP) Program with the other Santa Clara County co-permittees, provisions of which will be implemented in the next few years.

2. **Hydrology and Water Quality Impacts**

   **Thresholds of Significance**

For the purposes of this EIR, a hydrologic impact is considered significant if the project will:

- violate any water quality standards or waste discharge requirements; or
- substantially degrade or deplete groundwater resources or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level; or
- substantially alter the existing drainage pattern of the site or area, including through the alteration of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; or
- substantially alter the existing drainage pattern of the site or area, including through the alteration of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site; or
- create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
- provide substantial additional sources of polluted runoff or otherwise substantially degrade surface or groundwater quality; or
- place within a 100-year flood hazard area structures which would impede or redirect flood flows; or
• expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; or
• expose people or structures to inundation by seiche, tsunami, or mudflow.

Flooding Impacts

The project proposes an increase in building floor area ratios in the Industrial Cora Area and new high-density residential areas adjacent to existing residential development throughout the project area. The evaluation of increased development density on flooding in the project area is complicated by the fact that the effective floodplain maps are inaccurate due to the construction of the Coyote Creek and Guadalupe River flood protection projects. The draft amended floodplain maps are scheduled to be completed in January 2005. The amendment process which would update the floodplain maps is expected to be completed in 2005.

It is anticipated that the revised floodplain maps will reduce the area of 100-year floodplain in the project area. The major overflows from the stream channels would be controlled by the flood prevention projects and only local storm drain excess runoff would cause shallow sheetflow and local ponding. Similarly, due to the reduction in potential flood flows, the depth of flooding would be expected to be less than the existing flood conditions identified in FEMA floodplain maps.

The tidal floodplain area below the 100-year tidal water surface elevation of 9 feet near SR 237 would not be affected by the floodplain map revisions. Properties in the vicinity of North First Street and Tasman Drive which are proposed for inclusion in the high-density residential overlay district are within the boundaries of the tidal floodplain.

The areas which are most likely to remain in the floodplain due to local runoff include the area along North First Street from the tidal floodplain near SR 237 south to the Core Area north of US 101. The North First Street area is generally the lowest area between the Guadalupe River and Coyote Creek. Any storm drain excess would tend to flow toward that area, then north toward SR 237 and Alviso.

As noted previously, most of the project area is within the area of the North San José Floodplain Management Study. The City has implemented development controls in that area to allow development which is reasonably safe from flooding and controls potential increased flood depths due to development. This has included minimum finished floor elevations to keep new development above the estimated 100-year flood elevation. The development controls have also included limitations on building footprints and landscaping which may block sheetflow across a site. This has been termed the “50 percent blockage criteria.” Site development should not block more than 50 percent of the flow area in the direction of the sheetflow across the site. The City is proposing a revision to the 1987 study to revise the existing criteria. The revision would reduce the area of development controls, required building finished floor elevations, and the blockage criteria.

In some of the project area, there may be no change in the existing Floodplain Management Study criteria. This could occur in areas where the local storm drain excess is concentrated in an area and creates flood conditions similar to the existing floodplain conditions. For most of the project area with industrial land uses, the development restrictions within the
floodplain would include minimum building finished floor elevation, flood proofing of any below grade development, and at-grade parking lots or at grade parking structures. At-grade parking structures are multilevel parking structures with the lowest level at the existing ground level. The at-grade parking would be open to allow sheetflow through the ground level of the structure. Most of the project area would include building densities similar to the existing development conditions in North San José.

In the Industrial Core Area, increased building floor area ratios and increased building densities are proposed, compared to existing conditions. In the Core Area, development would be characterized by mid-rise buildings close to the street with parking structures behind the buildings, and away from the street. If the revisions to the Floodplain Management Study do reduce the extent of floodplain management criteria in the Industrial Core Area, there may be more flexibility in the design of the building footprints and blockage on individual properties.

There are also several areas identified for residential development with minimum densities of 55 and 90 dwelling units per acre. If these areas are located within the revised floodplain and the revised Floodplain Management Study continues to include blockage criteria, there may be limitations on the type and configuration of the residential development. FEMA does not allow below grade parking structures for residential development projects within the floodplain. The use of at-grade parking lots could limit the density of residential development. The use of at-grade parking structures would increase the visible size of the parking structures over development plans with below grade parking.

- The project is located in an area of San José subject to periodic flooding that could expose people or structures to significant risks. (Significant Impact)

**Stormwater Drainage Impacts**

The proposed project may affect existing runoff conditions by increasing the intensity of development and the amount of impervious area within the North San José area. Most of the project area is zoned for industrial development and would continue to be industrial. The level of development and site coverage used in the existing storm drain planning and design would be very similar to existing conditions. There is a recognized need for storm drain improvements within the project area with or without the proposed project. The existing storm drainage system does not meet the City standard to provide drainage for the 10-year storm event. The City collects a storm system improvements fee from development of vacant land, which would also apply in the project area. Sanitary, storm, and water supply improvements needed to serve individual development sites are implemented directly by new development projects in San José, including projects in North San José.

In the areas with increased development densities and site coverage with impervious surfaces, there may be an incremental increase in runoff. Based on estimates from City staff, the runoff in the Industrial Core Area may increase by 10 percent or more, but in some cases redevelopment may reduce the total amount of impervious surface area on a particular site. Increases in runoff would primarily be due to a decrease in the pervious areas within the development areas such as lawns and landscaping. Higher density development with mid-rise structures generally has very limited landscaping areas. The increase in site runoff may
affect the level of service of the existing storm drainage systems. This may require additional storm drainage improvements above the currently master planned facilities. Conversely, in some situations replacement of existing surface parking lots with parking structures along with the addition of new open space areas as part of an intensification in development may result in a net decrease in impervious surface area.

The potential increase in storm drainage flows could be avoided or reduced using site design and best management practices to reduce peak runoff flows to the storm drain system. This may include increased open space or pervious area within projects, and on-site detention. New development may also incorporate more advanced on-site measures for reducing storm water runoff.

- The project area is subject to flooding when stormwater flows exceed the capacity of the drainage system. This flooding could pose a significant risk to people and/or structures in the project area. (Significant Impact)

**Water Quality Impacts**

*Construction Impacts*

Implementation of the proposed General Plan Amendments and future development would increase density in the project area. Construction activities would include building demolition, pavement removal, site grading and earthmoving. This could expose disturbed soils to the erosive forces of wind and rain, resulting in off-site deposition of sediments that could clog storm drains or adversely affect the Guadalupe River and Coyote Creek downstream. In addition, hazardous materials such as fuel, oil, paint, and solvents are routinely used during construction, and the accidental spill or release of these substances could adversely affect water quality. While construction activities would be temporary in nature, the potential impacts to water quality could last beyond the duration of construction, depending on the extent of degradation.

Development of the project site could increase some contaminants in stormwater runoff during construction, which could adversely affect the water quality of the Guadalupe River and Coyote Creek. If this were to occur, significant degradation of the Guadalupe River or Coyote Creek, and the aquatic habitat they provide would reduce the number and diversity of aquatic invertebrate species. In turn, the number and diversity of terrestrial vertebrates which prey on aquatic organisms could be expected to decline. The degradation of the aquatic habitat found in the Guadalupe River and Coyote Creek could be a significant impact.

- Construction activities in the project area, including grading and earthmoving, could result in adverse impacts to the water quality of the Guadalupe River and Coyote Creek, and ultimately San Francisco Bay. (Significant Impact)

*Post-Construction Water Quality and Runoff*

The increase of impervious surfaces in the project area would generally increase the potential for stormwater runoff to carry pollutants into the storm drainage system when compared to
existing conditions. Any runoff from new landscaping could carry pesticides, herbicides and fertilizers.

Implementation of the proposed General Plan Amendments and future development could result in redevelopment of sites within the project area with new buildings, parking structures and possibly landscaped areas. Such development would result in stormwater runoff from new rooftops, parking structures, and other impermeable surfaces with elevated pollutant loadings, such as sediment, oil and grease. Any increase in landscape areas could also result in an incremental increase in surface water contamination if pesticides, herbicides or chemical fertilizers are used. Ongoing activities associated with the future buildout of the project area could, therefore, contribute non-point source pollutants, which could potentially result in adverse impacts to water quality in the stormwater system, Guadalupe River, Coyote Creek, and San Francisco Bay.

- Stormwater runoff from the proposed development could contribute to a degradation of surface water quality of the Guadalupe River, Coyote Creek, and ultimately, San Francisco Bay. (Significant Impact)

3. Mitigation and Avoidance Measures

General Plan Policies

The policies in the City of San José General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. All future development addressed by this EIR would be subject to General Plan policies, including the following:

- **Level of Service (Storm Drainage and Flood Control) Policy #12** states new projects should be designed to minimize potential damage due to storm waters and flooding to the site and other properties.

- **Level of Service (Storm Drainage and Flood Control) Policy #12** encourages new development to be designed to minimize water runoff.

- **Flooding Policy #7** states the City should require new urban development to provide adequate flood control retention facilities.

- **Water Resources Policy #8** encourages the City to establish non-point source pollution control measures and programs to adequately control the discharge of urban runoff and other pollutants into the city’s storm sewers.

- **Water Resources Policy #9** encourages the City to take a proactive role in the implementation of the SCVURPPP, as well as implementation of the City’s local non-point source control and storm water management program.
Other Program Mitigation Measures

Flooding

In order to avoid or reduce risks to people and structures, specific development projects proposed in the project area will be subject to the City of San José Floodplain Management Ordinance in place at the time the project application is filed with the City. Consistency with the Ordinance will ensure that significant impacts to persons and property are reduced or avoided.

Construction Impacts to Water Quality

- Development and redevelopment projects are required to comply with the NPDES General Construction Activity Stormwater Permit administered by the Regional Water Quality Control Board. Prior to future construction grading for projects with land disturbance of one acre or more, applicants are required to file a “Notice of Intent” (NOI) to comply with the General Permit and prepare a Stormwater Pollution Prevention Plan (SWPPP) which addresses measures that would be included in the project to minimize and control construction and post-construction runoff. Copies of the SWPPPs are submitted to the City of San José Department of Public Works. The following measures typically are included in a SWPPP:
  - Preclude non-stormwater discharges to the stormwater system.
  - Effective, site-specific Best Management Practices for erosion and sediment control during the construction and post-construction periods.
  - Coverage of soil, equipment, and supplies that could contribute non-visible pollution prior to rainfall events or perform monitoring of runoff.
  - Perform monitoring of discharges to the stormwater system.

Post-Construction Project Impacts to Stormwater Quality

As previously discussed, the City of San José is one of 13 co-permittees under a Municipal Stormwater National Pollutant Discharge Elimination System (NPDES) Permit issued to the municipalities in Santa Clara Valley, the County of Santa Clara, and the Santa Clara Valley Water District. Under provisions of the NPDES Municipal Permit, redevelopment projects that disturb more than one acre are required to incorporate Best Management Practices for non-point pollution control in the new development area. These measures may include:

- installing bioswales in new landscape and surface parking areas to treat runoff prior to discharge to the stormwater system;
- installation of landscaping that will facilitate the infiltration of stormwater;
- use of landscape species that minimize irrigation, runoff, pesticide and fertilizer application;
- design landscape areas to be lower in elevation than surrounding paved areas;
- planting new trees within 30 feet of impervious surfaces;
- use efficient irrigation systems to minimize runoff;
- stormwater catch basins will be stenciled to discourage illegal dumping;
• use microretention techniques, such as tree well filters in parking and landscaped areas;
• installation of oil/water separators in parking structures, if required/allowed;
• cover dumpsters and other storage areas and/or protect by a berm or curb;
• use source control Best Management Practices (in vehicle areas, roofs, gutters, downspouts, dumpster/trash areas, floor drains, elevator shaft drains, air conditioning condensate, and outdoor material storage, etc.);
• maintenance of landscaped areas as necessary to maintain soil structure and permeability;
• site maintenance, including routine catch basin cleaning; and
• maintenance of landscaping with minimal pesticide use, including landscape maintenance techniques listed in the Fact Sheet on Landscape Maintenance Techniques for Pest Reduction prepared by the Santa Clara Valley Urban Runoff Pollution Prevention Program.

Controls to Minimize Changes in Volume, Flow Rate, Timing or Duration of Runoff

New Section C.3 requirements of the Municipal Stormwater NPDES Permit, including numeric sizing criteria for post-construction treatment control measures, will apply to future projects as project permits will not be approved prior to February 15, 2005. At the time of final design, treatment BMPs to be used on any proposed project site will be analyzed based upon a volume hydraulic design basis or a flow hydraulic design basis, as appropriate under the requirements of the City’s Municipal Stormwater NPDES Permit.

4. Conclusion

Consistency with the above identified General Plan policies and implementation of the other identified Program Mitigation Measures will reduce impacts to hydrology and water quality to a less than significant level. (Less Than Significant Impacts with Mitigation)

5. Mitigation Measure to be Considered at the Time of Future Development

Drainage

In order to improve stormwater drainage in the project area and prevent localized flooding due to lack of system capacity, all proposed development in North San José will be evaluated for the adequacy of on-site and off-site stormwater collection systems prior to issuance of Site Development or Planned Development Permits. Some areas will require new or supplemental stormwater lines, catch basins, or other infrastructure. As redevelopment proceeds in the area, priorities may be set for upgrading the storm drainage system. Consistent with ongoing City policies, Capitol Improvement Projects will be identified and incorporated into the City’s Five Year CIP process, as appropriate.

Future development projects will also be subject to any blockage criteria contained in the City’s Floodplain Management Ordinance.
I. HAZARDOUS MATERIALS

The following section is based upon a records search and reconnaissance of parcels within the project area completed by Baseline Environmental Consulting in 1997. Their report also included an overview of hazardous materials regulations at the local, state, and federal levels. A copy of this report is included in Appendix I of this EIR. A subsequent update of the status of all permits, records of releases, and outstanding compliance issues regarding hazardous materials was prepared for all properties within Rincon and for a two-mile radius. That updated document is on file with the City of San José Planning Division, and may be reviewed during regular business hours.

1. Existing Setting

The proposed project is located in an area where hazardous materials are used by numerous businesses. In addition, hazardous materials may be present in surface and subsurface soils and groundwater at sites within the project area as a result of current or former land uses. Land uses associated with hazardous materials use in the project area include or have included: agricultural activities; automobile and truck rental, service, and repair; electronics and other manufacturing operations; gasoline stations; and pest control services. Hazardous materials that may have been associated with these land uses include pesticides, petroleum hydrocarbons, heavy metals, solvents, flammable liquids, and acids (refer to Table 27). Vacant parcels could also be affected by hazardous materials if they have been used for illegal dumping.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Hazardous Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture</td>
<td>Pesticides, herbicides, fertilizer, heavy metals</td>
</tr>
<tr>
<td>Automobile Rental</td>
<td>Petroleum hydrocarbons, metals, flammable liquids</td>
</tr>
<tr>
<td>Automobile Parts Store and Warehouse</td>
<td>Petroleum hydrocarbons, metals, flammable liquids</td>
</tr>
<tr>
<td>Automobile Service and Repair</td>
<td>Petroleum hydrocarbons, metals, flammable liquids</td>
</tr>
<tr>
<td>Electronics Manufacturing</td>
<td>Petroleum hydrocarbons, metals, flammable liquids, acids</td>
</tr>
<tr>
<td>Gasoline Station</td>
<td>Petroleum hydrocarbons, metals, flammable liquids</td>
</tr>
<tr>
<td>Meat Packing</td>
<td>Petroleum hydrocarbons, metals, flammable liquids</td>
</tr>
<tr>
<td>Pest Control Company</td>
<td>Pesticides</td>
</tr>
<tr>
<td>Rug Cleaning</td>
<td>Flammable Liquids</td>
</tr>
<tr>
<td>Semiconductor Manufacturing</td>
<td>Petroleum hydrocarbons, metals, flammable liquids, acids, toxic gases</td>
</tr>
<tr>
<td>Truck Rental</td>
<td>Petroleum hydrocarbons, metals, flammable liquids</td>
</tr>
</tbody>
</table>

Table 27

Land Uses and Commonly Associated Hazardous Materials
Table 27
Land Uses and Commonly Associated Hazardous Materials

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Hazardous Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trucking Company/Truck Maintenance</td>
<td>Petroleum hydrocarbons, metals, flammable liquids</td>
</tr>
<tr>
<td>Vacant</td>
<td>Household hazardous wastes (dumping)</td>
</tr>
</tbody>
</table>

Sensitive Receptors

Sensitive receptors are populations that are especially susceptible to the effects of hazardous materials. Sensitive receptors include children, the elderly, and the infirm. Areas where sensitive receptors would be expected to be located include residential areas, hospitals, day care facilities, nursing homes, and schools. Several areas currently expected to have sensitive receptors are located within or adjacent to the project area boundaries (refer to Figure 4). If hazardous materials are released at parcels near sensitive receptors, the health effects from the release could be magnified.

Potential for Hazardous Materials to be Present within the Project Area

Available regulatory agency databases were reviewed to identify the nature and scope of hazardous materials factors affecting the project vicinity. A listing of the databases searched is included in Table 28.

Hazardous Materials Use, Storage, and Disposal

Several regulatory agency databases provide information on hazardous material use, storage, and disposal within North San José. Sixteen parcels within the project area were listed on regulatory databases as using, storing, or disposing of hazardous materials in the 1990s (Table 28 and Figure 24). Figure 24 illustrates how large an area has contained these uses in Rincon in the past. Although the current economic conditions may have resulted in fewer sites presently being so used, that situation is unlikely to continue. The storage, use, or disposal of hazardous materials at a site can result in contamination of soil and/or groundwater; a thorough site reconnaissance, a more detailed review of site history, and/or soil and groundwater sampling would be necessary to determine if use, storage, or disposal of hazardous materials have affected subsurface conditions at a particular size.

Underground Storage Tanks and Above-ground Storage Tanks

Based on regulatory database information, various properties in Rincon have had underground tanks to store gasoline, diesel, spent solvents, and/or waste oil. If storage tanks are present on parcels to be redeveloped, it is likely that the tanks would need to be removed in accordance with State and local regulations during or prior to site redevelopment. In addition, releases of hazardous materials may have occurred during tank operations, even though those releases may not have been detected or reported to regulatory agencies. Properties containing tanks may, therefore, also contain contaminated soil and/or groundwater.
Hazardous Waste Generators

Various properties in the project area are listed as RCRA-registered generators of hazardous wastes and other are listed on the California Hazardous Waste Information System (HWIS) as containing hazardous waste generators. Wastes generated on some parcels include ignitable and corrosive wastes, solvents and other volatile and semi-volatile organic compound, and metals. No records of RCRA violations or corrective actions were identified at any of the parcels.
### Table 28
Hazardous Materials Public Databases

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Database (Agency)</th>
</tr>
</thead>
<tbody>
<tr>
<td>AST</td>
<td>Aboveground Petroleum Storage Tank Facilities (State Water Resources Control Board)</td>
</tr>
<tr>
<td>BEP</td>
<td>Bond Expenditure Plan (California Department of Health Services)</td>
</tr>
<tr>
<td>Cal-Sites (AWP)</td>
<td>Cal-Sites list of known hazardous waste sites targeted for cleanup (Cal EPA)</td>
</tr>
<tr>
<td>Cal-Sites (ASPI)S</td>
<td>Cal-Sites list of known and potential hazardous waste sites</td>
</tr>
<tr>
<td>CERCLIS</td>
<td>Comprehensive Environmental Response, Compensation, and Liability Information System (US EPA)</td>
</tr>
<tr>
<td>CHMIRS</td>
<td>California Hazardous Material Incident Report System (Office of Emergency Services)</td>
</tr>
<tr>
<td>CORRACTS</td>
<td>RCRA Corrective Action Report (US EPA)</td>
</tr>
<tr>
<td>Cortese</td>
<td>Cortese index of identified hazardous waste and substance sites</td>
</tr>
<tr>
<td>ERNS</td>
<td>Emergency Response Notification System (US EPA)</td>
</tr>
<tr>
<td>FID</td>
<td>Facility Inventory Database (State Water Resources Control Board)</td>
</tr>
<tr>
<td>FINDS</td>
<td>Facility Index System (US EPA)</td>
</tr>
<tr>
<td>HAZMAT</td>
<td>Hazardous Materials Facilities (San José Fire Department)</td>
</tr>
<tr>
<td>HAZNET (HWIS)</td>
<td>Hazardous Waste Information System (Cal EPA)</td>
</tr>
<tr>
<td>HMIERS</td>
<td>Hazardous Materials Information Reporting System (Department of Transportation)</td>
</tr>
<tr>
<td>LUST</td>
<td>Leaking Underground Storage Tank Information System (State Water Resources Control Board)</td>
</tr>
<tr>
<td>MLTS</td>
<td>Material Licensing Tracking System (Nuclear Regulatory Commission)</td>
</tr>
<tr>
<td>NOTIFY 65</td>
<td>Proposition 65 (State Water Resources Control Board)</td>
</tr>
<tr>
<td>NPL</td>
<td>National Priority List (Superfund) (US EPA)</td>
</tr>
<tr>
<td>NPL LIENS</td>
<td>Federal Superfund Liens (US EPA)</td>
</tr>
<tr>
<td>PADS</td>
<td>PCB Activity Database System (US EPA)</td>
</tr>
<tr>
<td>RAATS</td>
<td>RCRA Administrative Action Tracking System (US EPA)</td>
</tr>
<tr>
<td>RCRIS</td>
<td>Resource Conservation and Recovery Information System (US EPA)</td>
</tr>
<tr>
<td>ROD</td>
<td>NPL (Superfund) Records of Decision (US EPA)</td>
</tr>
<tr>
<td>South Bay</td>
<td>South Bay Groundwater Pollution Cases (SF RWQCB)</td>
</tr>
<tr>
<td>SWAT</td>
<td>Solid Waste Assessment Test Program (State Water Resources Control Board)</td>
</tr>
<tr>
<td>SWF/LS (SWIS)</td>
<td>Solid Waste Information System (Integrated Waste Management Board)</td>
</tr>
<tr>
<td>Toxic Pits</td>
<td>Toxic Pits Cleanup Act Sites (State Water Resources Control Board)</td>
</tr>
<tr>
<td>TRIS</td>
<td>Toxic Chemical Release Inventory System (US EPA)</td>
</tr>
<tr>
<td>TSCA</td>
<td>Toxic Substances Control Act (US EPA)</td>
</tr>
<tr>
<td>UST</td>
<td>Registered Underground Storage Tanks (State Water Resources Control Board)</td>
</tr>
<tr>
<td>WDS</td>
<td>Waste Discharge System (State Water Resources Control Board)</td>
</tr>
</tbody>
</table>
Table 28  
Hazardous Materials Public Databases

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Database (Agency)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Board)</td>
<td></td>
</tr>
</tbody>
</table>

**Wastewater Discharge**

One parcel in the project area (a service station) was listed on the SWRCB Waste Discharge System (WDS), indicating that the parcel had been issued wastewater discharge requirements for an unspecified hazardous material or materials (Table 29). The site (parcel #70 on Figure 24) was reported to discharge up to 14,400 gallons per day of contaminated groundwater.

**Known Hazardous Materials Releases**

Hazardous materials releases have been reported at numerous sites within the project area. Contaminants released include petroleum hydrocarbons, such as gasoline, diesel, and oils; metals; acids; solvents; and other organic compounds. Sites with known or suspected releases of hazardous materials are listed in Table 29 and shown in Figure 24. Among parcels within the project area, 157 sites were known or suspected of having had hazardous materials releases, see Table 29. Most investigations or remediation activities in the project area are performed under the oversight of the SCVWD. The Santa Clara County Department of Environmental Health (SCCDEH) oversees activities on County, State or Federal Properties. The RWQCB oversees activities on select sites and those referred by the SCVWD.

The status of site investigations and remedial activities was not determined as part of the preparation of this EIR. This is not a comprehensive list because properties are regularly removed from list of ongoing clean-up as their remedial actions are complete; in addition, new sites are added to the list as releases occur or are discovered. The purpose of including this list and this map in this EIR is to demonstrate the widespread existence of hazardous materials use and releases in this area in the past.

Individual review and assessment of each site investigation would be required to determine the extent to which releases reported at a site might affect future development at that site or at nearby parcels at the point in time that development is actually proposed at that site or nearby. Parcels in the project area on which releases have occurred also have the potential to contain soil and/or groundwater affected by hazardous materials. Other sites within the project area may also be affected if the hazardous materials releases have migrated through the groundwater or from dust carried through the air.

This updated information must be compiled as part of any development proposal within this area. The analysis will be necessary to evaluate the feasibility at a particular point in time of allowing residential development on a specific site. Knowledge of the status of remediation on a property will also be relevant to the design and purpose of non-residential development proposed on contaminated property (see further discussion in the impact subsection which follows).
CERCLIS

The Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) is a database of potential hazardous waste sites that have been reported to the US EPA by states, municipalities, private companies, and private persons, pursuant to Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). CERCLIS lists sites which are either proposed to be on or are on the National Priority List (NPL)\textsuperscript{29} and sites which are in the screening and assessment phase for possible inclusion on the NPL. One parcel in the project area is listed on CERCLIS due to solvent contamination (Table 29). Twelve additional sites within the project area are also listed on CERCLIS (Table 29).

ERNS and CHMIRS

The US EPA Emergency Response Notification System (ERNS) and the State Office of Emergency Systems California Hazardous Material Incident System (CHMIRS) contain information on spills of hazardous materials which have been reported to State or Federal authorities. One parcel in the project area appears on both databases for a release of gallium arsenide (Table 29); three additional sites within the project area are on the ERNS database and sixteen sites are on the CHMIRS database (Table 29).

<table>
<thead>
<tr>
<th>Map ID No.</th>
<th>Hazardous Material(s) Released</th>
<th>Regulatory Agency Database</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Diesel</td>
<td>X</td>
</tr>
<tr>
<td>2</td>
<td>Bromine</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Misc. Fuels</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Not Reported</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Ethylene Dibromide</td>
<td>X</td>
</tr>
<tr>
<td>6</td>
<td>Not Reported</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Flammable Liquids</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Not Reported</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Methyl Benzoate</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Lead</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Mercury</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Not Reported</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Not Reported</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Diesel</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Pesticides</td>
<td></td>
</tr>
</tbody>
</table>

\textsuperscript{29} Also referred to as “Superfund” sites.
<table>
<thead>
<tr>
<th>Map ID No.</th>
<th>Hazardous Material(s) Released</th>
<th>Regulatory Agency Database</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>CA</td>
</tr>
<tr>
<td>15</td>
<td>Not Reported</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>Not Reported</td>
<td>X</td>
</tr>
<tr>
<td>17</td>
<td>Gasoline</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Flammable Liquids</td>
<td>X</td>
</tr>
<tr>
<td>18</td>
<td>Phosphoric Acid</td>
<td>X</td>
</tr>
<tr>
<td>18</td>
<td>Not Reported</td>
<td>X</td>
</tr>
<tr>
<td>18</td>
<td>Metal Plating Wastes</td>
<td>X</td>
</tr>
<tr>
<td>18</td>
<td>Diesel</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Diesel, Gasoline, Hydrochloric Acid</td>
<td>X</td>
</tr>
<tr>
<td>18</td>
<td>Diesel</td>
<td>X</td>
</tr>
<tr>
<td>18</td>
<td>Gasoline</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Gasoline, Diesel</td>
<td>X</td>
</tr>
<tr>
<td>18</td>
<td>Gasoline, TCE</td>
<td>X</td>
</tr>
<tr>
<td>19</td>
<td>Gasoline</td>
<td>X</td>
</tr>
<tr>
<td>21</td>
<td>Polyol Blend Liquid</td>
<td>X</td>
</tr>
<tr>
<td>22</td>
<td>Gasoline, Diesel</td>
<td>X</td>
</tr>
<tr>
<td>22</td>
<td>Diesel</td>
<td>X</td>
</tr>
<tr>
<td>22</td>
<td>Gasoline</td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>Not Reported</td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>Gasoline</td>
<td>X</td>
</tr>
<tr>
<td>24</td>
<td>Diesel, Gasoline</td>
<td>X</td>
</tr>
<tr>
<td>24</td>
<td>Chromic Acid</td>
<td>X</td>
</tr>
<tr>
<td>24</td>
<td>Diesel</td>
<td>X</td>
</tr>
<tr>
<td>24</td>
<td>Copper, Lead, Nickel</td>
<td>X</td>
</tr>
<tr>
<td>25</td>
<td>Misc. Fuels</td>
<td>X</td>
</tr>
<tr>
<td>25</td>
<td>Waste Oil</td>
<td>X</td>
</tr>
<tr>
<td>25</td>
<td>Gasoline</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>Not Reported</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>Not Reported</td>
<td>X</td>
</tr>
<tr>
<td>26</td>
<td>Not Reported</td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>Not Reported</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>Diesel</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>Flammable Liquids</td>
<td>X</td>
</tr>
<tr>
<td>27</td>
<td>Gasoline</td>
<td>X</td>
</tr>
<tr>
<td>27</td>
<td>Gasoline</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>Diesel</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>Gasoline</td>
<td>X</td>
</tr>
<tr>
<td>28</td>
<td>Acid</td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>Not Reported</td>
<td>X</td>
</tr>
<tr>
<td>30</td>
<td>Diesel</td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>Not Reported</td>
<td></td>
</tr>
<tr>
<td>Map ID No.</td>
<td>Hazardous Material(s) Released</td>
<td>Regulatory Agency Database</td>
</tr>
<tr>
<td>-----------</td>
<td>-------------------------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CALSITES</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CESERILIS</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CORRIS</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CERMIS</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CERNS</td>
</tr>
<tr>
<td></td>
<td></td>
<td>LUSPILIC</td>
</tr>
<tr>
<td></td>
<td></td>
<td>TRS</td>
</tr>
<tr>
<td>32</td>
<td>Not Reported</td>
<td>X</td>
</tr>
<tr>
<td>33</td>
<td>Diesel</td>
<td>X</td>
</tr>
<tr>
<td>34</td>
<td>Misc. Fuels</td>
<td>X X</td>
</tr>
<tr>
<td>34</td>
<td>Diesel</td>
<td>X X</td>
</tr>
<tr>
<td>34</td>
<td>Pesticides</td>
<td>X X</td>
</tr>
<tr>
<td>35</td>
<td>Gasoline, Waste Oil</td>
<td>X X</td>
</tr>
<tr>
<td>35</td>
<td>Sodium Hydrosulfite</td>
<td>X</td>
</tr>
<tr>
<td>35</td>
<td>Not Reported</td>
<td>X</td>
</tr>
<tr>
<td>35</td>
<td>Not Reported</td>
<td></td>
</tr>
<tr>
<td>36</td>
<td>Not Reported</td>
<td>X</td>
</tr>
<tr>
<td>37</td>
<td>Waste Oil, Diesel</td>
<td>X X</td>
</tr>
<tr>
<td>38</td>
<td>Gasoline</td>
<td>X X</td>
</tr>
<tr>
<td>39</td>
<td>Not Reported</td>
<td>X</td>
</tr>
<tr>
<td>40</td>
<td>Flammable Liquids, Gallium Arsenide</td>
<td>X X X X X X</td>
</tr>
<tr>
<td>41</td>
<td>Not Reported</td>
<td>X</td>
</tr>
<tr>
<td>42</td>
<td>Not Reported</td>
<td>X</td>
</tr>
<tr>
<td>43</td>
<td>Not Reported</td>
<td>X X</td>
</tr>
<tr>
<td>44</td>
<td>Not Reported</td>
<td></td>
</tr>
<tr>
<td>45</td>
<td>Gasoline</td>
<td>X</td>
</tr>
<tr>
<td>46</td>
<td>Gasoline</td>
<td>X X</td>
</tr>
<tr>
<td>46</td>
<td>Flammable Liquids</td>
<td>X</td>
</tr>
<tr>
<td>46</td>
<td>Gasoline</td>
<td>X X</td>
</tr>
<tr>
<td>46</td>
<td>Gasoline</td>
<td>X X</td>
</tr>
<tr>
<td>46</td>
<td>Chlorinated Flammable Liquids</td>
<td>X</td>
</tr>
<tr>
<td>47</td>
<td>Gasoline</td>
<td>X X</td>
</tr>
<tr>
<td>48</td>
<td>Gasoline</td>
<td>X X</td>
</tr>
<tr>
<td>48</td>
<td>Gasoline</td>
<td></td>
</tr>
<tr>
<td>49</td>
<td>Not Reported</td>
<td>X</td>
</tr>
<tr>
<td>49</td>
<td>Flammable Liquids, Freon</td>
<td>X X</td>
</tr>
<tr>
<td>50</td>
<td>Flammable Liquids, Sulfuric Acid</td>
<td>X X X X</td>
</tr>
<tr>
<td>51</td>
<td>Diesel</td>
<td>X X</td>
</tr>
<tr>
<td>51</td>
<td>Gasoline</td>
<td></td>
</tr>
<tr>
<td>51</td>
<td>Gasoline</td>
<td>X</td>
</tr>
<tr>
<td>51</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Map ID No.</td>
<td>Hazardous Material(s) Released</td>
<td>Regulatory Agency Database</td>
</tr>
<tr>
<td>-----------</td>
<td>-------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>51</td>
<td>Gasoline</td>
<td>C X</td>
</tr>
<tr>
<td>51</td>
<td>Gasoline</td>
<td>C X</td>
</tr>
<tr>
<td>51</td>
<td>Gasoline</td>
<td>C X</td>
</tr>
<tr>
<td>51</td>
<td>Diesel</td>
<td>C X</td>
</tr>
<tr>
<td>51</td>
<td>Not Reported</td>
<td>C X</td>
</tr>
<tr>
<td>51</td>
<td>Gasoline</td>
<td>C X</td>
</tr>
<tr>
<td>52</td>
<td>Chromium, Zinc, Nickel</td>
<td>C X</td>
</tr>
<tr>
<td>52</td>
<td>Misc. Fuels</td>
<td>C X</td>
</tr>
<tr>
<td>52</td>
<td>Misc. Fuels, Hydraulic Fluid</td>
<td>C X</td>
</tr>
<tr>
<td>53</td>
<td>Not Reported</td>
<td>C X</td>
</tr>
<tr>
<td>54</td>
<td>Not Reported</td>
<td>C X</td>
</tr>
<tr>
<td>55</td>
<td>Waste Oil</td>
<td>C X</td>
</tr>
<tr>
<td>55</td>
<td>Waste Oil</td>
<td>C X</td>
</tr>
<tr>
<td>55</td>
<td>Gasoline</td>
<td>C X</td>
</tr>
<tr>
<td>55</td>
<td>Gasoline</td>
<td>C X</td>
</tr>
<tr>
<td>56</td>
<td>Diesel</td>
<td>C X</td>
</tr>
<tr>
<td>56</td>
<td>Thionyl Chloride, Nickel</td>
<td>C X</td>
</tr>
<tr>
<td>57</td>
<td>Not Reported</td>
<td>C X</td>
</tr>
<tr>
<td>58</td>
<td>Not Reported</td>
<td>C X</td>
</tr>
<tr>
<td>58</td>
<td>Not Reported</td>
<td>C X</td>
</tr>
<tr>
<td>58</td>
<td>Not Reported</td>
<td>C X</td>
</tr>
<tr>
<td>58</td>
<td>Misc. Fuels</td>
<td>C X</td>
</tr>
<tr>
<td>58</td>
<td>Gasoline</td>
<td>C X</td>
</tr>
<tr>
<td>58</td>
<td>Not Reported</td>
<td>C X</td>
</tr>
<tr>
<td>59</td>
<td>Diesel, Gasoline</td>
<td>C X</td>
</tr>
<tr>
<td>59</td>
<td>Mineral Spirits</td>
<td>C X</td>
</tr>
<tr>
<td>59</td>
<td>Gasoline</td>
<td>C X</td>
</tr>
<tr>
<td>59</td>
<td>Gasoline</td>
<td>C X</td>
</tr>
<tr>
<td>59</td>
<td>Gasoline</td>
<td>C X</td>
</tr>
<tr>
<td>59</td>
<td>Diesel</td>
<td>C X</td>
</tr>
<tr>
<td>59</td>
<td>Gasoline</td>
<td>C X</td>
</tr>
<tr>
<td>59</td>
<td>Gasoline</td>
<td>C X</td>
</tr>
<tr>
<td>59</td>
<td>Gasoline</td>
<td>C X</td>
</tr>
<tr>
<td>59</td>
<td>Gasoline</td>
<td>C X</td>
</tr>
<tr>
<td>59</td>
<td>Gasoline</td>
<td>C X</td>
</tr>
<tr>
<td>59</td>
<td>Gasoline</td>
<td>C X</td>
</tr>
<tr>
<td>59</td>
<td>Gasoline</td>
<td>C X</td>
</tr>
<tr>
<td>59</td>
<td>Gasoline</td>
<td>C X</td>
</tr>
</tbody>
</table>
### Table 29
Past Releases of Hazardous Materials

<table>
<thead>
<tr>
<th>Map ID No.</th>
<th>Hazardous Material(s) Released</th>
<th>Regulatory Agency Database</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>C</td>
</tr>
<tr>
<td>59</td>
<td>Gasoline</td>
<td></td>
</tr>
<tr>
<td>60</td>
<td>Not Reported</td>
<td></td>
</tr>
<tr>
<td>61</td>
<td>TCE, Lead</td>
<td></td>
</tr>
<tr>
<td>62</td>
<td>Not Reported</td>
<td></td>
</tr>
<tr>
<td>63</td>
<td>Gasoline, Diesel</td>
<td></td>
</tr>
<tr>
<td>64</td>
<td>Waste Oil</td>
<td></td>
</tr>
<tr>
<td>65</td>
<td>Diesel</td>
<td></td>
</tr>
<tr>
<td>66</td>
<td>Not Reported</td>
<td></td>
</tr>
<tr>
<td>67</td>
<td>Gasoline</td>
<td></td>
</tr>
<tr>
<td>68</td>
<td>Gasoline</td>
<td></td>
</tr>
<tr>
<td>69</td>
<td>Gasoline, Waste Oil</td>
<td></td>
</tr>
<tr>
<td>71</td>
<td>Waste Oil, Gasoline</td>
<td></td>
</tr>
<tr>
<td>72</td>
<td>Gasoline</td>
<td></td>
</tr>
<tr>
<td>73</td>
<td>Gasoline</td>
<td></td>
</tr>
</tbody>
</table>

**Cal-Sites**

The Cal-Sites database, maintained by the Department of Toxic Substances Control (DTSC), is a database of properties having land uses that could be associated with hazardous waste. Properties were placed on this database as a result of neighborhood drive-by surveys by DTSC. If no evidence was available to indicate that a release of hazardous materials had occurred, no further investigation was deemed necessary by DTSC. Sites that were identified on the Cal-Sites database indicate a potential for hazardous materials to be present at the sites due to the type of facility in operation at the time of DTSC’s survey. Twelve sites in the project area were listed on the Cal-Sites database (Table 29).
**LUST**

The State Water Resources Control Board maintains a record of reported leaking underground storage tanks (LUST). All sites on this database have reported an unauthorized release of hazardous materials from an underground storage tank. Ninety-eight sites within the project area are on the LUST database (Table 29).

**SLIC**

The State Water Resources Control Board maintains a Spills, Leaks, Investigations, and Cleanup (SLIC) database of sites with known or suspected groundwater pollution that is not related to releases from underground storage tanks. Forty sites within the project area are also in this database (Table 29).

**TRIS**

The US EPA Toxic Chemical Release Inventory System (TRIS) identifies facilities which release toxic chemicals to the air, water, and land in reportable quantities. Fourteen sites appear in this database within the project area (Table 29).

**Cortese**

The Cal EPA Cortese database of identified hazardous waste and substance sites identifies public drinking water wells with detectable levels of contamination, hazardous substance sites selected for remedial action, sites with known toxic material identified through the abandoned site assessment program, sites with USTs having a reportable release, and all solid waste disposal facilities from which there is known migration of hazardous materials. There is considerable overlap between the Cortese database and other regulatory databases, for example, most of the sites on the LUST database also appear on the Cortese database. There are 77 sites within the project area that appear on this database.

**Regulatory Framework**

The use, storage, and disposal of hazardous materials, including management of contaminated soils and groundwater, are regulated by Federal, State, and local laws and regulations. The U.S. Environmental Protection Agency (EPA) is the Federal administering agency for hazardous waste regulations. State agencies include the California Environmental Protection agency (Cal EPA) Department of Toxic Substances Control (DTSC), the San Francisco Bay Regional Water Quality Control Board (RWQCB), the Air Resources Board (ARB), and the Bay Area Air Quality Management District (BAAQMD). Local regulatory agencies include the City of San José Fire Department (SJFD), Santa Clara Valley Water District (SCVWD), and Santa Clara County Department of Environmental Health, Hazardous Materials Compliance Division (SCCDEH). A description of agency jurisdiction is summarized below:
Federal Agencies

Environmental Protection Agency

The EPA is responsible for enforcement and implementation of Federal laws and regulations pertaining to hazardous materials. The Federal regulations are primarily codified in Title 40 of the Federal Code of Regulation (40 CFR). The legislation is outlined in the Resource Conservation and Recovery Act of 1976 (RCRA), the comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), and the Superfund Amendments and Reauthorization Act (SARA). The Federal Hazardous Waste Act regulates the transportation of hazardous materials. These laws and associated regulation include specific requirements for facilities that generate, use, store, treat, and/or dispose of hazardous materials. The EPA provides oversight and supervision for Federal Superfund investigation/remediation projects, evaluates remediation technologies, and develops hazardous materials disposal restrictions and treatment standards.

State and Regional Agencies

In California, DTSC is authorized by the EPA to enforce and implement federal hazardous materials laws and regulations. California regulations pertaining to hazardous materials equal or exceed Federal regulations. Most State hazardous materials regulations are contained in Title 22 of the California Code of Regulations (CCR). DTSC acts as the lead agency for subsurface contamination; these levels are equal to, or more restrictive than, Federal levels. DTSC has developed land disposal restrictions and treatment standards for hazardous waste disposal in California.

Regional Water Quality Control Board

The Rincon area is located within the jurisdiction of the San Francisco Bay RWQCB. The RWQCB is authorized by the Porter-Cologne Waste Quality Act of 1969 to protect the waters of the State. The RWQCB provides oversight for sites where the quality of groundwater or surface water is threatened. Extraction and disposal of contaminated construction would require a permit from the RWQCB if the water were discharged to storm drains, surface water, or land. A permit from the local sanitary treatment facility would be required if water were discharged to the sanitary sewer.

Air Resources Board

The California Toxic “Hot Spots” Information and Assessment Act of 1987 requires that industry provide information to the public on emissions of toxic air contaminants and their impact on public health. The Act requires the ARB and local air quality districts to inventory sources of more than two toxic air contaminants, to identify high priority emission sources, and to prepare a health risk assessment for each of these priority sources.

Bay Area Air Quality Management District

The Rincon area is under the jurisdiction of the Bay Area Air Quality Management District. The BAAQMD is the local enforcement agency for ARB regulations. The BAAQMD also
administers sir quality regulations for asbestos abatement activities (BAAQMD Regulation 11, Rule 2).

**Local Agencies**

**Santa Clara Valley Water District**

The SCVWD manages groundwater throughout the Santa Clara Valley and works in conjunction with the RWQCB to oversee and provide guidelines for investigating and remediating sites affected by the release of petroleum hydrocarbon fuels from underground tanks.

**Santa Clara County Department of Environmental Health**

The SCCDEH enforces State and local regulations pertaining to hazardous waste generators and risk management prevention programs. In addition, the SCCDEH is responsible for enforcing programs managed by the San José Fire Department for Federal, State, and County properties and facilities.

**San José Fire Department**

The City of San José adopted the Hazardous Materials Storage Ordinance (HMSO) (San José Municipal Code, Chapter 17.68) in May 1983. The Ordinance established controls for storage of solid and liquid hazardous materials, including storage of hazardous materials, in underground storage tanks. The Ordinance requires that businesses obtain permits to store hazardous materials, file Business Plans, and separate incompatible wastes. It established an underground storage tanks program which required monitoring for all tanks, secondary containment for new tanks, and established tank closure procedures.

The City of San José adopted the Toxic Gas Ordinance (TGO) (San José Municipal Code, Chapter 17.78) in April 1990. The purpose of the TGO was to protect the public from exposure to accidental releases of toxic gases and to supplement the HMSO by identifying and requiring safety controls for toxic gases.

The HMSO and TGO were amended in 1996 to coordinate similar requirements within the California Fire Code. The City of San José has adopted the 2001 California Fire Code with amendments (San José Municipal Code, Chapter 17.12) which include the HMSO and TGO requirements and controls. Businesses that use, store, or handle hazardous materials are required to submit a Hazardous Materials Management Plan (Business Plan) to the Fire Department in compliance with the City’s Hazardous Materials Storage Ordinance. Business Plans contain information regarding the type, quantity, locations, and emergency response procedures for hazardous materials used, stored, or handled at a site. The Fire Department issues permits for the operation and removal of underground and aboveground storage tanks, and conducts annual inspections to ensure compliance with hazardous materials management and underground storage tank operation regulations within the City of San José.
Worker Health and Safety

Worker health and safety is protected by Federal and State regulations. The Occupational Health and Safety Administration (OSHA) is the Federal administering agency for worker health and safety regulations. The California Department of Industrial Relations, Division of Occupational Health (DOH) has jurisdiction over State regulations. A description of agency jurisdiction is summarized below:

**Occupational Safety and Health Administration**

The Occupational Safety and Health Administration (OSHA) is responsible for enforcement and implementation of Federal Laws and regulations pertaining to worker health and safety. Under its jurisdiction, the Hazardous Waste Operations and Emergency Response (HAZWOPER) regulations, in 29 CFR 1210.120, require training and medical supervision for workers at hazardous waste sites. Additional regulations, have been developed for construction workers regarding exposure to lead (29 CFR 1926.62) and asbestos (29 CFR 1926.1101) during construction activities.

**Division of Occupational Safety and Health**

At the State level, the California Department of Industrial Relations, Division of Occupational Safety and Health, is charged with enforcement of State regulations and supervision of workplaces in California that are not under direct Federal jurisdiction. State worker health and safety regulations applicable to construction workers include training requirements for hazardous waste operations and emergency response (8 CCR 5192) and lead (8 CCR 1532.1) and asbestos (8 CCR 1529) regulations, which equal or exceed their Federal counterparts.

**Potential Hazards Associated with an Accidental Chemical Release from the San José/Santa Clara Water Pollution Control Plant**

The WPCP uses chlorine for wastewater disinfection and sulfur dioxide to remove residual chlorine remaining in the wastewater prior to its discharge into San Francisco Bay. To accomplish the tertiary treatment processes, the WPCP uses up to 14,000 pounds (seven tons) of liquid chlorine per day. Chlorine and sulfur dioxide are classified as acutely hazardous materials in Title 40 of the California Code of Resources (CCR). Both chlorine and sulfur dioxide are delivered to the WPCP in rail cars via a rail spur from the Union Pacific Main line. The boundary of the project area is located approximately 4,400 feet from the rail line intersection with Los Esteros Road. Liquid chlorine and sulfur dioxide are each delivered to the WPCP in 90-ton railcars and then transferred from the railcars in a liquid form through double-contained pipelines, containing leak-detectors, to evaporators located inside buildings. Methane is also present on the WPCP site as a component of digester gas which is generated during the anaerobic digestion process during the primary and biological treatments at the plant.

According to the Risk Management and Prevention Program (RMPP) for the San José/Santa Clara WPCP, the chlorine and sulfur dioxide systems include a number of safety measures and are in full compliance with Santa Clara County’s Toxic Gas Ordinance. These safety provisions include:
Secondary containment of flexible hose, valve tree cabinet, and outdoor piping with containment space vented to a scrubber system.

Indoor piping is contained by the buildings themselves. Doors automatically close upon detection of a leak and the room space is vented to the scrubber system.

Sulfur dioxide and chlorine leak detectors are provided to detect leaks within the railcar dome, flexible hose secondary containment, valve tree cabinets, outdoor piping secondary containment, at the base of the railcars, and inside the rooms where chlorine or sulfur dioxide is processed. The leak detectors are connected to a system that automatically starts the scrubber system and activates audible and visual alarms. Automated dampers are used to direct air flow to the scrubber from the appropriate containment area.

Automatic shutoff valves are provided immediately downstream of the railcar connection and at the entry to each processing room. These valves are activated upon detection of leaks or through manual initiation.

Manual pushbutton switches are provided at several locations to close the automatic shutoff valves and activate the scrubber system.

The entire area is enclosed by a fence with controlled access into the area.

System alarms are monitored at the computer control center, and the disinfection area itself is staffed with operators 24 hours per day. In addition, the railcar area is video monitored by the computer control room.

An emergency generator is provided for backup power to the leak detection, alarm, and scrubber system in the event of a power failure.

The railcars include internal excess flow valves that are designed to close in the event of a catastrophic failure of the flexible hose or piping.

A seismic detection switch is provided that is designed to automatically close the automatic shutoff valves in the event of a major earthquake.

2. **Hazardous Materials Impacts**

**Thresholds of Significance**

For the purposes of this EIR, a hazardous materials impact is considered significant if the project would:

- create a significant hazard to the public or the environment as a result of the routine transport, use or disposal of hazardous materials; or
- create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; or
- emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school; or
- construct a school on a property that is subject to hazards from hazardous materials contamination, emissions or accidental release; or
- create a significant hazard to the public or the environment from existing hazardous materials contamination by exposing future occupants or users of the
site to contamination in excess of soil and ground water cleanup goals developed for the site.

Overview

The project proposes the construction of 24.5 million square feet of new industrial/office/R&D building space in the project area. This development would be focused in an area currently developed with predominantly industrial park uses. The project also proposes the placement of 24,700 additional residential units within the project area and the conversion of industrial land uses in the project area to Urban Industrial uses which are likely to use less hazardous materials than the existing land uses in the project area.

Redevelopment activities would likely include demolition or renovation of existing structures and excavation and grading of soils for construction of foundations. If buildings with underground facilities were proposed, dewatering of groundwater may be required. Contaminated soil and groundwater, if present, could expose construction workers and/or the public to hazardous materials. In addition, if future land uses on the redeveloped parcels included the use, storage, or disposal of hazardous materials, releases of those materials could affect future workers or the public.

Potential Impacts from Hazardous Materials During Development

The presence of hazardous materials on proposed development sites could result in the exposure of construction workers during site preparation, demolition, and/or construction, and possible contaminated airborne dust migrating off-site to affect adjacent land uses. Sources of hazardous materials during development may include contaminated soils and groundwater, asbestos-containing materials and lead-based paints in existing buildings, and hazardous material use and transport.

Contaminated Soils and Groundwater

Soils throughout the project area will be disturbed during future development. The soils may contain a variety of chemical compounds associated with fuels, oils, flammable liquids, metals, pesticides, or other hazardous substances originating from historical and/or current land uses. Contaminated soils encountered during site specific development, especially excavating and grading, could result in potential health risks to construction workers and/or the public.

Releases of hazardous materials may also have impacted groundwater quality within the project area. Although chemical releases affecting groundwater may have occurred on certain sites, groundwater contaminants may have migrated from their original sources within or near the project area and affected groundwater quality at other locations. Contaminated groundwater may be encountered during site redevelopment activities, and could result in potential health risks to constructions workers and/or the public. If excavations were to extend to the groundwater table, dewatering could be required. Extracted contaminated groundwater would require on-site management and/or treatment.
The use, storage, generation, and release of hazardous materials have occurred at numerous sites throughout the project area.

**Asbestos-Containing Materials and Lead-Based Paint**

The specific presence or absence of asbestos-containing materials and lead-based paint in existing buildings within the project area has not been identified. Asbestos was commonly used in construction materials until 1981, when the manufacture of asbestos-containing construction materials was prohibited. If asbestos were present in structures planned for demolition, persons exposed to airborne asbestos fibers could be adversely affected. Materials containing more than one percent asbestos must be abated prior to demolition activities; materials containing between 0.1 and one percent asbestos may be treated as normal construction debris so long as worker notification and health and safety measures are followed.

Lead oxide and lead chromate were commonly used in paints until 1978, when regulation limited the allowable lead content in paint. If structures on parcels to be redeveloped were constructed prior to 1978, it is possible that interior and/or exterior painted surfaces on the structures contain lead-based paint. Loose and peeling lead-based paints are classified as a hazardous waste and require removal prior to demolition activities. Paints that are adhering to their surfaces do not require abatement and can be disposed of as regular construction debris regardless of their lead content. If lead-based paint was present in specific project site structures, and the structures are demolished, construction workers could be exposed to lead-based paint dust. State regulations require that air monitoring be performed during and following renovation or demolition activities at sites containing lead-based paint.

**Hazardous Materials Use, Transport, and Disposal During Construction**

Site construction activities may involve use and transport of hazardous materials. These materials could include contaminated soil and/or groundwater, and building demolition debris containing lead and asbestos removed from development sites, as well as fuels, oils, and other chemicals used during development. Removal/relocation and transportation of hazardous materials at sites during future development could result in accidental releases or spills, potentially posing health risks to workers, the public, and environment. Similarly, removal or replacement of underground storage tanks during individual site redevelopment could result in the discovery of contaminated materials, posing a health risk to workers and the public, and in accidental releases of hazardous materials during transportation off-site.

- Development of parcels within the project area could expose construction workers and/or the public to hazardous materials during site preparation and/or construction as a result of one or more of the following: 1) hazardous materials that have been accidentally released in the past that contaminated soil or groundwater; 2) the presence of asbestos or lead-based paint in buildings that are demolished; and/or 3) removal of underground storage tanks during redevelopment.

**Potential Impacts from Hazardous Materials After Development**
Specific activities that will occupy future buildings in the project area are not known at this time. It is likely that some future developments would involve the use, handling, and storage of hazardous materials. Fuels, paints, flammable liquids, toxic gases, cleaning solution, and other potentially hazardous materials could be brought in and stored on-site and as part of ongoing site operations. Fertilizers, pesticides, and herbicides used for landscaping in the future will also be used and stored in the project area.

Many of the manufacturing and research and development companies presently located in North San José and throughout Silicon Valley make extensive use of a variety of hazardous materials. Substances presently stored and used in the project area include flammable liquids, acids, toxic gases, gasoline and diesel fuels, and similar substances. Many of these hazardous materials are routinely transported and kept in large enough amounts that improper handling or an accidental spill or leak could result in off-site consequences that would adversely impact nearby workers or members of the public. It is assumed that some of the new development will also transport, store, and use similar quantities of these same substances.

The proposed project will result in substantial intensification of the industrial development in North San José. These mid-rise structures are less apt to be used for manufacturing operations and are more likely to contain offices, computer labs, prototype development facilities, and similar operations. They may, therefore, be less likely to store very large quantities of hazardous materials on-site than existing businesses in the area. The other aspect of the proposed project is the future development of very density housing at locations near the existing industrial properties and near the proposed industrial core. In addition to the proposed housing, it is likely that schools and day care centers will be developed within the footprint of the proposed residential overlay.

If hazardous materials are released from an existing industrial use or from a redeveloped industrial site near sensitive receptors, the health effects of the release could be significant.

- **Existing or future businesses within the project area could use hazardous materials that pose health or safety risks to nearby sensitive land uses, including new residential development that is proposed as part of this project, or residential support uses such as schools, that could be developed in the future.** (Significant Impact)

**Impacts of Potential Hazards Associated with an Accidental Chemical Release**

A consequence analysis was conducted for chlorine, sulfur dioxide, and the methane in digester gas. The aqueous ammonia storage tank on the WPCP site was not analyzed because the impact from the total release of the tank was determined to not travel off-site. The consequence analysis for accidental releases from the WPCP followed U.S. Environmental Protection Agency (USEPA) guidelines for toxic and flammable substances for the Risk Management Program (RMP). The consequence analysis focused on two scenarios: 1) the largest (“worst-case release scenario”) and 2) the most likely release scenarios (“alternative release scenario”) under meteorological and topographical conditions as recommended by USEPA’s RMP guidance.
Worst-case Release Scenario

The RMP has defined the worst-case release scenario as the release of the largest quantity of a regulated substance from a single vessel or process line failure that results in the greatest distance to an endpoint under conservative meteorological conditions. Worst-case release scenarios represent the failure modes that would result in the worst possible off-site consequences, however unlikely. The scenario for non-flammable releases (chlorine and sulfur dioxide) was estimated on the release of the quantities in the largest vessel over a period of ten minutes, as required by RMP guidance. The flammable release analysis assumed 16 digester tanks of the same size filled entirely with methane, although the digester case is only comprised of 60 percent methane, and that the contents of one tank were released forming a vapor cloud of which ten percent of the vapor participates in an explosion as recommended in the USEPA guidelines.

For both chlorine and sulfur dioxide the worst-case release scenario would have impacts that reach most of northern Santa Clara County, including the project area. The potential impact radius for the worst-case scenario of methane was identified as being confined on-site at the WPCP, and not impacting the project area.

Alternative Release Scenario

The alternative release scenario is defined as a condition that is more likely to occur than the worst-case scenario, that may have an off-site impact. The non-flammable release (chlorine and sulfur dioxide) for this analysis was a ten minute leak of pressurized gas out of a 1/16-inch diameter hole in the pipe nipple that connects the railcar valve to a double-contained hose. Based on the storage conditions and the release scenario, the release of chlorine and sulfur dioxide were both determined to be two-phase, with a 16 percent and nine percent vapor fraction, respectively. An alternative scenario for the digester gas was not developed since impacts of the worst-case analysis would only occur on-site, at the WPCP.

The alternative release scenario for chlorine and sulfur would not have impacts on properties south of SR 237 and therefore would not affect the project area. No alternative scenario was evaluated for methane because even the worst-case scenario impacts did not extend off of the WPCP site.

Transport of Chlorine and Sulfur Dioxide

Although the risk of occurrence is small, the greatest potential for casualties has, in the past, been assumed to occur during the transport of chlorine from producer to the user, including the potential for accidents that could cause tank car rupture. Various safety measures, however, are now incorporated into the design of chlorine tank cars to prevent rupture in the event of an accident. The revised risk management prevention program (RMPP) prepared by the WPCP includes measures to minimize the potential for chlorine and sulfur dioxide releases to occur.

The safety measures incorporated into the chlorine and sulfur dioxide systems, and the prevailing wind direction make the likelihood of this scenario occurring, or having impacts on the project area, remote.
• Development in the project area could expose persons to unsafe levels of airborne chlorine or sulfur dioxide in the unlikely event of a general catastrophic failure at the WPCP, combined with winds blowing from the chlorine and sulfur dioxide storage area towards the project area or in the event of an accident damaging a rail car on Los Esteros Road. Existing safeguards make these impacts highly unlikely to occur. (Less Than Significant Impact)

3. Mitigation and Avoidance Measures

General Plan Policies

The policies in the City of San José General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. All future development addressed by this EIR would be subject to General Plan policies, including the following:

• **Hazardous Materials Policy #1** states the City should require proper storage and disposal of hazardous materials to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal.

• **Hazardous Materials Policy #2** states the City should support State and Federal legislation which strengthen safety requirements for the transportation of hazardous materials.

• **Hazardous Materials Policy #3** states the City should incorporate soil and groundwater contamination analysis within the environmental review process for development proposals. When contamination is present on a site, the City should report this information to the appropriate agencies that regulate the cleanup of toxic contamination.

• **Soil and Geologic Conditions Policy #9** states that residential development proposed on property formerly used for agricultural or heavy industrial uses should incorporate adequate mitigation/remediation for soils contamination as recommended through the Development Review process.

• **Water Resources Policy #7** states the City shall require the proper construction and monitoring of facilities storing hazardous materials in order to prevent contamination of the surface water, groundwater and underlying aquifers. In furtherance of this policy design standards for such facilities should consider high groundwater table and/or the potential for freshwater or saltwater flooding.
Other Program Mitigation Measures

Contaminated Sites

The Department of Toxic Substances Control and the Regional Water Quality Control Board are responsible for overseeing cleanup of contaminated soil and water and for overseeing development activities on contaminated sites. For sites where contamination has been found as part of assessments of specific development sites, a Risk Management Plan, Remediation Plan or Clearance Letter approved by one of these agencies that outlines the site history and requirements for further site assessment and cleanup will be required by the City of San José prior to approval of specific residential development.

Department of Toxic Substances Control’s (DTSC’s) Schools Property Evaluation and Cleanup Division is responsible for assessing, investigating and cleaning-up proposed school property sites. Under California Education Code Sections 17210.1 and 17213.1 the Division ensures that selected properties are free of contamination or, if the properties were previously contaminated, that they have been cleaned-up to a level that protects the students and faculty who will occupy the new school. All proposed school sites that will receive State funding for acquisition or construction are required to go through a rigorous environmental review and cleanup process under DTSC’s oversight.

Health and Safety Plan(s) prepared in accordance with the California Code of Regulations (Title 8, Section 5192) are required on some construction sites. A Health and Safety Plan is a project-specific plan that describes safety measures to be followed during all phases of remediation on contaminated sites. It is designed to protect the health and safety of construction workers and the public during the remediation and/or construction periods.

Hazards Associated with Hazardous Materials Use, Storage and Transportation

A number of local, State and Federal regulations address the prevention of accidental releases of chemicals that can affect human health. The California Accidental Release Prevention (CalARP) program aims to prevent accidental releases of regulated hazardous materials that represent a potential hazard beyond the boundaries of property. Facilities that are required to participate in the CalARP program use or store specified quantities of toxic and flammable substances (hazardous materials) that can have off-site consequences if accidentally released. The County of Santa Clara Department of Environmental Health reviews CalARP risk management plans as the Certified Unified Program Agency (CUPA).

Within the City of San José (and neighboring cities of Santa Clara and Milpitas), a number of local regulations govern the use and storage of hazardous materials. A Hazardous Materials Business Plan is generally required of any facility which generates any quantity of hazardous waste or which handles hazardous materials in amounts greater than 55 gallons for liquids, 500 pounds for solids, and 200 cubic feet for compressed gases. Toxic gas storage on industrial and commercial sites must also comply with San José Municipal Code Chapter 17.78 (Toxic Gas Ordinance) and the California Fire Code. Engineering controls, such as

30 The legal authority for the CalARP is the California Health and Safety Code, Division 20, Chapter 6.95, Article 2. Implementing regulations issued by the California Office of Emergency Services are included in CCR Title 19, Division 2, Chapter 4.5).
secondary containment, automatic shut-off, seismic shutoff, emergency alarms, gas detection and signage may be required depending on the class and quantity of gas stored. The implementation and enforcement of these local, and state and Federal regulations regarding the use, storage and transport of hazardous materials (including setbacks for flammable storage from property lines) reduce the potential for impacts to off-site land uses, in the event of an accidental release.

In addition to regulations regarding accidental releases, the routine emission of hazardous materials is locally regulated by the Bay Area Air Quality Management District (BAAQMD). BAAQMD’s Air Toxics Program integrates federal and state air toxics mandates with local goals that have been established by the Bay Area Air Quality Management District’s Board of Directors. The Program consists of several elements that are designed to identify and reduce public exposure to toxic air contaminants. BAAQMD programs include preconstruction review with the requirement that new or modified sources of toxic air contaminants use Best Available Control Technology to minimize emissions.

The State Public Resources Code (Sections 21151.4 & 21151.8) and Sections 42301.6 and 42301.7 of the Health and Safety Code specifically apply to schools. These regulations address facilities that may emit hazardous or acutely hazardous air emissions materials and are located within one-quarter mile (1,320 feet) or 1,000 feet of schools. The governing board of the school district in which a school is proposed is required to make findings regarding the health risks from nearby facilities and corrective measures required before a school is occupied.

4. Conclusion

At the time a specific proposal is made to convert land within the Transit/Employment District Residential Overlay area to a residential land use designation or to develop any site with a school or day care center, further CEQA analysis will be required. It may be determined that circumstances then existing, including the proximate location of businesses using acutely hazardous materials or other conditions related to the use of hazardous materials, would indicate that a particular property was not, at that point in time, ripe for development with residential or residential support uses.

As described above, the implementation and enforcement of local, State and Federal regulations regarding the use, storage and transport of hazardous materials will reduce the potential for impacts to school children and future residents and conformance with the above listed General Plan policies, would reduce all hazardous materials impacts associated with the proposed project to a less than significant level. (Less Than Significant Impacts with Mitigation)

5. Mitigation Measures to be Considered at the Time of Future Development

- As part of development review, a complete regulatory agency database report of facilities that use, store, and generate hazardous materials could be completed as part of a complete Phase I environmental site assessment. Phase II soil and ground water testing should be performed if recommended in the Phase I environmental site assessment.
Prior to approval of any new development or redevelopment of a parcel within the project area, the City of San José will require that a Phase I site assessment be completed by a qualified professional (e.g., a California-registered environmental assessor). The study will identify current and historical land uses or conditions that may have resulted in a release of hazardous materials into the environment, or impact the proposed development of the site. The assessment will be performed in conformance with standards adopted by American Society for Testing Materials (ASTM) for Phase I site assessments. The Phase I site assessment should identify any limitations to development due to the presence of hazardous materials in the vicinity of the subject site, and present recommendations for further investigation of the site, if necessary.

Asbestos surveys will be conducted for buildings constructed prior to 1980 as required under national Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines. In addition, NESHAP guidelines require that all potentially friable asbestos-containing materials be removed prior to building demolition.

A lead survey of painted surfaces and soil around buildings built prior to 1978 will be performed prior to demolition. Requirements in the California Code of Regulation will be followed during demolition activities, including employee training, employee air monitoring and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed.

If a Phase I site assessment indicates that a release of hazardous materials could have affected the site, the City may require that additional soil and/or groundwater investigation be conducted by a qualified environmental professional to assess the presence and extent of contamination at the site. Soil and groundwater investigations would conform to State and local guidelines and regulations.

If results of the subsurface investigation(s) indicate the presence of hazardous materials, site remediation may be required by the applicable State or local regulatory agencies. Depending on the nature of contamination, remediation may consist of soils removal, groundwater extraction/treatment, or modification to site planning and building design to minimize risks of exposure. Specific remedies would depend on the extent and magnitude of contamination and the requirements of the regulatory agencies.

For any site where contamination has been identified, the City should require that construction only occur in accordance with a site-specific health and safety plan prepared by a certified industrial hygienist. The plan should include provisions for monitoring exposure to construction workers and delineate procedures to be undertaken in the event that contamination is identified above action levels and identify emergency procedures and responsible personnel. The presence of lead-based paint or asbestos-containing materials at the site may require additional site
safety procedures. Construction workers at contaminated sites would need to receive hazardous materials training in accordance with Federal and State regulations.

- If future uses on redeveloped parcels were to involve the use, storage, or disposal of hazardous materials, the site operator will be required to comply with Federal, State, and local requirements for managing hazardous materials. Depending on the type and quantity of hazardous materials, these requirements could include the preparation of, implementation of, and training in the plans, programs, and permits described previously under Program Mitigation.
J. UTILITIES AND SERVICE SYSTEMS

The following discussion of public services and utilities includes information from an engineering report prepared in July 1997 by Nolte and Associates, Inc. A copy of this report is included in Appendix J. All of the information on public utilities has been updated by City of San José staff.

1. Existing Setting

The project is located within the City of San José Urban Service Area.

Sanitary Sewer/Wastewater Treatment

The City of San José maintains the wastewater collection system within the Rincon area. Sewer laterals, ranging in size from six to eight inches in diameter, originate at individual sites and convey flows by gravity to sewer mains. Sewer mains in the Rincon area vary in size from 10 to 30 inches. These sewer mains primarily flow by gravity to a major sewer interceptor system located in Zanker Road. Sewer lift stations and force mains are used at several locations to transport sewer flows that cannot be conveyed by gravity.

The sanitary sewer system serving North San José’s industrial area drains towards the sewer lines in North First Street. There are generally parallel sewer mains along North First Street south of Trimble Road. North of Trimble Road, a single 310-inch sewer line transmits flows to the Lamplighter Sanitary Sewer pump station at North First Street/Holger Way.

The major interceptor collection system in San José originates at the intersection of Empire and Seventh Streets in central San José. It conveys flows to the north along Fourth, Fifth and Seventh Streets, crossing US 101 and running along Zanker Road to the San José-Santa Clara Water Pollution Control Plant (WPCP) in Alviso. Interceptor lines include a 60-inch diameter brick sewer, a 60-inch diameter reinforced concrete pipe (RCP) and an 84-inch RCP. The three interceptors are interconnected at five locations along Zanker Road. Wastewater flowing within the interceptor system is a composite of flows from all areas within the City’s service area. The four Zanker Road Interceptor sewers transmit sewer flows from the entire South Bay drainage basin to the WPCP. The Interceptors cross under US 101 at North Fourth Street and run northward toward the WPCP within the Zanker Road right-of-way. These interceptors act as large siphons as they pass beneath the Hetch-Hetchy water lines just south of Tasman Boulevard. The interceptors are surcharged as far upstream (south) as Zanker Road/Trimble Road, where the last large diameter trunk sewer connects.

The Lamplighter Sewage Pump Station, located at the southeast corner of North First Street and Lamplighter Way, serves a portion of the Rincon area. An approximately 8,500-foot long, 24-inch ductile iron pipe force main carries wastewater from the pumping station to the WPCP.

Wastewater treatment service for the area is provided by the City of San José. The WPCP is located approximately one mile north of the Rincon area. The WPCP provides primary, secondary, and tertiary treatment of wastewater. The City’s level of service goal for sewage treatment is to remain within the capacity of the WPCP. The existing capacity of the WPCP
is 167 million gallons per day (mgd). The WPCP currently treats an average of 116.8 mgd and discharges 100 mgd effluent (dry weather peak) to the San Francisco Bay.31

The WPCP is currently operating under a 120 million gallon per day (dry weather) flow trigger. This requirement is based upon the State Water Resources Board and the Regional Water Quality Control Board (RWQCB) concerns over the effects of additional freshwater discharges from the WPCP on saltwater marsh habitat, and pollutant loading to the Bay from the WPCP. In response to these issues, the City of San José has prepared a Clean Bay Strategy (CBS) and the South Bay Action Plan. The CBS details the City’s control strategy to reduce effluent discharges to the South San Francisco Bay as required by the National Pollutant Discharge Elimination system (NPDES) permit. The Clean Bay Strategy promotes an integrated watershed protection approach and considers all factors influencing water quality in the South Bay, including point and non-point sources of pollution, water supply issues and improving plant performance. The South Bay Action Plan describes in some detail the conservation, reuse and diversion activities designed to reduce effluent flow from the WPCP to below 120 mgd. A contingency plan of additional measures will be implemented if average dry-weather effluent flows (ADWEF) reach a planning trigger of 115 mgd. Development in the Rincon area under the existing plan will need to install 8 to 10 inch recycled water lines to serve water to this area.

Infiltration and inflow of rain and ground water into the sewer system has increased within the last ten years. Stormwater inflow generally enters the system through manholes or private sewer laterals. Ground water levels in the Rincon area have increased over this period. Ground water infiltration enters the sewer system through faulty pipe joints, damaged pipes, or damaged manholes.

**Water Service**

Water service is provided to the project area by San José Water Company and the San José Municipal Water System. The San José Water Company service boundaries include areas south of Trimble Road on the eastern side of North First Street and south of Component Drive on the western side of North First Street. The remainder of the Rincon area, north of Trimble Road and Component Drive, is served by the San José Municipal Water System. The two water systems are independent of one another.

**San José Water Company**

The San José Water Company obtains its water from multiple sources including imported water purchased from the Santa Clara Valley Water District and from groundwater wells. San José Water Company does not have any storage reservoirs within the Rincon area. Two pumping stations are located within the Rincon area; one on Charcot Avenue near Coyote Creek and a second in the northern quadrant of the US 101/Interstate 880 interchange.

San José Water Company water distribution mains in the Rincon area range in size from six to 17 inches.

---

31 Geoff Blair, City of San José Environmental Services Department. Personal communication. 10/21/04.
San José Municipal Water System

Water sources for the San José Municipal Water System are the Hetch-Hetchy Aqueduct and four groundwater wells. In 1997 an additional 10,000 gallons per minute of water supply was added to the San José Municipal Water System through a new connection to the Hetch-Hetchy Aqueduct. With the connection to the Hetch-Hetchy Aqueduct complete, the local wells are now used as a back-up to the water supply system.

In the Montague Expressway/Coyote Creek area, water is supplied from the Hetch-Hetchy Aqueduct. There are two 1,500 gallon per minute pumps located at the reservoir of which one acts as a backup. A second three million gallon reservoir with a 1,500 gallon per minute pump also operates in the Rincon area. Both of these reservoirs will be supplied by the Hetch-Hetchy Aqueduct and are used solely for backup and emergency water supply.

Within the Rincon area, the San José Municipal Water System network consists of an 18-inch pipeline located along North First Street, with an extension to the east along Trimble Road. One water main currently crosses from North San José to the Alviso area. The remainder of the distribution system consists of pipes ranging from four to 12 inches in diameter. Water mains will either have to be extended or tapped to provide service, there are no available service stubs nearby.

Recycled Water for Landscape Uses

A recycled water pipeline conveys water from the WPCP to the Rincon area for landscape irrigation use. The pipeline generally extends along the eastern boundary of the Rincon area from SR 237 to Old Oakland Road. The pipeline currently has extensions within the project area along Tasman Drive, Seely Avenue, and Junction Avenue. At the intersection of Junction Avenue and Brokaw Road the pipeline heads east. The recycled, non-potable water is diverted from the WPCP in order to reduce freshwater discharge into the Bay.

Storm Drainage

The City of San José provides service to the existing storm drainage system within the Rincon area. The underground drainage system is composed of storm lines which range in size from 12 inches to 144 inches in diameter. Flows from individual sites and surface streets are conveyed by gravity flow to storm laterals and storm mains. Portions of the Rincon area drain to the Guadalupe River by gravity flow. In northern and central areas, water is pumped from storm mains into the river. Small areas of Rincon near I-880 drain to outfalls along Coyote Creek.

The northern part of the Rincon area is served by the Oakmead Stormwater Pump Station. Two storm sewers convey runoff to the Oakmead Stormwater Pump Station. A 108-inch storm sewer collects storm runoff from areas north of Tasman Drive and east of North First Street, in addition to runoff from areas north of SR 237. An 84-inch storm sewer collects runoff along Tasman Drive, including the area near the Agnews East facility. The pump station lifts storm water to an outfall on the Guadalupe River.
The central drainage basin of the Rincon area is generally located between Tasman Drive and Montague Expressway. Runoff in the drainage system flows by gravity to the River Oaks Pump Station, located north of River Oaks Parkway. The River Oaks pump station lifts storm flows above the high water surface of the Guadalupe River and discharges storm water via an 84-inch outfall pipe.

The southern Rincon area, located between Montague Expressway and US 101, can be difficult to drain because of existing ground level features and upstream and downstream storm flows in the Guadalupe River. Existing storm lines drain in a northwest direction by gravity. Outlets along the Guadalupe River include a 96-inch RCP line from Montague Expressway and two six-foot outlets at Trimble Road. Both outlets drain to the river through flap gates. There have been three storm events in the 1980s and two storm events in the 1990s where the water surface of the Guadalupe River reached a high stage. These high water levels either prevented or reduced storm runoff from developed low areas from discharging into the Guadalupe River. At several locations, including the intersection of North First Street and Montague Expressway, storm water ponded to approximately two feet in depth. These inundated areas had water surface elevations that reached within inches of existing building floor elevations. Ponding is the result of the high water surface in the Guadalupe River closing flap gates which normally convey storm water flows. When the flap gates are closed storm water cannot flow into the river, the storm drain pipes backup until storm water “bubbles” out of lower elevation storm water inlets.

The portion of the Rincon area south of US 101 also drains to the Guadalupe River, primarily through flap gates. Outlets along the Guadalupe River include a 78-inch reinforced concrete pipe (RCP) with a flap gate at Gish Road, a 54-inch RCP at Brokaw Road, and a 42-inch pipe and flapgate at Gateway Place Street.

Throughout most of the Rincon area, existing storm drains have a capacity to carry about a three to five year storm. The existing North San José/Rincon De Los Esteros Storm Drain Master Plan identifies infrastructure, together with associated costs, needed to provide the City of San José standard 10-year drainage to the area. Presently, a portion of the system is under construction, however the remainder still needs to be constructed, and is currently not funded.

**Electricity and Natural Gas**

Pacific Gas & Electric (PG&E) supplies electricity and natural gas to the project area. Distribution of electric power is accomplished primarily through underground systems extending from various high voltage transmission lines in the area. Transmission lines passing through or adjacent to the Rincon area include a 115 kV line along the east side of the Guadalupe River, a 115 kV line primarily along the east side of Zanker Road, a 60 kV line along North First Street, and three 12 kV lines along North First Street, SR 237, and Zanker Road. PG&E also operates an electrical substation on the west side of North First Street, on Component Drive. Natural gas is distributed through a series of gas distribution lines located within street right-of-ways. Electric and gas utilities are available in the project vicinity and can be extended onto developments in the project area.
Solid Waste Service

Commercial solid waste collection in San José is provided by a number of non exclusive service providers and the waste may be disposed of at any of the four privately owned landfills in San José. Collection of residential waste occurs under exclusive franchise agreements between the City and two service providers, Norcal of San José and Green Team. According to the Source Reduction and Recycling Element of the General Plan prepared for the City of San José and the County wide Integrated Waste Management Plan, there is sufficient landfill capacity for Santa Clara County's projected needs for at least 30 more years.

Recycling collection and processing services, including yard waste recycling, are provided to both single family and multi-family residences by Norcal of San José, Green Team, and Green Waste, Inc. Recycling services are available to most businesses from private recyclers. The City of San José Environmental Services Department also offers information and assistance to businesses wishing to recycle, or to expand their recycling activities.

Development allowed under the proposed cumulative projects would not result in an exceedance of system capacity or any other significant impacts to the solid waste system.

Telephone

Telephone service infrastructure in the Rincon area is provided by SBC Communications, Inc (SBC).

2. Public Services and Utilities Impacts

Thresholds of Significance

For the purposes of this EIR, a utilities and service systems impact is considered significant if the project will:

- require or result in the construction of a new water, storm water or wastewater facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; or
- result in a determination by the wastewater treatment provider that it has inadequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments; or
- need new or expanded entitlements for water supplies; or
- be served by a landfill with insufficient permitted capacity.

Water Service

Water service is provided to the project area by San José Water Company and the San José Municipal Water System (SJMWS). The proposed project will increase demand for water in the Rincon area by approximately 7,400,000 gallons per day.32 Both of these water

32 Based on the following rates: Industrial usage = 0.18 g/day/sf, Office usage = 0.0751 g/day/sf, and Multi-family = 225 g/day/unit (Source: Mansour Nasser, San José Municipal Water, Personal Communication 8/12/04).
companies anticipate that they will be able to provide water service to future developments allowed under the proposed project. The San José Municipal Water System has identified the need for two additional reservoirs (tanks with a capacity of three million gallons each) with four additional wells and four 1,500 gallon per minute pumps per well to provide the necessary capacity for the system. The San José Municipal Water System currently has an interruptible service contract with the San Francisco Public Utilities Commission (SFPUC) which allocates water from the Hetch-Hetchy Aqueduct. The current interruptible contract with the SFPUC limits water delivery to 2.68 mgd. The SJMWS currently uses 4.9 mgd which is 2.22 mgd over the contract amount, and has requested up to 6.35 mgd by 2030. There is no guarantee that the SFPUC will be able to meet this request. The current contract which expires in 2009 is currently up for renegotiation and the SJMWS is hoping to change their contract status to permanent. The 4.7 mgd requested in the new contract would not provide enough additional water to meet the ultimate demand including the proposed project. The previously mentioned improvements would be required to provide primary service for the additional development allowed under the proposed project.

- **Development allowed under the proposed project would not result in significant impacts to existing water supply systems. (Less Than Significant Impact)**

**Sanitary Sewer/Wastewater Treatment**

Development allowed under the proposed project would result in an increase in wastewater flow. This increased waste water generation is estimated to be 5,214,750 gallons per day, or an approximate 4.2 percent increase in the City’s waste water flow.\(^{33}\)

The existing sanitary sewer facilities in the Rincon area consist of older sanitary mains and interceptors and some relatively new sanitary mains. There are specific constraints in the system that would require upgrading or modification prior to development or redevelopment on some of the sites upon which this project will encourage such new development. Consistent with City policies, prior to issuance of a Site Development or Planned Development Permit, each proposal to develop or redevelop specific properties will be evaluated to determine if that proposal would be likely to cause an exceedance of the sanitary lines serve that property. Projects will be required to implement localized improvements to serve their own needs. As redevelopment proceeds in the area, priorities may be set for upgrading the sanitary sewer system. Consistent with ongoing City policies, Capital Improvement Projects will be identified and incorporated into the City’s Five Year CIP process, as appropriate.

The City of San José has adopted a level of service (LOS) policy for design of sanitary sewer mains. The levels of service range from “A” to “F,” with LOS A defined as unrestricted flow and LOS F defined as being inadequate to convey existing sewer flow. To meet the City’s guidelines, new developments must meet LOS D or above. LOS D is defined as restricted sewage flow during peak flow conditions.

- **The WPCP has stated that the development allowed under the proposed project would not cause the WPCP to exceed its capacity or discharge limit. (Less Than Significant Impact)**

\(^{33}\) Assuming a wastewater generation rate of 85% of water usage.
Storm Drainage

Existing storm drainage systems in the Rincon area were designed and built to accommodate runoff at buildout of the area. The storm drainage systems were designed to convey flows from a 3-year storm event. Insufficient storm drainage capacity is presently available to serve development proposed by the project in the Rincon area. Existing storm drainage facilities in the southern and south of US 101 areas drain to the Guadalupe River and local flooding, when river water levels are high, would be expected to occur.

As discussed in Section II.H. Hydrology and Water Quality, the planned storm drainage system has not been completed in this area. Completion of the 10-year-storm capacity planned system would require construction of new lines and/or replacement of old lines. In addition to new drainage lines one or more new pumps would need to be built to serve the projected amount of development in the area. Construction of new storm lines in public streets is not anticipated to result in new significant environmental effects.

As redevelopment proceeds in the area, priorities may be set for upgrading the storm drainage system. Consistent with ongoing City policies, Capitol Improvement Projects will be identified and incorporated into the City’s Five Year CIP process, as appropriate.

- Development allowed under the proposed project would generate stormwater flows in excess of the capacity of existing stormwater collection systems. Construction of the planned storm water collection system would not result in new significant environmental impacts. (Less Than Significant Impact)

Electricity and Gas

Expansion of distribution and transmission lines and related facilities would be necessary to service proposed developments in the project area. In addition to adding new distribution feeders, the range of electric system improvements needed to accommodate growth may include upgrading existing substation and transmission line equipment, expanding existing substations to their ultimate buildout capacity, and building new substations and interconnecting transmission lines. Comparable upgrades or additions needed to accommodate additional load on the gas system could include facilities such as regulator stations, odorizer stations, valve lots, distribution and transmission lines. The California Public Utilities Commission (CPUC) has exclusive power and sole authority with respect to the regulation of privately owned or investor owned public utilities such as PG&E. This exclusive power extends to all aspects of the location, design, construction, maintenance, and operation of public utility facilities, which also includes any further CEQA review required to construct necessary improvements to service the proposed project.

- Development allowed under the proposed project would not result in any identified significant impact related to the provision of electricity and natural gas. (Less Than Significant Impact)

Solid Waste

34 The City’s current storm drainage standards call for accommodating a 10-year storm.
According to the National League of Cities Institute, office and industrial uses generate approximately 1.0 and 1.2 pounds of solid waste per 100 square feet per day, respectively. For the additional square footage of development allowed under the proposed project (24.5 million square feet), the potential increase in solid waste generation for office and industrial uses ranges from 118,000 to 141,600 pounds per day.\textsuperscript{35} This amount of solid waste generation does not take into account any recycling of paper or non-ferrous metals. Residential solid waste generation from the proposed project would be approximately 852,040 pounds per week. Residential uses proposed by the project would also generate approximately 109,480 pounds of recyclables per week.\textsuperscript{36}

There is sufficient capacity in the existing solid waste disposal facilities serving San José to accommodate waste generated by the proposed project. In addition, there are existing solid waste and recycling collection companies to serve the redevelopment area.

- Development allowed under the proposed project would not result in a significant impact as a result of exceeding the capacity of a landfill or in the provision of solid waste collection services. (Less than Significant Impact)

3. Mitigation and Avoidance Measures

The policies in the City of San José General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. All future development addressed by this EIR would be subject to General Plan policies, including the following:

- \textit{Level of Service Policy #1} - The City’s urban service delivery priorities should be ordered as follows:
  - Provide services and facilities designed to serve existing needs.
  - Prevent the deterioration of existing levels of service.
  - Upgrade City service levels, when feasible.

- \textit{Level of Service Policy #2} - Capital and facility needs generated by new development should be financed by new development. The existing community should not be burdened by increased taxes or by lowered service levels to meet needs created by new growth. The City Council may provide a system whereby funds for capital and facility needs may be advanced and later repaid by affected property owners.

- \textit{Level of Service (Sanitary Sewer System) Policy #6} - The minimum performance standard for sanitary sewer lines should be level of service “D”, defined as

\textsuperscript{35} The low end of the range represents solid waste generation if all future development is office uses and the higher end represents if all future development is industrial uses. Proposed future development would be predominantly office uses. These figures reflect the reduction in existing industrial uses that would occur when sites are redeveloped in the project area.

\textsuperscript{36} Anderson, Jeff. “Re: Waste Generation Rates.” E-mail to City of San José. 13 October 2003. Multi-family garbage = 35.8 lbs./unit/week, Multi-family recycling = 4.6 lbs./unit/week.
restricted sewage flow during peak flow conditions. Development which will have the potential to reduce the downstream level of service to worse than “D”, or development which would be served by downstream lines already operating at a level of service worse than “D”, should be required to provide mitigation measures to improve the level of service to “D” or better. In recognition of the substantial non-sewer benefits of infill development, small infill projects may be exempted from sewer mitigation requirements.

- **Level of Service (Sewage Treatment) Policy #7** - The City should monitor and regulate growth so that the cumulative sewage treatment demand of all development can be accommodated by San José’s share of the treatment capacity of the San José/Santa Clara Water Pollution Control Plant.

- **Level of Service (Sewage Treatment) Policy #8** - The operation of the Water Pollution Control Plant should comply with the water quality standards for the South San Francisco Bay established by the Regional Water Quality Control Board and implemented through NPDES (National Pollution Discharge Elimination System) permits.

- **Level of Service (Sewage Treatment) Policy #9** - The City should continue to encourage water conservation programs which result in reduced demand for sewage treatment capacity.

- **Level of Service (Storm Drainage and Flood Control) Policy #12** - New projects should be designed to minimize potential damage due to storm waters and flooding to the site and other properties.

- **Water Resources Policy #11** - The City should promote use of reclaimed water when feasible, particularly for industrial users, for irrigation and groundwater recharge.

4. **Conclusion**

Full implementation of the project as proposed will not result in significant adverse environmental impacts as a result of development exceeding the capacity of the water supply, sanitary sewer/wastewater treatment, or storm drainage systems. The project will not result in significant environmental impacts associated with the provision of electricity and natural gas, nor will it exceed the capacity of a sanitary landfill or the solid waste collection system. (**Less Than Significant Impacts with Mitigation**)  

5. **Mitigation Measures to be Considered at the Time of Future Development**

Implementation of the following mitigation measures at the time of future development in the project area could be required to further reduce potential impacts to public services and utilities to a less than significant level:

**Mitigation Measures for Sanitary Sewer Services**
• Future residential development of the 26.1 acres on North Fourth Street south of US 101 should be designed to drain to local collector sewers (8-inch to 12-inch sewers) that eventually connect to the interceptor pipelines.

• The 40.1 acres on Brokaw Road proposed for designation for residential uses, presently drains to the Zanker interceptor system via neighborhood lines in Brokaw Road and Bering Drive. The existing peak flow in Brokaw Road is unknown. The added flow could exceed the capacity of the 15-inch sewer line in Brokaw. Some of this flow may need to be diverted into the North First Street sewer alignment prior to redevelopment of this area.

• Most of the Industrial Core Area presently drains to the sanitary sewer line in North First Street that flows to the Lamplighter Pump Station. Present peak sewer flows surcharge the single 30-inch sewer line in North First Street. Localized service lines and specific site connections may require upgrading or supplemental service, as development proceeds. Prior to issuance of Site Development or PD Permits, specific development proposals will be required to evaluate the adequacy of service then available, and to replace or supplement lines as required.

• The 79-acre site occupied by the Agnews Developmental Center drains directly into the Interceptor system in Zanker Road through a very old connection. The Interceptors surcharge in this area. Any redevelopment of this site should include construction of a new local sanitary sewer collection system to safeguard future development from peak wet weather surcharges in the interceptor system.

• The 59.1 acre at River Oaks Station and the 17.6 acres at Orchard Parkway both drain to the Lamplighter Pump Station. The 30-inch pipe that serve the pump station is already surcharging. A complete study of the future projected flows will be done by the City to identify the needed improvements to the Lamplighter Pump Station.

**Mitigation Measures for Stormwater Systems**

In order to improve stormwater drainage in the project area and prevent localized flooding due to lack of system capacity, all proposed development in North San José will be evaluated for the adequacy of on-site and off-site stormwater collection systems prior to issuance of Site Development or Planned Development Permits. Some areas will require new or supplemental stormwater lines, catch basins, or other infrastructure. As redevelopment proceeds in the area, priorities may be set for upgrading the storm drainage system. Consistent with ongoing City policies, Capital Improvement Projects will be identified and incorporated into the City’s Five Year CIP process, as appropriate.

**Mitigation Measures for Wastewater Treatment**

The City could encourage or require water conservation in new development. Water efficient features such as high efficiency toilets (in excess of code requirements), water conserving dishwashers, hot water demand systems, and common area
laundries could be implemented in residential developments. Commercial businesses could be encouraged to install high efficiency and dual flush toilets, waterless urinals, electronic faucets, hot water demand systems, and dual plumbing for gray and recycled water, where it is available. Industrial businesses could be encouraged to implement water efficiency projects and to use recycled water for irrigation and industrial processes.
K. ENERGY

This section was prepared pursuant to CEQA Guidelines Section 15126(c) and Appendix F (Energy Conservation of the Guidelines), which require that EIRs include a discussion of the potential energy impacts of proposed projects with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy.

1. Introduction

Energy consumption is analyzed in an EIR because of the environmental impacts associated with its production and usage. Such impacts include the depletion of nonrenewable resources (e.g., oil, natural gas, coal, etc.) and emissions of pollutants during both the production and consumption phases.

Energy usage is typically quantified using the British Thermal Unit (Btu). As points of reference, the approximate amount of energy contained in a gallon of gasoline, a cubic foot of natural gas, and a kilowatt hour (kWh) of electricity are 123,000 Btus, 1,000 Btus, and 3,400 Btus, respectively.

Energy conservation is embodied in many federal, state and local statutes and policies. At the federal level, energy standards apply to numerous products (e.g., the EnergyStar program) and transportation (e.g., fuel efficiency standards). At the state level, Title 24 of the California Administrative Code sets forth energy standards for buildings, rebates/tax credits are provided for installation of renewable energy systems, and the Flex Your Power program promotes conservation in multiple areas. At the local level, the City’s General Plan includes strategies and policies whose objectives include reduction in energy usage. The project’s consistency with the City’s Sustainable City Strategy, Green Building Policy and Energy Goal are discussed in Section I.F. Consistency with Plans and Policies. A brief description of each is provided below.

Sustainable City Strategy

The Sustainable City Major Strategy is a statement of San José’s desire to become an environmentally and economically sustainable city. The Strategy seeks to reduce traffic congestion, pollution, wastefulness, and environmental degradation of our living environment by conserving natural resources and preserving San José’s natural living environment.

Green Building Policy

The Green Building Policy fosters long-term social, economic, and environmental sustainability in building and development while making green building the standard practice in San José and celebrating sustainability as a core value to the community. The vision for Green Building in San José is a place where the people have the knowledge and opportunities to build and occupy dwellings that have a maximum impact on the well being of the occupants and a minimal impact on the environment. The Green Building Policy goals center on five main categories: sustainable sites, energy and atmosphere, water efficiency, materials and resources, and indoor environmental quality.
Energy Goal

The City’s Energy Goal is to foster development which, by its location and design, reduces the use of non-renewable energy resources in transportation, buildings and urban services (utilities) and expands the use of renewable energy resources.

2. Existing Setting

Total energy usage in California was 8,519 trillion Btus in the year 2000, which equates to an average of 252 million Btus per capita. Of California’s total energy usage in 2000, the breakdown by sector was 15% residential, 14% commercial, 35% industrial, and 36% transportation. This energy was primarily supplied in the form of coal (2.9 million tons), natural gas (2.3 trillion cubic feet), petroleum (647 million barrels), nuclear electric power (35.2 trillion kWh), and hydroelectric power (42.8 trillion kWh).

Given the nature of the proposed project (i.e., a land use decision in San José), this remainder of this discussion will focus on the three most relevant sources of energy: electricity for residential and commercial uses, natural gas for residential and commercial uses, electricity and natural gas for industrial uses, and gasoline for vehicle trips associated with residential, commercial, and industrial uses.

Electricity

In 2003, California used over 276,000 gigawatt hours of electricity. This electricity was produced from power plants fueled by natural gas (37%), coal (21%), hydro (16%), nuclear (15%), and renewables (11%). Approximately 78% of the electricity was generated within California, with the balance imported from other states, Canada, and Mexico.

Electricity usage in California for differing land uses varies substantially by the type of uses in a building, type of construction materials used in a building, and the efficiency of all electricity-consuming devices within a building. That said, the average annual usage of electricity is roughly 6,500 kWh/residence. The average annual usage of electricity is roughly 13 kWh/square foot for all commercial buildings and roughly 18 kWh per square foot for office buildings.

Electricity supply in California involves a complex grid of power plants and transmission lines located in the Western United States, Canada, and Mexico. The issue is complicated by market forces that have become prominent since 1998, which is when a new regulatory environment commonly referred to as “deregulation” took effect in California. Supply is further complicated by the fact that the peak demand for electricity is significantly higher than the off-peak demand. For example, in August 2004, peak electric demand - due in large part to hot weather - reached a record high of 44,497 megawatts, which is almost double the lowest demand period.

In 2000-2001, electric demand exceeded supply on various occasions, which required utilities to institute systematic rotating outages to maintain the stability of the grid and to prevent widespread blackouts. Since that time, additional generating capacity has come on-line and upgrades to various transmission lines are occurring.
According to the California Energy Commission’s 2003 Integrated Energy Policy Report, the current outlook is that California will have an adequate supply of electricity through 2009. The report notes, however, that peak demand reserve shortages could return by 2006 and possibly as early as 2004.

Natural Gas

In 2001, California used almost 2.4 trillion cubic feet of natural gas. The natural gas was used to produce electricity (41%), in industrial uses (28%), in commercial uses (10%), and in residential uses (21%). Approximately 16% of the natural gas was produced within California, with the balance was imported from other states and Canada.

Natural gas usage in California for differing land uses varies substantially by the type of uses in a building, type of construction materials used in a building, and the efficiency of all gas-consuming devices within a building. That said, the average annual usage of natural gas is roughly 45,000 cubic feet per residence. The average annual usage of natural gas is roughly 37 cubic feet per square foot for all commercial buildings and roughly 29 cubic feet per square foot for office buildings.

According to the California Energy Commission’s 2003 Integrated Energy Policy Report, the current outlook is that Northern California will have an adequate supply of natural gas through 2007. The report notes, however, meeting peak demand under extreme weather conditions may require gas infrastructure improvements (e.g., additional pipeline capacity) earlier than currently programmed.

Gasoline for Motor Vehicles

Californians presently consume roughly 49.5 million gallons of gasoline and diesel each day. This is a 53% increase over the amount that was used 20 years ago. The primary factors contributing to this increase are 1) population growth, 2) declining per-mile cost of gasoline, 3) land use patterns that have increased the distance between jobs and housing, and 4) a shift in consumer preferences to larger, less fuel efficient motor vehicles.

The average fuel economy for the fleet of light-duty vehicles (autos, pickups, vans, and SUVs) steadily increased from about 12.6 miles-per-gallon (mpg) in the mid-1970s to the current 20.7 mpg; however, no further improvements in the average fuel economy for the overall fleet are projected through the year 2020. This conclusion is based on the fact that projected increases in the number of fuel efficient cars (e.g., hybrids) will be offset by projected increases in the number of SUVs, pickups, and vans.

Although no new refineries have been constructed in California since 1969, supply has kept pace with demand through a combination of refinery upgrades/modernizations and out-of-state imports.

According to the California Energy Commission’s 2003 Integrated Energy Policy Report, the demand for gasoline and diesel for on-road vehicles is projected to increase by 36% over the next 20 years. Imports of foreign crude oil will increase as in-state and Alaskan supplies
diminish. Since California refineries are already operating close to their full capacity, daily imports of refined gasoline and diesel are expected to double over the next 20 years. Unless out-of-state facilities expand, the gasoline and diesel markets will become increasingly volatile, with the likelihood of shortages and more prolonged periods of high prices.

3. **Energy Impacts**

For the purposes of this EIR, an energy impact would be significant if the project:

- will use fuel or energy in a wasteful manner;
- will result in a substantial increase in demand upon energy resources in relation to projected supplies; or
- will result in longer overall distances between jobs and housing.

The proposed project will result in the construction of approximately 24,700 residential dwelling units and 24.5 million square feet of industrial/office/R&D uses in the Rincon area. Energy will be consumed during both the construction and operational phases of these uses. The construction phase will require energy for the manufacture and transportation of building materials, preparation of the various sites (e.g., grading), and the actual construction of the buildings. The operational phase will consume energy for multiple purposes including - but not limited to - building heating and cooling, lighting, appliances, electronics, office equipment, and commercial machinery. Operational energy will also be consumed during each vehicle trip associated with these proposed uses.

Rough estimates of operational energy usage by the proposed project are provided in Table 30.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Usage/Unit</th>
<th># of Units</th>
<th>Annual Energy</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Electricity</td>
<td>6,500 kWh/du/year</td>
<td>Approx. 32,000 du</td>
<td>208 million kWh</td>
</tr>
<tr>
<td>Natural Gas</td>
<td>45,000 ft³/du/year</td>
<td>Approx. 32,000 du</td>
<td>1.44 billion ft³</td>
</tr>
<tr>
<td><strong>Office</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Electricity</td>
<td>18 kWh/ft²/year</td>
<td>Approx. 26.7 million ft²</td>
<td>480.6 million kWh</td>
</tr>
<tr>
<td>Natural Gas</td>
<td>29 ft³/ft²/year</td>
<td>Approx. 26.7 million ft²</td>
<td>774.3 million ft³</td>
</tr>
<tr>
<td><strong>Transportation</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gasoline</td>
<td>0.048 gallons/vehicle/mile</td>
<td>622,000 Daily trips x 3 miles</td>
<td>32.7 million gallons</td>
</tr>
</tbody>
</table>

Notes: du = dwelling unit, ft² = square feet, ft³ = cubic feet, kWh = kilowatt hour, Average vehicle trip length = 3 miles.

The energy usage shown in Table 30, while a small percentage of the energy consumed in San José as a whole, is nonetheless substantial in view of the above-described projections regarding future supplies.

It should also be noted that the project, by allowing construction of a mix of residential, commercial, and industrial uses in the project area, will decrease the average length of each
commute trip. Average commute trip lengths will decrease because jobs and retail will be located near residences. The shorter commute distances will translate into decreased energy consumption.

The above paragraph notwithstanding, from a regional land use perspective, providing housing near employment centers may lead to some reduction in transportation-related energy consumption. This conclusion is based on the fact that the region has a surplus of jobs in relation to housing, which has been a contributing factor in the decision of many people who are employed in the greater Santa Clara County area to purchase homes in more distant locales (e.g., Monterey County, San Benito County, San Joaquin County, etc.). Increasing the supply of housing within the project area would presumably reduce the magnitude of this phenomenon, based on the assumption that short commute distances are generally preferable to longer commute distances.

The project is projected to add approximately 487,000 new person trips per day. Many of the trips will use alternative transportation modes, due to the project’s location and design. Most of them, however, will be by automobile.

- Development proposed by this project would result in a significant increase in energy use. (Significant Impact)

4. Mitigation and Avoidance Measures

General Plan Policies

The policies in the City of San José General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. All future development addressed by this EIR would be subject to General Plan policies, including the following:

- **Green Building Policy #1** states that the City of San José shall adopt Green Building Policy goals and incorporate green building principles and practices into the planning, design, construction, management, renovation, operations, and demolition of all City facilities that are constructed, owned, managed or financed by the City.

- **Green Building Policy #2** states that the City of San José shall adopt the “San José LEED” Green Building Rating System as the green building design guideline for its ongoing and future program areas and incorporate this system into all City facility projects that are constructed, owned, managed or financed by the City.

- **Green Building Policy #3** states that the City of San José shall provide leadership and guidance to encourage the application of green building practices in private sector planning, design, construction, management, renovation, operations, and demolition of buildings by promoting the voluntary application of the San José Green Building Policy goals and the “San José LEED” Green Building Rating System.
• **Energy Policy #1** states that the City should promote development in areas served by public transit and other existing services. Higher residential densities should be encouraged to locate in areas served by primary public transit routes and close to major employment centers.

• **Energy Policy #2** states that decisions on land use should consider the proximity of industrial and commercial uses to major residential areas in order to reduce the energy used for commuting.

• **Energy Policy #3** states that public facilities should be encouraged to locate in areas easily served by public transportation.

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

• **Energy Policy #5** states that the City should encourage owners and residents of existing developments to implement programs to use energy more efficiently in buildings and in their transportation choices, to reduce dependency on automobiles, and to explore alternative energy sources.

• **Energy Policy #6** states that all street lights in areas outside of the Downtown Core Area should use the low-pressure sodium vapor.

### Other Program Mitigation Measures

• The project shall recycle or salvage a minimum of 50% (by weight) of construction, and demolition waste, in conformance with existing City ordinance.\(^{37}\)

• All new buildings shall be constructed to meet the requirements of Title 24 of the California Administrative Code, as pertains to energy efficiency.

• In conformance with the existing Plumbing Code, residential developments shall install low-flow showerheads and faucets and low flow toilets.\(^{38}\)

Even with the inclusion of the proposed mitigation measures, the project will significantly increase energy use. While the nature and location of the proposed land uses are efficient, including placement of jobs and housing in close proximity to each other and to transit


\(^{38}\) City of San José Environmental Services. *Home Energy Saving Tips*. City of San José. [http://www.ci.san-jose.ca.us/esd/ER-Tips-home.htm](http://www.ci.san-jose.ca.us/esd/ER-Tips-home.htm).
services, the increase in use may be substantial in relation to currently projected future energy supplies.

5. **Conclusion**

Conformance with the General Plan policies listed above would reduce energy impacts of project construction and operation. The proposed project will still result in a substantial increased use of energy. Inclusion of the measures listed below could reduce the increased energy use to a less than significant level, should the City choose to make these measures conditions of approval for future developments. In the absence of a specific commitment to implement these measures, the impact remains significant and unavoidable. (Significant Unavoidable Impact)

6. **Mitigation Measures to be Considered at the Time of Future Development**

**Measures to reduce energy consumption during demolition**

- The project shall have an infrastructure for recycling of construction and demolition materials in place and operating at the beginning of the project.39

**Measures to reduce energy consumption by design**

- To the extent feasible, the project shall incorporate principles of passive solar design. Passive solar design is the technology of heating, cooling, and lighting a building naturally with sunlight rather than with mechanical systems because the building itself is the system. Basic design principles are large south-facing windows with proper overhangs, as well as tile, brick, or other thermal mass material used in flooring or walls to store the sun’s heat during the day and release it back into the building at night or when the temperature drops. Passive solar also takes advantage of energy efficient materials, improved insulation, airtight construction, natural landscaping, and proper building orientation to take advantage of the sun, shade, and wind.40

- To the extent feasible, the project shall install reflective, cool roofs. Cool roofs decrease roofing maintenance and replacement costs, improve building comfort, reduce impact on surrounding air temperatures, reduce peak electricity demand, and reduce roofing debris in the waste stream.41

**Measures to reduce energy consumption during construction**

---


• The project shall use recycled materials to reduce the use of raw materials and divert material from landfills. Construction material used shall be at least 5-10% salvaged or refurbished materials, specifically, a minimum of 25-50% of building materials shall contain at least 20% post consumer recycled content material, or a minimum of 40% post industrial recycled content material.42

• The project shall use local and regional materials in order to reduce natural resources necessary from transporting materials over long distances. Of the building materials used, 20-50% shall have been manufactured within 500 miles of the building site.43

• The project shall use rapidly renewable materials in order to reduce the depletion of virgin materials and reduce use of petroleum-based materials, specifically five percent of total building materials shall be made from rapidly renewable building materials.44

• For components of the project where buildings would be made from wood, such as flooring and framing, the project shall use a minimum of 50% wood-based materials certified in accordance with the Forest Stewardship Council Guidelines (http://www.fscoaz.org/index.html).45

• The project shall select materials with volatile organic compound limits.46

• All residences shall be constructed to meet the requirements of the EnergyStar program for new homes. Such residences improve energy efficiency by a minimum of 15% as compared to residences that simply meet the Title 24 requirements. The additional efficiency is typically accomplished through the use of tight construction, energy-saving windows, improved insulation, and super-efficient heating/cooling systems. Numerous California builders (e.g., Shea Homes, Summerhill Homes, Pulte Homes, KB Homes, Avalon Bay) have been certified as EnergyStar partners.

---


• Although there is not a formal EnergyStar program for commercial buildings or industrial buildings, the commercial and industrial buildings shall be constructed to meet the same standards as those that apply to the residential program.

• The idling of construction vehicles shall be avoided to reduce fuel consumption, emissions, and noise. Commercial and industrial buildings, to the extent feasible, shall:
  – Install motion detectors or dimmers to control lighting;
  – Install efficient security and parking lot lighting (e.g., high pressure sodium fixtures);
  – Install reflective window film or awnings on all south and west facing windows;
  – Install ceiling and wall insulation; and
  – Install Energy Management System to control HVAC system—its operating hours, set points, scheduling of chillers, etc. 47

Measures to reduce energy consumption during operation

• All new buildings shall include a photovoltaic (i.e., solar electric) system on rooftops. An average-sized residential system (2.5 kW) in California produces in excess of 4,000 kWhr annually, which equates to 62% of the average electricity demand per residential unit. Commercial systems are generally larger than residential systems and produce commensurately more electricity. [Generally, each square foot of photovoltaic cells produces 10 watts of power in bright sunlight.]

The cost for photovoltaic systems has been decreasing in recent years, and the State of California provides rebates and tax credits to builders for such systems. In addition, some builders (e.g., Clarum Homes) are incorporating such systems into the design of their new homes.

• To the extent feasible, geothermal heat pumps shall be installed to provide residences with heat, air conditioning, and hot water. Known by a variety of names (i.e., earth-source heat pumps, GeoExchangesSM systems, ground-coupled heat pumps, ground-source heat pumps, water-source heat pumps), geothermal heat pumps have low environmental impact. Geothermal heat pumps are generally more efficient and are less expensive to operate and maintain—typically annual energy savings range from 30% to 60%.48

III. PUBLIC FACILITIES AND SERVICES

Unlike public facilities and utilities, public services are provided to the community as a whole, usually from a central location or from a defined set of nodes. The resource base for delivery of these services, including the physical service delivery mechanisms, is financed on a community-wide basis, usually from a unified or integrated financial system. The service delivery agency can be a city, county, service or other special district. Usually, new development will create an incremental increase in the demand for these services; the amount of demand will vary widely, depending on both the nature of the development (residential vs. commercial, for instance) and the type of services, as well as on the specific characteristics of the development (such as senior housing vs. family housing). The impact of a particular project on public facility services is generally a fiscal impact. By increasing the demand for a type of service, a project could cause an eventual increase in the cost of providing the service (more personnel hours to patrol an area, additional fire equipment needed to service a tall building, etc.). That is a fiscal impact, not an environmental one. CEQA does not require an analysis of fiscal impacts.

CEQA analysis is required if the increased demand is of sufficient size to trigger the need for a new facility (such as a school or fire station), since the new facility would have a physical impact on the environment. CEQA requires that an EIR then identify and evaluate the physical impacts on the environment that such a facility would have. To reiterate, the impact that must be analyzed in an EIR is the impact that would result from constructing a new public facility (should one be required), not the fiscal impact of a development on the capacity of a public service system.

1. Fire Protection

Fire protection for the project area is provided by the City of San José Fire Department (SJFD). The SJFD has 31 stations within the city and also participates in a mutual aid program with Saratoga, Morgan Hill, Campbell, Milpitas, and Santa Clara. Through this program should the SJFD need assistance above and beyond what is available within the City, one or more of the mutual aid cities would provide assistance.

The only fire station within the boundaries of the proposed project is Station 29, located at 199 Innovation Drive. Station 29 has an engine company, a truck company, a battalion chief, and a Hazardous Incident Team (HIT). Surrounding fire stations responding to emergencies in the project area with their distance to the center of the project and project boundary are shown in Table 31, below.

<table>
<thead>
<tr>
<th>Station #</th>
<th>Address</th>
<th>Distance to Project Center (miles)*</th>
<th>Distance to Project Boundary (miles)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>1380 North Tenth Street</td>
<td>2.53</td>
<td>&gt;.1</td>
</tr>
<tr>
<td>25</td>
<td>1590 Gold Street</td>
<td>3.89</td>
<td>1.1</td>
</tr>
<tr>
<td>23</td>
<td>1771 Via Cinco de Mayo</td>
<td>3.95</td>
<td>1.5</td>
</tr>
<tr>
<td>20</td>
<td>1433 Airport Boulevard</td>
<td>2.73</td>
<td>0.7</td>
</tr>
</tbody>
</table>

*Assumes center of the project area is Bonaventura Drive.
The proposed project would allow the construction of approximately 24,700 new residential units in the project area. The project would also allow construction of up to 24.5 million square feet of new industrial/office/R&D building space in the Rincon area beyond current entitlements. The new construction that would occur as a result of the project proposes to redevelop older industrial buildings that may use hazardous materials (refer to Section II. I. Hazardous Materials) and allow construction on parcels that are currently vacant. New buildings would replace aging buildings with structures built to current fire code standards.

The increased amount of development, particularly the increased residential development, will increase calls for service from the Fire Department. According to current Fire Department protocols, fires in structures four stories or taller in height in North San José will require responses from more than one fire station. In addition, as the substantially increased development densities are implemented within North San José, the likelihood that calls for service from Station 29 could occur simultaneously increases.

The increases in roadway congestion identified as resulting from this project (see Section II.B. Transportation), particularly in combination with other reasonably foreseeable development in the County (see Section V. Cumulative Impacts), would increase response time for emergency vehicles, including fire trucks. Physical improvements that could offset the increased response time would include traffic preemption systems at intersections in the area, and street design that does not impede the ability of responding fire trucks to move into and travel in the opposing traffic lanes.

There is currently no specific proposal to build a new fire station. Increased demands for service may be offset by expansion of existing stations, including additional staffing. In the event that future development patterns (including the specific location of new development) and/or service demands indicate that a new fire station is needed, a suitable location for construction of a station could be provided within the project area. As discussed in the introduction to Section III of this EIR, increased demand for services is not necessarily an environmental impact. The environmental impact, if it does occur, generally results from the impacts on the physical environment that result from the physical changes made in order to meet the demand.

Construction of a new fire station, if a new fire station is built, would require supplemental environmental review which could consist of a an Addendum to this EIR or preparation of a Supplemental EIR. Since a specific site for such construction cannot be identified at this time, it cannot be stated conclusively that significant environmental impacts would or would not occur. The construction of a local fire station on land in North San José would contribute incrementally to the impacts of development identified for the project as a whole, but is not anticipated by itself to have new or substantially different significant adverse environmental impacts. Further discussion at this time of the impacts that might result from building a fire station would be speculative.

Provision of adequate fire protection services to the project area will also require purchase of apparatus necessary for fighting fires in buildings four stories and taller. Increased staffing and purchase of equipment is evaluated by the City during the normal budget process, based on then current conditions.
The proposed project would incrementally increase the need for fire protection services and may create the need for an additional fire station in the project area. In the event that future development patterns and/or service demands indicate that a new fire station is needed, a suitable location for construction of a station would be identified within the project area. Construction of a new fire station would require supplemental environmental review, but construction of a local fire station on land in North San José is not anticipated by itself to have significant adverse environmental impacts. (Less Than Significant Impact)

2. Police Protection

Police protection services in the project area are provided by the City of San José Police Department (SJPD). Police patrolling the project area are dispatched from police headquarters located at 201 West Mission Street. The SJPD consists of 16 districts with 83 beats. Calls for service in the project area were most frequently related to disturbances, traffic accidents, and theft.\(^{49}\)

The proposed project area is currently served by the SJPD. The anticipated level of development that would result from this project in this area would increase calls for service and might require additional staffing or other resources. While the proposed project would incrementally increase the need for police services in the project area, it would not require construction of new police facilities. (Less Than Significant Impact)

3. Schools

Santa Clara County has 33 school districts and 345 schools. The project area is located in a part of San José serviced by several school districts, including the Orchard School District, East Side Union High School District (ESUHSD), Santa Clara Unified School District, and San José Unified School District. Students in the project area living south of Trimble Road and north of Trimble Road to Baypointe Drive between North First Street and Zanker Road would attend the Orchard School District and the ESUHSD (refer to Figure 25). Students living north of Trimble Road on the east side of Zanker Road and the west side of First Street, and students north of Baypointe Drive would attend schools in the Santa Clara Unified School District (refer to Figure 25).

The Orchard School District consists of one school, Orchard Elementary School, which is located at 921 Fox Lane. During the 2003-2004 school year, the school had 817 students enrolled in kindergarten through eighth grade (K-8). The students generated by the proposed project would create an estimated 1,583 students within the boundaries of this district.\(^{50}\) Based on the size of the existing school the project would require an additional two K-8 elementary schools in the Orchard School District.

\(^{49}\) There may be more than one call for service per incident (several observers may call after witnessing a traffic accident, disturbance, or serious criminal incident).

\(^{50}\) Student generation rates were unavailable for the Orchard School District. Estimated student generation for the project is based on rates provided by the San José Unified School District (SJUSD). The SJUSD boundary is adjacent to the southern boundary of the Orchard School District which is the location of the majority of the residential units proposed by the project.
The East Side Union High School District (ESUHSD) is located in the eastern portion of San José. The ESUHSD is comprised of ten high schools, five continuation schools, and four charter schools. During the 2001-2002 school year, the ESUHSD had a total of 24,409 students enrolled in grades 9-12. The proposed project could generate approximately 566 high school students that would attend schools in the ESUHSD. The district would be able to accommodate these additional students.\(^{51}\)

The Santa Clara Unified School District (SCUSD) includes land in North San José and the City of Santa Clara. The Santa Clara Unified School District is comprised of 16 elementary schools, three middle schools, two high schools, one grade K-12 alternative school, and one grade 7-12 continuation school. The only SCUSD school in San José is George Mayne in Alviso. During the 2001-2002 school year, the district had a total of 13,623 students enrolled in grades K-12.\(^{52}\)

Student generation rates obtained from the SCUSD estimate that buildout of the amount of residential development proposed within the SCUSD boundary could generate approximately 1,112 elementary students, 349 middle school students, and 368 high school students.\(^{53}\) This number of students would require the construction of approximately three elementary schools to accommodate the growth in student population. The SCUSD may be able to accommodate the middle and high school students without requiring construction of new facilities.\(^{54}\)

The San José Unified School District (SJUSD) is located in central San José and includes land in the project area. The SJUSD is comprised of 54 schools including 31 elementary schools, seven middle schools, seven high schools, seven continuation schools, one charter school and one alternative school. Within the SJUSD boundary, the development of the proposed project could generate approximately 383 elementary students, 184 middle school students, and 240 high school students.\(^{55}\) The SJUSD is in the process of closing schools through its School Closure and Transition Plan. Due to the presence of surplus schools within the district, the proposed project may not require construction of new facilities.

State law (Government Code 65996) specifies that an acceptable method of offsetting a project’s effect on the adequacy of school facilities is the payment of a school impact fee prior to issuance of the building permit. In San José, residential development project applicants can either negotiate directly with the affected school districts, or they can make a “presumptive payment” of $1.93 per square foot for multi-family units. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code. The school impact fees and the school districts’ methods of implementing measures specified by Government Code 65996 would partially offset the costs of serving project-related increases in student enrollment.

Implementation of the proposed General Plan Amendments would substantially increase the number of school children living in the project area. This would result in increases in school children attending the public schools within the districts identified above. State law requires that impacts to schools are mitigated through payment of fees. Development associated with the proposed land use designation would result in the need to construct approximately five new schools.

Development associated with the proposed land use designations would comply with the school impact requirements of the City of San José. It is likely that full implementation of this project would require the construction of new schools. The proposed Transit/Employment District Residential Overlay allows the location of residential support uses, including schools within the overlay. Future development of one or more schools in the project area would require supplemental environmental review which could consist of an Addendum to this EIR or preparation of a Supplemental EIR. There are also specific requirements set by the state for constructing a new school that would have to be met. Since a specific site for such construction cannot be identified at this time, it cannot be stated conclusively that significant environmental impacts would or would not occur. The construction of one or more schools on land in North San José would contribute incrementally to the impacts of development identified for the project as a whole, but is not anticipated by itself to have new or substantially different significant adverse environmental impacts. Further discussion at this time of the impacts that might result from building one or more schools in North San José would be speculative.

- The proposed project would increase the number of school children attending public schools in the project area. Future development of one or more schools in the project area would require supplemental environmental review. At the time of future development of a new school site it is assumed that the school would be constructed in an area of North San José near the future residential development, at a location suitable for school uses. (Less Than Significant Impact)

4. Parks and Recreation

The City of San José currently manages 3,561 acres of regional, neighborhood and community parkland. The City provides developed park lands, open space, and community facilities to serve its residents. Some recreation facilities available to San José residents are also provided by other public agencies, such as playgrounds and fields on public school sites, County parks, and City trails on Santa Clara Valley Water District lands. Park and recreation facilities vary in size, use, type of service, and provide for neighborhood, citywide, and regional uses. The City Departments of Parks, Recreation and Neighborhood Services, General Services and Public Works are responsible for the design, construction, operation, and maintenance of all City park and recreational facilities.

The City of San José has 160 neighborhood parks, 18 community gardens, and eight regional parks. Amenities can include basketball courts, bar-b-ques, exercise (par) courses, picnic

---

56 Brad Brown, Park Planner, Parks, Recreation and Neighborhood Services Department, City of San José, written communications, March 25, 2004.
57 Brad Brown, Park Planner, Parks, Recreation and Neighborhood Services Department, City of San José, written communications, March 25, 2004.
tables, playgrounds, restrooms, soccer fields, softball fields, swimming pools, and tennis courts. In addition to parks, recreational facilities include community centers, trails, and open space preserves.

The City’s General Plan has established level of service benchmarks for parks and community centers. The City has a service level objective of 3.5 acres of neighborhood and community serving recreational lands per 1,000 residents, of which a minimum is 1.5 acres of City owned neighborhood, community, or locally serving regional/City-wide park lands and up to 2 acres of school playgrounds, and all of which are located within a reasonable walking distance from the surrounding residences; 7.5 acres of regional/City-wide parkland per 1,000 population; and 500 square feet of community center floor area per 1,000 population.

The Rincon de los Esteros Redevelopment Project area is located in Council District 4. There are currently 10 neighborhood/community serving parks within the council district boundaries equaling 148.7 acres of developed parklands and 184.07 acres of recreational school grounds, for a total of 332.77 acres of recreational lands. This amount exceeds the current goal of 3.5 acres per 1000 population (327.92 acres) for neighborhood/community parklands. The City’s “Greenprint, a Twenty-Year Strategic Plan for Parks and Community Facilities and Programs” anticipated the population would increase by 27,000 new residents in Council District Four by 2020 and would need 100.02 additional acres of parkland and 13,500 square feet of community center floor space. The 7.5 acres of regional/City-wide parkland per 1,000 population relates to the protection of open space lands adjacent to the City’s boundaries and City-wide facilities on the Valley Floor. The Federal Wildlife Refuge, north of Alviso, and Alum Rock Regional Park are good examples of such regional serving lands. The City in concert with County lands, Federal lands and the Open Space Authority’s lands has exceeded the goal of providing 7.5 acres of open space per 1,000 population for the City as a whole.

There are only two neighborhood/community parks within the project boundary. These include the five-acre Moitozo Park, located on North First Street immediately adjacent to the partially completed “North Park” project, and the one-acre Rosemary Garden Park, located on Sonora Street. A site for the River Oaks Park is located adjacent to Coyote Creek, north of River Oaks Parkway. There are no City owned or operated community centers within the North San José area. The Greenprint calls for the development of trails on the levees of both the Coyote Creek and the Guadalupe River, as indicated on the Scenic Routes and Trails Diagram of the General Plan, along with a cross connection trail originally envisioned to run along the existing Hetch-Hetchy Aqueduct within the project area.

Implementation of the proposed project would result in an increased number of residents in the project area. The City has adopted the Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) that require residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. Residential development occurring as a consequence of the proposed General Plan designations in the project area will be required to conform to the PDO or PIO. Additionally, residential developments are required to provide on-site private and common open space in conformance with City’s Residential Land Use Policy 11.
According to the City’s PIO and PDO, the anticipated development which would occur within the proposed Transit/Employment Residential District overlay, 24,700 units, would be required to provide approximately 170 acres of neighborhood/community parkland. The PIO allows applicants to receive credit towards the parkland dedication requirements for private recreation improvements included as part of the project.

Development of additional residential units in the project area would incrementally increase the demand for recreational facilities in or near the project area. The project would be subject to a requirement for creating new recreational spaces and/or facilities under the City’s PDO/PIO, and therefore it should not result in significant increases in usage or the deterioration of existing or planned park facilities. Since specific sites for future park construction cannot be identified at this time, it cannot be stated conclusively that significant environmental impacts would or would not occur from the construction of new parks and recreation facilities. The construction of such facilities on land in North San José within the proposed boundaries of the Transit/Employment Residential District Overlay would contribute incrementally to the impacts of development identified for the project as a whole, but would not be anticipated to have new or substantially different significant adverse environmental impacts. Further discussion at this time of the impacts that might result from building park and recreation facilities to serve new development would be speculative.

- The proposed project would incrementally increase the need for parks and recreational facilities, which would be developed in the project area concurrent with the proposed residential development. New parks and recreation facilities would contribute incrementally to the impacts of development identified for the project as a whole, but would not be anticipated to have new or substantially different significant adverse environmental impacts. (Less Than Significant Impact)

5. Library Service

The San José Public Library System consists of one main library and 18 branch libraries. The Dr. Martin Luther King Junior Main Library is located on the corner of San Fernando and Fourth Streets, in downtown San José, and the 18 library branches are located throughout the City. The libraries nearest the project area are the Alviso Branch on North First Street and the Joyce Ellington Library on East Empire Street.

The San José General Plan benchmarks for library services are 10,000 square feet of library space per 36,000 population, and 18.3 weekly service hours per 10,000 population.

The additional demand for library service resulting from growth allowed by the General Plan will impact individual neighborhood branches in the areas where growth would occur, and the Martin Luther King, Jr. Main Library. As population grows and service demands increase, additional library services would be required. The resources to meet the increased demands could include some or all of the following:

- expanding the physical size of branches and main library;

---

58 Minimum Acreage Dedication = (0.003 acres) x (number of dwelling units) x (average persons per household) According to the Census 2000, the average number of persons per household for San José in structures of 20+ units = 2.29.
• adding new branches;
• enlarging materials collections;
• expanding/redefining collections to accommodate changing technologies;
• increasing staff; and
• providing additional services not currently provided.

Developing the proposed amount of new housing in North San José would create a significant new demand that would exceed the resources and service capacity of existing and nearby libraries, and could trigger the need for a new library by itself. The ultimate buildout of the project area is likely, therefore, to include a new branch library or substantial expansion of existing libraries. The proposed Transit/Employment District Residential Overlay land use designation allows the location of residential support uses, including libraries, within the overlay. Future development of a library in the project area would require supplemental environmental review which could consist of a an Addendum to this EIR or preparation of a Supplemental EIR. Since a specific site for such construction cannot be identified at this time, it cannot be stated conclusively that significant environmental impacts would or would not occur. The construction of a library on land in North San José would contribute incrementally to the impacts of development identified for the project as a whole, but is not anticipated by itself to have new or substantially different significant adverse environmental impacts. Further discussion at this time of the impacts that might result from building a library in North San José would be speculative.

- The proposed project would increase the number of people using library facilities in the project area, and may trigger the need for a new library in the project area. In the event that a new library is needed it is assumed that it would be constructed near the planned residential development, at a location suitable for library use. (Less Than Significant Impact)
IV. ALTERNATIVES

Overview

The CEQA Guidelines give extensive direction on identifying and evaluating in an EIR alternatives to a proposed project [§15126.6]. The purpose of having alternatives in an EIR is to identify ways to substantially lessen or avoid the significant effects that a proposed project may have on the environment. The range of alternatives selected for analysis is governed by the “rule of reason” that requires the EIR to discuss only those alternatives necessary to permit a reasoned choice. Although the alternatives do not have to meet every goal and objective set for the proposed project, they should “feasibly attain most of the basic objectives of the project.”

The Guidelines specifically require consideration of a “No Project” alternative. The purpose in including a No Project alternative is to allow decision makers to compare the impacts of approving the project with the impacts of not approving the project. The Guidelines specifically advise that No Project is “what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.” The Guidelines emphasize that an EIR should take a practical approach, and not “...create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment.” [§15126.6(e)(3)(B)]

The discussion of alternatives should include enough information to allow a meaningful evaluation and comparison with the proposed project. The Guidelines state that if an alternative would cause one or more additional impacts, compared to the proposed project, the discussion should identify the additional impact, but in less detail than the significant effects of the project.

In addition to “No Project,” the Guidelines advise that the range of alternatives discussed in the EIR should be limited to those that “would avoid or substantially lessen any of the significant effects of the project” [§15126.6(f)]. Factors that may be taken into account in considering the feasibility of an alternative include “...site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries...and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site....” [§15126.6(f)(1)]

CEQA does not require that all possible alternatives be evaluated, only that “a range of feasible alternatives” be discussed so as to encourage both meaningful public participation and informed decision making. In selecting alternatives to be evaluated, consideration may be given to their potential for reducing significant unavoidable impacts, reducing significant impacts that are mitigated by the project to less than significant levels, and further reducing less than significant impacts.

As stated in the Project Description section of this EIR, the goals and objectives of the City of San José in proposing this project to increase development in North San José include creation of a unique, high quality corporate center whose central focus is along North First Street. The project is specifically proposed to implement the goals and policies found in the “Economic Development Major Strategy” and “Housing Major Strategy” in the existing General Plan.
The policy changes and increased development intensities that comprise the project are proposed at this time in order to allow the City to take immediate advantage of the North First Street area’s world-wide reputation as home to many high-tech industries. It is the City’s position that the positive image of this geographic location can provide a counter-balance to the recent economic slowdown. Providing immediate encouragement to high tech businesses to join the elite community represented by the North First Street address may help to accelerate improvement in the local economy.

The introduction of higher intensity development along the North First Street light rail transit corridor is proposed to reinforce City and regional goals for encouraging transit use and discouraging reliance on single-occupant automobiles for commuters.

Specific objectives for the project include:

- Allow up to 26.7 million square feet of new corporate development within the project area, with an average FAR of 1.2 within the Core Area;
- Create 83,000 new jobs;
- House a substantial percentage of the new workforce in close proximity to the new jobs;
- Promote a high quality living environment in North San José for approximately 32,000 new residential units;
- In order to reduce adverse effects on the City’s ability to deliver services, replacement of viable industrial development by residential and residential support land uses should be minimized or avoided to the extent possible;
- Locate new housing at locations that will have minimal impact upon existing industrial activities and in proximity to existing residential development;
- Provide transportation improvements and improve transit connections in the area.

It is also the City’s objective to maintain the aesthetic standards of this major transit corridor by requiring attractively landscaped frontages along North First Street, consistent with the intensified character of the Industrial Core Area.

Selection of Alternatives

The CEQA Guidelines advise that the alternatives analysis in an EIR should be limited to alternatives that would avoid or substantially lessen any of the significant effects of the project and would achieve most of the project objectives. This EIR identifies the following significant unavoidable impacts that would result from the project as it is proposed: land use impacts associated with increased traffic congestion; traffic; air quality, loss of Burrowing Owl habitat, noise, and significantly increased energy use.

In addition, the project will have a number of significant impacts for which mitigation is identified in the EIR, including:

- Land use conflicts between residential and industrial uses;
- Population and housing;
- Disturbance of nesting raptors and bats;
- Contaminated runoff generated to the Guadalupe River;
• Loss of ordinance size trees;
• Disturbance of buried cultural resources;
• Exposure of future development to possible damage from weak soils and seismic hazards;
• Flooding;
• Runoff contamination;
• Hazardous materials contamination and risks from accidental releases.

Most of the significant unavoidable impacts anticipated to occur if the project is implemented as proposed, are directly related to the amount of new development that would occur. Reducing the size of the project would generally reduce the significance of the impacts. Some of the impacts, particularly biology and cultural, result from the project location. Even those impacts related to location may be reduced by reducing the overall size of the project and leaving some sites unchanged.

As discussed below under A No Project, even if no policy revisions or increased development parameters are approved for the Rincon area, significant traffic and air quality impacts are likely to occur in the area as a result of the ongoing development practices of the various cities in northern Santa Clara County, including San José.

The alternatives analysis does evaluate a A Reduced Scale Alternative that is sized to avoid all traffic impacts in other cities. This alternative reduces the amount of new industrial/office/R&D development that would be allowed in this area by approximately 85 percent. This scenario does not include any new residential units.

A critical component of the proposed project is the A mix of jobs and housing that are proposed for the Rincon area. As described under Project Objectives, the City is proposing to intensify the level of development within an Industrial Core Area that runs parallel to the major LRT line in North First Street. This would maximize the degree to which the increased workforce could utilize transit, and would also capitalize on the perceived desirability of the North First Street address. The City is proposing to add enough new dwelling units in Rincon to house approximately 68 percent of the new work force that would be added to Rincon. Since housing generates traffic independent of the home-to-work commute, there would be less total traffic generated if fewer dwelling units were added as part of the proposed project, but more traffic would be driving in and out of Rincon. Three “Work Force Housing Alternatives” were evaluated, including: a) an “80/10/10” alternative in which it was assumed that 80 percent of the new work force is housed in North San José, 10 percent lives elsewhere in San José, and the remaining dwelling units are located outside San José; b) a “50/50” alternative in which 50 percent of the required housing is proposed in and adjacent to Rincon, and 50 percent of the necessary housing is assumed to be in the City of San José but outside Rincon; and c) an alternative in which 50 percent of the dwelling units required to house the proposed work force is provided in and adjacent to Rincon, 25 percent is provided within the City of San José but outside the Rincon area, and 25 percent of the workforce would live outside the City of San José.

**Alternative Site**

CEQA encourages consideration of an alternative site when significant effects of the project might be avoided or substantially lessened. Only locations that would avoid or substantially lessen any of the significant effects of the project and meet most of the project objectives need be considered for inclusion in an EIR.
The project area is estimated to be 4,987 gross acres in size. The additional development allowed by the proposed General Plan amendments and policy revisions would add 24.7 million square feet of new floor area to result in a total of approximately 74 million square feet of industrial/office/R&D floor space in the Rincon area—a substantial concentration of high tech and support companies in the prestigious “Golden Triangle” of Silicon Valley. The project also will allow development of 32,000 more dwelling units to the 7,600 dwelling units already existing or under construction in the Rincon area, for a total of 39,600 dwelling units that would be planned for within Rincon. The new development would also require associated commercial uses, infrastructure, and public/quasi-public facilities (including schools, parks, day care centers, and recreational facilities) to be developed in or near the new residential development.

To accommodate an equivalent amount of new industrial and residential development, it is assumed that an alternative location would have to be equivalent to Rincon in size (approximately 5,000 acres). In addition to size, an alternative location that could support the proposed project and be consistent with the project goals and objectives would have the following characteristics:

- Be located in the City of San José, in order to support the City’s economic goals and objectives.
- Have good transit access.
- Have good automobile access.
- Be developable immediately.
- Be identifiable as part of “Silicon Valley.”

Since Rincon is almost completely developed, an alternative location would not necessarily be vacant land. It should, however, be predominantly industrial or commercial land uses, since the dislocation of a substantial number of housing units would create an unacceptable significant impact. The loss of a substantial amount of viable industrial businesses would also be inconsistent with the project objectives. The proposed project residential sites reflect land in Rincon that is presently vacant, occupied by public/quasi-public uses, or can be redeveloped over time as businesses choose to move for various purposes. The very large size of the parcels in Rincon could allow a substantial quantity of residential development to occupy relatively few parcels.

There is no known location that meets all of the criteria, and which also has the appropriate zoning and/or General Plan designations to allow development at the scale proposed for this project. The area which comes closest to meeting most of the criteria is Coyote Valley.

The City of San José is presently preparing a Specific Plan for Coyote Valley. An EIR is being prepared that evaluates the impacts of developing new industrial/office/R&D land uses to support approximately 50,000 jobs, and approximately 25,000 new dwelling units, with associated commercial uses, infrastructure, and public facilities in the Coyote Valley, at the southerly boundary of San José’s urban area. The total area of Coyote Valley, including the Greenbelt which is outside the City’s Urban Growth Boundary, is 7,292 acres. The area of Coyote Valley within the City’s Urban Growth Boundary, including the Urban Reserve, totals 3,787 acres.

For both areas (North San José and Coyote Valley), there are existing General Plan land use designations and other entitlements in place that would allow some of the projected industrial/office/R&D development to occur under a “No Project” condition. Most of the mid and
north Coyote Valley area is a “blank slate” because the land is either vacant or is developed with low intensity uses (such as farmhouses) that would ultimately be replaced with new development. The existing General Plan requires that a number of triggers, including completion of the specific plan, be met before development of the Urban Reserve (approximately 2,072 acres of the total) can occur. By comparison, most of Rincon is already developed with urban uses. Implementation of the proposed development in Rincon will require that demolition of existing buildings and infrastructure occur prior to redevelopment with substantially more intense new development.

Coyote Valley is of sufficient size to accommodate the amount of development that is evaluated in this EIR. The discussion below therefore includes a comparative analysis of placing the proposed project in Coyote Valley.

**Variations of Alternatives**

The alternatives discussed below include:

A. No Project  
B. Reduced Scale Alternative  
C. Workforce Housing Alternatives  
D. Alternative Location in Coyote Valley

It is not possible for any EIR to discuss every possible alternative, and every possible variation of an alternative, and CEQA does not require that it do so [§15126.6(a)]. It would, however, be possible to combine some of the alternatives, if the Lead Agency wished to do so.

**A. NO PROJECT ALTERNATIVE**

The purpose of having a No Project alternative is to allow the project decision makers to compare the impacts of not approving the project with the impacts of approving the project as it is proposed. Existing policies, zoning, and General Plan designations would allow the ongoing development of additional industrial/office/R&D space in the Rincon area. Recent entitlements granted to eBay and BEA for developments on North First Street allocated all of the remaining surplus FAR, and required that additional surplus FAR be identified and allocated to each of the developments before they could be built out. It is unlikely that substantial additional development could be approved under existing policies. It is possible that development within the constraints allowed by current policies (i.e., up to 0.35 FAR for most properties and up to 0.40 FAR for properties within 2,000 feet of an LRT station) could be approved on the remaining vacant parcels in North San José.

As reflected in the regional transportation model used by the Metropolitan Transportation Agency and VTA; however, projections show that economic development will continue to generate increased traffic congestion in the Bay Area. Under the No Project scenario, this development will occur somewhere other than North San José. Other cities in northern Santa Clara County will continue to approve industrial/office/R&D uses, as will nearby cities in San Mateo and Alameda Counties. Recent patterns indicate that some housing will continue to be developed in San José, but increasing percentages of the housing to serve jobs in Santa Clara County will continue to be approved outside the county.

59 As described in the Project Description section of this EIR, creation of additional surplus FAR under existing policies will require that additional residential development be approved in Rincon.
The discussion below evaluates the conditions that regional planning agencies currently anticipate in the area, without the increased intensity of development in North San José that would result from the proposed project.

**Comparison of Environmental Impacts**

**Traffic**

Buildout of the development anticipated with the proposed project is unlikely to happen immediately. The City’s plans anticipate that development will happen over several decades. To compare the long-term project conditions to the “no project” conditions that would otherwise exist at the same point in time, a traffic model run was done for the year 2025. The VTA model was used.

The assumptions in the no project scenario are the land use growth and transportation improvements projected to occur for the entire nine-county Bay Area. The land uses are consistent with the ABAG projections made for the year 2025, and the only transportation improvements included were those in the MTC Regional Transportation Plan. The no project condition in North San José was assumed to include development already allowed by the General Plan. The project scenario in 2025 would not be full project buildout; it was assumed that 14,500 dwelling units and 59,000 jobs would have been added to North San José. About 17,200 more dwelling units were assumed elsewhere in San José.

As described in the traffic report in Appendix D, the information generated was evaluated according to several different criteria. The report looked at estimated peak-directional volumes at major gateways into North San José, at the number of vehicle miles traveled on very congested roadways, and the level of congestion on freeways. The report compares these 2025 conditions for both the no project and project scenarios.

**Gateway Volumes:** The analysis found that congestion on all of the gateway facilities evaluated would increase substantially, with or without the proposed project. During the AM peak hour, 10 of the 17 gateways would operate at a volume-to-capacity ratio of 0.90 (LOS E) or worse under no project conditions. At 6 gateways, the LOS would be F. For the Project condition, the analysis found that 12 of the 17 gateways would operate at a V/C of 0.90 (LOS E) or worse; 11 of those gateways would be LOS F. For the PM peak hour, 11 of the 17 gateways would be LOS E or worse in the No Project condition; 9 of the gateways would be at LOS F. For the Project condition, 11 gateways would be LOS E or worse; all 11 would be LOS F.

To summarize the comparison of gateways, the levels of congestion are slightly greater under Project conditions, compared to No Project. The traffic consultant characterized the differences in gateway volumes as 90 percent of roadway capacity is utilized in the No Project scenario and traffic demand under project conditions in 2025 would equal the available capacity. The numbers and location of facilities impacted would not be substantially different under the two scenarios. The greatest difference would be in the morning peak hour.

**Vehicle Miles Traveled:** The analysis compared the number of projected vehicle miles traveled (VMT) under congested conditions in 2025 between the Project and No Project conditions. During the AM peak hour under No Project conditions, about 50 percent of the vehicle miles traveled would be traveling on congested roadways (LOS E or F). Under Project conditions, the percentage would
increase to 58 percent. During the PM peak hour, 54 percent of the VMT would occur under congested conditions; for the Project condition, the number would be 63 percent. Most of the congested VMT would occur on the freeway system.

This increase in congested VMT represents both increased intensity of land use and the increased road network.

Freeway Travel: A comparison of 26 freeway segments found that the difference between the No Project and project conditions would be a total of 4,000 vehicles in the AM peak hour and 3,200 vehicles in the PM peak hour. The combined V/C for all of the freeway segments would be 0.92 in the AM peak hour for No Project, compared to 0.96 for the project condition. In the PM peak hour, the combined V/C would be 0.95 for No Project compared to 0.98 for the project condition. There are no substantial differences in the projected congestion on any of the segments; the same segments would be congested under both scenarios, and generally the congestion would be slightly worse under the project conditions. The greatest individual change on a congested segment registered for SR 87 north of the airport, which would be 0.92 (LOS E) under No Project and 1.09 (LOS F) under the Project scenario. Most differences were very small (0 to 0.4).

Impacts of Not Amending the Area Development Policy

Traffic capacity under the existing Area Development Policy is determined by evaluating a weighted average LOS at all intersections impacted by a particular development project. Thus, the amount of traffic that might be generated is dependent on the specific location of any proposed project, as well as its size. It is difficult to generalize how much additional development might be permitted under the existing ADP, based on the capacity of internal intersections. Many of the internal intersections in the southern part of Rincon cannot be expanded without impacting adjacent buildings or required parking.

It was determined that the intersection of North Tenth and Hedding Streets, which is a gateway to North San José but is outside the ADP area, is currently operating near capacity. The addition of traffic from approximately 600,000 square feet of new office/R&D development in North San José would likely cause the LOS at North Tenth and Hedding to exceed LOS E, which would be a significant impact. The presence of a railroad track along the north side of Hedding Street at this AT® intersection, and the proximity of existing residences, limit the availability of capacity-enhancing mitigation that could reduce the impact to less than significant. It is likely, therefore, that approximately 600,000 square feet of additional development could be approved in North San José. Approval of any amount of development beyond that might be possible, but the likelihood is speculative.

This amount of development (600,000 square feet) would increase traffic congestion incrementally, but would not cause traffic volumes to double along any of the streets that border existing residential land uses. This amount of development might generate enough traffic to exceed the threshold of significance for regional air quality impacts, but it would generate substantially less air pollution than the proposed project. If a 600,000 square foot project were developed on one of the remaining vacant sites that contains Burrowing Owl habitat, it would have a significant impact on the species, but the impact would be less significant than developing all of the remaining habitat within Rincon.

60 This discussion is based on the Background conditions reflected in the traffic impact analysis, which includes the one-way couplet conversions to two-way streets.
Summary of Traffic Impacts

Traffic congestion in North San José and North Santa Clara County is expected to increase over the next 20 years. Planned development in other parts of the County and the Bay Area will cause the increased congestion, whether or not the development in North San José increases substantially. Traffic impacts under the No Project Scenario would be slightly less than under the Project scenario, but not substantially different.

Land Use

The significant unavoidable land use impacts from the proposed project are the result of traffic volume increases on residential streets, primarily Tenth, Eleventh, Julian, Hedding, and Taylor.

Air Quality

In the Bay Area, air pollution is associated with traffic and traffic congestion. In comparing the no project alternative, traffic congestion occurs as a result of the volume of cars approaching or exceeding the capacity of the roadways. Air pollution can increase if this congestion increases the length of the commute and/or results of cars sitting in traffic. Since traffic congestion will increase substantially whether or not the proposed intensity of new development occurs, air pollution will also increase. That increased traffic from development at locations other than North San José would have significant impacts on air quality.

Noise

As with air quality, the noise impacts from the project are primarily a function of traffic. The substantial traffic impacts occurring with the No Project scenario would, therefore, result in substantial increases in noise. Much of the roadway congestion under No Project conditions will be on local streets in other cities and in other parts of San José. While the noise increases are likely to be comparable, they will not necessarily be at the same locations.

Burrowing Owl Habitat

Any additional development in North San José is most likely to occur on the vacant lands which constitute that remaining Burrowing Owl Habitat in the area. This alternative may, therefore, still result in significant habitat impacts.

Comparison of Other Environmental Impacts

All of the project-related impacts that result from development or redevelopment of lands in North San José would be reduced or avoided by this alternative. Development in other jurisdictions would not have impacts to land uses in North San José, would not effect vegetation and wildlife in North San José nor would it disturb cultural resources. Wherever the industrial development occurs in the region; however, it is likely to adversely impact San José’s jobs/housing imbalance because most of the housing in Santa Clara County is in San José. Likewise, the equivalent amount of development occurring anywhere in the region will generate contaminated runoff that will impact San Francisco Bay and will significantly increase energy use.
If the residential development occurs on previously developed or previously farmed sites anywhere in the Bay Area (“brownfields”), the potential for hazardous materials contamination would exist. If development occurs outside the urban envelope, it is likely to constitute sprawl and would generate greater traffic, air quality, and biological impacts than developing within most established urban areas.

**Relationship to Project Goals and Objectives**

The No Project Alternative would not be consistent with any of the identified goals of the objectives of the proposed project.

**Feasibility**

The No Project Alternative, which would consist of continuing to implement existing policies and zoning, would be feasible.

**Conclusion:** The No Project Alternative would include some amount of development in North San José under the existing General Plan designations, zoning, and policies. Based on the traffic model maintained by the regional transportation planning agencies, it is likely that extensive development would continue to occur outside North San José, producing equivalent levels of traffic and traffic-related impacts such as noise and air pollution. This alternative does not support the project’s goals and objectives. This alternative is feasible, and it may not be substantially environmentally superior to the proposed project.

**B. REDUCED SCALE ALTERNATIVE**

The most significant impacts of the proposed project are traffic and air quality. The traffic impacts are identified in a broad geographic area, including intersections in the cities of Santa Clara, Campbell, and Milpitas. The regional air quality impacts would be dispersed throughout much of the air basin. It is not possible to target the air emissions in order to specifically limit their geographic occurrence, especially since some of the work force would commute from outside San José. Downsizing the amount of industrial development proposed by the project could, however, reduce the impacts to roadways in other cities, particularly local street intersections.

As shown on Table 12 of this EIR, the project is projected to significantly impact 15 intersections in three other cities, Santa Clara, Campbell, and Milpitas, including ten CMP intersections.

To reduce the impacts at these intersections in other cities to less than significant would require a substantial reduction in project size. The greatest impacts to intersections outside San José are at two intersections in Milpitas, McCarthy/Tasman and I-880/Great Mall Parkway. To reduce the PM peak hour impacts at these two intersections to less than significant would require that the project traffic be reduced by 90 percent. Given the project’s economic development goals and objectives, this alternative is assumed to include no new residential development in North San José, and a substantial reduction of industrial development (approximately 75 to 85 percent).61

---

61 Project objectives are primarily the encouragement of more intensive industrial development in the Rincon de los Esteros Redevelopment Area. Residential development is proposed to house approximately 68 percent of the workforce, but is not a primary goal of the project.
To reduce impacts to roadways in Santa Clara, which is west of the project area, to a less than significant level, project traffic would have to be reduced by approximately 50 percent. The alternative that avoids significant impacts to Milpitas will, therefore, also avoid significant impacts in Santa Clara.

**Comparison of Environmental Impacts**

**Traffic**

This alternative would avoid all significant impacts to roadways in other cities, and would reduce other traffic impacts substantially. It cannot be stated unequivocally that all project traffic impacts would be reduced to less than significant, because the impacts would depend on the project(s) locations; however, most if not all impacts to local roadways and freeways from project traffic would be less than significant.

The MTC model (see discussion under No Project above) indicates that traffic congestion in and near North San José will still be significant, even if the project is not implemented as proposed. The congestion may, therefore, still occur on the same facilities and in approximately the same levels of intensity, but would not be attributable to the proposed project.

**Air Quality**

Even if the project is reduced in size by 90 percent, air quality impacts would still exceed the thresholds of significance for ROG, NOx, and PM$_{10}$. The amount of pollutants generated by project traffic would be much less than under project conditions, but all three regional pollutants would be anticipated to exceed 80 pounds per day.

Project impacts would still be significant under this alternative, but less significant than proposed. Additionally, as discussed under the No Project Alternative and in the previous paragraphs, traffic in the area is anticipated to be almost as congested in the No Project scenario as it would be if the project were implemented. Air quality in the area would, therefore, also be similar.

**Noise**

Significant noise impacts from the project are primarily the result of substantially increased traffic on streets in North San José where existing residential development is located. If project traffic is reduced by 90 percent, noise impacts from project traffic will not be significant. The No Project scenario traffic, which is predicted to occur at equivalent levels and at the same general locations as the Project traffic, would likely result in similar noise levels. Noise impacts to existing residential development in North San José resulting from future traffic increases may be slightly less than with the proposed project, but is probably also significant.

**Burrowing Owl Habitat**

As with the No Project Alternative above, any additional development in North San José is most likely to occur on the vacant lands which constitute the remaining Burrowing Owl Habitat in the area. This alternative may, therefore, still result in significant habitat impacts.
Comparison of Other Environmental Impacts

All of the project-related impacts that result from development or redevelopment of lands in North San José would be reduced or avoided by this alternative. Ten percent of the development proposed for the project would still add additional industrial development to the area, but much of it is likely to occur on the remaining vacant properties instead of along the LRT line and North First Street.

As discussed under the No Project alternative, substantial additional development is anticipated to occur in the region, whether or not it is in North San José. Many of the impacts from that development will occur at other locations, if they do not occur in San José.

Development in other jurisdictions would not create land use conflicts in North San José, would not effect vegetation and wildlife in North San José, nor would it disturb cultural resources. Wherever the industrial development occurs in the region, however, if it is outside San José it is likely to adversely impact San José’s jobs/housing imbalance because most of the housing in Santa Clara County is in San José. Likewise, the equivalent amount of development occurring anywhere in the region could generate contaminated runoff that would impact San Francisco Bay, and increased industrial development (as well as residential development) will significantly increase energy use.

If the residential development occurs on previously developed or previously farmed sites anywhere in the Bay Area (“brownfields”), the potential for hazardous materials contamination would exist. If development occurs outside the urban envelope, it is likely to constitute sprawl and would generate greater traffic, air quality, and biological impacts than developing within most established urban areas.

Relationship to Project Goals and Objectives

The Reduced Scale Alternative would not be consistent with most of the identified goals of the objectives of the proposed project. This Alternative provides some increased development in North San José, but would not create the intensity of transit-oriented uses along the LRT line proposed with the Project. If the project is so significantly reduced in size, there is little incentive to allow conversion of industrial lands to residential uses, which would not encourage greater use of alternative transportation modes within Rincon.

This alternative gives little indication of an ability to provide encouragement to high tech businesses to join the elite community represented by the North First Street address and helping to accelerate improvement in the local economy.

This alternative would not be consistent with most of the project’s goals and objectives.

Feasibility

The Reduced Scale Alternative, which would allow approximately 20 to 25 percent of the proposed industrial/office/R&D development, may be feasible as land use planning. If economic conditions improve in Santa Clara County, it is likely that property owners in North San José will expect to develop vacant and underutilized properties, to intensify land uses similar to what has been proposed in recent years in San José and elsewhere in the north county, and to redevelop some industrial lands with high density residential uses. Without an overall policy and planning document to guide such
redevelopment, the land use planning is likely to be more haphazard than the proposed project. It is unlikely that the private sector would limit itself to the substantially reduced development scenario described in this alternative. Particularly to the extent that vacant and underdeveloped lands in San José and elsewhere in the County could not be developed under this alternative, even to the extent allowed by existing policies, this alternative may not be feasible from either an economic or regulatory standpoint.

Conclusion: This alternative would substantially reduce project impacts and would be environmentally superior to the proposed project. This alternative would not be as consistent with most project objectives as is the proposed project and may not be economically feasible.

C. WORK FORCE HOUSING ALTERNATIVES

The currently proposed project was developed through an analytic process which included quantitative near-term and far-term modeling of different combinations of jobs and housing in North San José. Four different scenarios were developed and evaluated for comparison purposes. These included a scenario that was comparable to the currently proposed project and the following:

Scenario A (80-10-10) - Add 22 million square feet of new industrial development within Rincon, approximately 17 million square feet of which would be in the Core Area. Approximately 37,800 new dwelling units were assumed in the Rincon area, of a total of 42,600 new dwelling units in San José. The rest of the housing assumed necessary to house the new workforce, approximately 5,000 dwelling units, were assumed to be outside San José.

Scenario B (50-50) - Add 25 million square feet of new industrial development within Rincon, approximately 17 million square feet of which would be in the Core Area. Approximately 27,800 new dwelling units were assumed in the Rincon area, of a total of 53,800 new dwelling units, the number assumed necessary to house the entire new workforce, in San José.

Scenario C (50-25-25) - Add 25 million square feet of new industrial development within Rincon, approximately 17 million square feet of which would be in the Core Area. Approximately 27,800 new dwelling units were assumed in the Rincon area, of a total of 40,400 new dwelling units in San José. The remaining 12,600 dwelling units necessary to house the new workforce were assumed to be outside San José.

As summarized above, all of the alternatives have approximately the same amount of additional industrial development as the proposed project; the differences are in the percentage of the workforce housed in close proximity to the new jobs.

This alternatives analysis was assumed to include new development and redevelopment at most of the same locations and at approximately the same levels of intensity as the proposed project. More residential development in Rincon means that less land could be redeveloped for industrial purposes. Less residential development in Rincon means that incrementally more of the existing industrial and/or commercial uses would remain at their existing locations. Even if some of the industrial sites assumed for residential redevelopment (many of which are underdeveloped or contain aging buildings) do not change land use, they may redevelop in the future with the same or similar uses.
Construction impacts, for example, are unlikely to be substantially different under the scenarios, in
the long-term.

To keep the basis of the analysis consistent and ensure that the analysis compared apples-to-
apples, the same major transportation improvements were included in all of the alternatives.

The primary differences in impacts among the four scenarios would be traffic and traffic-related
impacts. All of the project impacts that are identified as significant in this EIR would still be
significant under each of the three alternative scenarios; to the extent that mitigation is identified for
the project=s impacts, it would still be relevant for the three other scenarios. Impacts that result
directly from the amount of residential development proposed (i.e., the number of dwelling units)
would be reduced incrementally within or adjacent to Rincon, depending on how much of the
workforce housing is proposed outside of Rincon. Since the workforce necessary for the new
development in Rincon would need to live somewhere, the construction of and commute to a more
distant residence would likely still result in the same types of impacts, but they would occur
somewhere else.

**Comparison of Environmental Impacts**

**Traffic**

The long-term impacts of the different scenarios were compared to the existing General Plan, to the
proposed project, and to each other. The criteria used to evaluate them included the extent to which
each scenario contributed to the project objective of increasing use of alternative transportation
modes as well as the extent to which each scenario increased traffic congestion. Increased non-auto
travel across the gateways into Rincon and within Rincon was measured to identify the extent to
which the alternative might increase use of alternative modes. Increased congestion during peak one-
hour and four-hour periods in both the AM and PM was measured at the gateways and on selected
freeway segments in the area.

As with the proposed project, the three alternative scenarios all identify significant increases in traffic
congestion throughout the area. Each of the scenarios was evaluated for increased congestion across
the gateways intersections during AM and PM peak hours, and during AM and PM peak four hour
periods.\(^62\) Similarly, the increased congestion along proximate freeway links during AM and PM
peak hours and AM and PM peak four hour periods were identified.

**Gateway Comparison**

For the General Plan or No Project scenario, the model found that congestion through the gateways
into Rincon would result in an average volume to capacity (V/C) ratio of 0.95 (equivalent to level of
service E) during the PM peak hour. The V/C ratio for the AM peak hour at the same gateways
would average 0.89, which is very close to LOS E. Traffic conditions during the peak four hour
periods would average 0.68 V/C during the AM period and 0.79 V/C during the PM period, the
equivalent of LOS B and C, respectively.

\(^{62}\) These time periods generally represent peak commute periods in the morning and evening. The actual times may
vary, but the peak hours are the hours which experience the greatest amount of traffic during the AM and PM
periods. The peak four hours are the four contiguous hours that experience the greatest amount of traffic during the
AM and PM periods.
After the existing General Plan conditions, the next best performing alternative was found to be Scenario A. For Scenario A, the V/C at the gateways would be 1.02 for the AM peak hour and 1.04 for the PM peak hour. This is the equivalent of LOS F in both cases. The same gateways were evaluated for the peak AM and PM four-hour periods. For Scenario A, the PM peak four hours would average 0.89 (again, approaching LOS E), and the AM peak four hours would average 0.81 (the equivalent of LOS D).

The third ranking alternative was the proposed project. The V/C at the gateways was found to be 1.02 in the AM peak hour and 1.01 in the PM peak hour; these are, again the equivalent of LOS F. The peak four hour periods were 0.82 in the AM and 0.91 in the PM. These are slightly worse than under Alternative A, particularly since the PM peak four hours falls to LOS E.

**Freeway Comparison**

For the freeway segments, the relative levels of congestion are similar to the gateway conditions. The existing General Plan would result in the best conditions, in which V/C would be 0.91 and 0.96 in the AM and PM peak hours. Scenario A and the proposed project would produce the same levels of congestion for the AM and PM peak hour periods B LOS 0.96 in the AM and 0.99 in the PM. All of these conditions are the equivalent of LOS E.

For the peak four-hour period conditions, the freeway segments would average 0.81 in the AM and 0.88 in the PM, the equivalent of LOS D. Scenario A would cause the freeway segments to average 0.83 in the AM and 0.90 in the PM peak four-hour periods, and the proposed project would have very similar results of 0.83 and 0.91. These are the equivalent of LOS B and A, respectively.

**Conclusion for Long-term Traffic Impacts**

The long-term analysis done using the VTA=s model for 2025 found that the alternative B development consistent with the existing General Plan B would result in the least increase in traffic congestion. Scenario A would cause the second lowest increase in congestion, and the proposed project would cause the third least increase in congestion. Scenario A would, however, produce the greatest increase in use of alternative transportation modes, due primarily to the substantial increase in use of alternative transportation within Rincon.

The results are logical. The greater the percentage of workforce housed within Rincon, the less congestion would be experienced on the roadways leading into Rincon. The alternative having the greatest percent of new workforce housing in Rincon (Scenario A) would create the least congestion along the roads that access Rincon and having jobs and housing so closely proximate would strongly encourage use of alternative transportation.

The least traffic impacts would occur under the No Project Alternative. The least traffic congestion under the other scenarios would result from Scenario A, in which 80 percent of the workforce housing is located within Rincon, 10 percent elsewhere in San José, and 10 percent is assumed to be built elsewhere.
**Air Quality**

To a certain extent, air pollution is associated with traffic and traffic congestion. In comparing the workforce housing alternatives, traffic congestion occurs as a result of the volume of cars approaching or exceeding the capacity of the roadways. Air pollution can increase if this congestion increases the length of the commute and/or results in cars sitting in traffic. A more substantial determinant of air pollution is the length of the commute.

Scenario C assumes that the largest percentage of the workforce would commute longer distances by assuming that 50 percent would live in Rincon, 25 percent would live outside Rincon but somewhere else in San José, and 25 percent of the employees would live outside the City of San José. Although some of the latter group may live in communities north and west of Rincon, it is more likely that most would live farther south and outside Santa Clara County. Scenario B assumes shorter commutes, in that 50 percent of the workforce would live in Rincon and 50 percent elsewhere in San José. Scenario A would have the shortest commutes, with 80 percent of the workforce living in Rincon, 10 percent elsewhere in San José, and 10 percent outside San José. The proposed project, with 60 percent of the workforce living in Rincon, 30 percent elsewhere in San José, and 10 percent outside San José, would have shorter commutes overall than Scenarios B and C, but longer commutes than would occur with Scenario A.

It is assumed that the quantity of air pollution generated by these alternative scenarios would reflect the commute lengths: Scenario A would create less additional air pollution than the proposed project; Scenarios B and C would create more air pollution than the proposed project. The differences in the quantity of pollution between these alternatives would not be directly proportional to the internalization of traffic. The traffic modeling found that Alternative A would have greater benefits associated with the use of alternative transportation than just the internalization of non-auto trips. There was also an increase in transit use across the gateways, possibly associated with an A-out-commute® from Rincon. Of the workforce scenario alternatives, Scenario A would have the lowest air quality impacts. The proposed project would have greater impact than Scenario A, but less than Scenarios B and C.

**Noise**

The proposed project is identified as having significant noise impacts that result primarily from two sources: 1) placing new residences in a noisy environment, and 2) significantly increased noise from traffic that would impact existing residences in the area.

*Noise Impacts to the Project Alternatives*

Among the workforce housing alternatives, Scenarios B and C, which would have the fewest new dwelling units in Rincon, would place the fewest new dwelling units in a noisy environment. Since all of the proposed residential sites exceed the City=s noise guidelines for residential uses, the differences are only in how far the noise levels exceed the guidelines. While fewer dwelling units would be built in noisy environments in Rincon under Scenarios B and C, the impact is not reduced to a meaningful degree, since all of the dwellings that would be built would be in noisy environments.
Scenario A, which would have the largest number of dwelling units in Rincon, would result in the most dwelling units in a noisy environment.

None of these distinctions between the Scenarios are especially meaningful, since all would have the same significant impact, and there is no way to determine if the same number of dwelling units built elsewhere would be in less noisy environments.

**Noise Impacts from the Project Alternatives**

Noise impacts on existing dwelling units in Rincon are anticipated to result from substantially increased traffic on streets in Rincon, especially North First Street and Zanker Road. Scenario A, which pulls less automobile traffic across the gateways and produces the greatest percentage of no-auto travel, would be expected to result in the lowest increase in traffic adjacent to existing residences. Scenarios B and C require the greatest increase in automobiles coming into Rincon, and are likely to cause the greatest increase in cars on North First Street and Zanker Road.

Scenario A would, therefore, probably have less noise impact on existing residences than the proposed project, and Scenarios B and C would probably have more.

**Conclusion for Noise Impacts**

All of the workforce scenario alternatives would have similar impacts from placing new residences in noisy environments unless all of the proposed new housing would be in noisy environments.

Noise impacts from traffic on existing housing would be less under Scenario A than with the proposed Project because less automobile traffic is generated under Scenario A, and worse under Scenarios B and C than with the proposed project.

**Other Areas of Impact**

Any alternative that has fewer dwelling units in Rincon than the proposed project (which includes Scenarios B and C) would incrementally reduce impacts that result directly from locating housing in Rincon. Safety conflicts between residences and existing industrial uses would be reduced, as would the possible impacts to sensitive receptors from off-site releases of hazardous materials and odors from the WPCP. Soils and seismic hazards to residences would be incrementally less. The need for schools and parks in Rincon would be reduced proportionately, which would also incrementally reduce the exposure of schools and parks to off-site impacts from releases of hazardous materials. Alternative Scenario A, which would place more impacts in Rincon, would have incrementally greater impacts in these same areas.

Energy impacts would be increased with alternative Scenarios B and C because a greater percentage of the workforce would have to drive longer distances to work.
Relationship to Project Goals and Objectives

Scenario A would generally be consistent with most of the project’s goals and objectives. It includes a greater percentage of work force housing within the immediate area than the proposed project, which would require a reduction in the amount of new industrial development that could be accommodated in Rincon. Because it would also require that more industrial land be converted to non-industrial uses, including that acreage utilized for residential development as well as incrementally more lands that must be used for support uses such as parks and schools, it is less consistent with the objective of minimizing loss of viable industrial development and impacts to the City’s ability to deliver services.

Alternative Scenarios B and C would be consistent with the project’s goals and objectives.

Feasibility

Scenarios A and B are both feasible. Scenario A would require higher residential densities than the proposed project, and would involve more land in Rincon developed with residential and residential support uses. San José has a large surplus of housing (both existing and planned) relative to jobs, and has recently increased the land designated for residential development in the City. The City’s General Plan identifies sufficient undeveloped land planned for residential uses outside Rincon to accommodate the housing required for Scenarios A and B. Scenario C assumes that 25 percent of the work force housing would be developed outside the City of San José. While some of the housing might be developed in other cities in the County, it is likely that most of the 25 percent of employees would have to live out-of-county under this scenario. This scenario, however, is feasible.

Conclusion: Of the three work force housing scenarios evaluated, Scenario A would be environmentally superior to the proposed project and Scenarios B and C would not be environmentally superior. Scenario A is not fully consistent with the project’s identified goals and objectives. Scenarios B and C are consistent with the project’s goals and objectives. All three alternative scenarios are believed to be feasible at this time.

D. ALTERNATIVE LOCATION IN COYOTE VALLEY

As discussed at the beginning of the Alternatives section, the alternative location that came closest to meeting the site location criteria for the project was Coyote Valley.

The Coyote Valley Location Alternative would place 24,700 dwellings and approximately 20 million square feet of industrial office uses (62,500 jobs) in Coyote Valley instead of locating these uses in North San José as proposed by the project. Implementation of this alternative would include General Plan amendments, creation of policies, rezonings and other actions necessary to allow the proposed development to proceed. This is not the entire “project” whose impacts are evaluated in this EIR. The entire project includes buildout on vacant and underdeveloped properties in North San José that are envisioned by existing General Plan designations, zoning, and implementation policies. This amount of development, 6.7 million square feet of industrial buildings and 7,300 dwelling units, is assumed to occur in North San José under this Alternative. Only the additional increment of 24,700

---

63 Through the program referred to as the Housing Opportunity Study, Parts I, II and III, San José identified and designated land for substantial numbers of additional dwelling units during the last four years.
dwellings and 20 million square feet of industrial uses would be developed at an alternative location. Under this alternative, this development would occur in Coyote Valley instead of the development currently being considered in Coyote Valley as part of the ongoing Coyote Valley Specific Plan development process described below.

This location alternative includes North Coyote Valley and the Urban Reserve which is in central Coyote Valley. The relative locations of Coyote Valley and Rincon/North San José are shown on Figure 26. While there is an ongoing planning effort to formulate and adopt a Specific Plan for development of Coyote Valley that is of the same approximate magnitude as the project, this Coyote Valley location alternative is included and described here for the purposes of comparing the proposed project’s impacts at the two locations. This alternative would place the proposed project in Coyote Valley instead of any of the planned or previously approved development (i.e., it is not assumed to be in addition to the planned or previously approved development).

As described in more detail below, the impacts of the Coyote Valley Location alternative are, in general, greater than those of the proposed project. This is because the proposed project, when located in North San José, represents intensification of a highly urbanized area that is centrally located whereas the Coyote Valley alternative would place the proposed project at a location that is not now urbanized; rather, it is primarily agricultural or fallow land at the southern edge of San José’s urban area.

**Background of Coyote Valley Planning**

At the present time, only North Coyote Valley (refer to Figure 27) is within San José’s Urban Service Area (USA). The mid-Coyote area is designated as Urban Reserve on the General Plan and is outside the USA. It is, however, within the City’s Urban Growth Boundary, which allows eventual inclusion within the USA. North Coyote Valley is designated for Campus Industrial uses and portions of it are zoned to allow up to approximately 10 million square feet of industrial development. The Coyote Valley Urban Reserve includes approximately 2,000 acres located on the valley floor between the campus industrial area in the north and the Coyote Valley Greenbelt, which is located at the southerly edge of San José’s Sphere of Influence (refer to Figure 27).

The City of San José is currently preparing a specific plan for Coyote Valley that includes 50,000 jobs (14-16 million square feet) and 25,000 dwellings, which would be consistent with the existing General Plan designations. This plan is currently scheduled for completion at the end of 2005. The Coyote Valley Location alternative consists of replacing the development being considered in the Coyote Valley Specific Plan with the proposed North San José project.
Comparison of Environmental Impacts

North Coyote Valley has been planned for campus industrial uses since the mid-1980s. There are major roadways in place, including Monterey Highway, Santa Teresa Boulevard, and Bailey Avenue. US 101 is an eight lane freeway running through Coyote Valley which will soon provide access to North Coyote Valley with completion of its interchange with Bailey Avenue. The only operating US 101 interchange in Coyote Valley is at Coyote Creek Golf Course Parkway, providing access to a golf course and a landfill, but with no western extension across Coyote Creek. Some utilities and services are available to serve development in North Coyote Valley; sanitary sewer service and water facilities exist in Santa Teresa Boulevard and Bailey Avenue. Facilities to serve the Urban Reserve area of Central Coyote Valley do not exist.

Traffic

Impacts on Facilities Providing Access to the Area

There are a total of 16 roadway lanes providing access to and from Coyote Valley, of which eight are freeway lanes and eight are arterial lanes. In addition, rail service is planned that includes a Caltrain station and future southern extension of light rail into Coyote Valley. During peak hours all but 10-20% of this roadway capacity is used in the peak direction. There is a general AM peak hour direction of traffic from south to north through southern and central San José as workers head towards the major employment centers of North San José and Santa Clara County. In the PM peak hour this prevailing traffic direction is reversed.

Development of industrial uses and jobs in Coyote Valley would take advantage of available roadway capacity in the non-peak travel direction, since it attracts traffic in the morning from the vast residential base of Santa Clara County located to the north. Even though the traffic from the industrial component would take advantage of available non peak direction roadway capacity, that project traffic will significantly impact US 101, SR 85 and SR 87, as well as Monterey Highway. These traffic impacts would be significantly increased and compounded by the 24,700 dwellings, since traffic from housing would add directly to traffic volumes in the peak travel direction. As with the housing proposed in North San José, some dwellings in Coyote Valley would be occupied by workers employed in Coyote Valley, resulting in what is often called “internalization” of traffic. Internalization of traffic between housing and jobs in Coyote Valley will tend to reduce peak hour traffic traveling to and from Coyote Valley. The maximum internalization that can be predicted at this time is 20-30 percent. Even with this internalization, there will be significant traffic impacts to US 101, SR 85 and SR 87 that can be expected to have, at least, significant sub-regional effects.

Traffic impacts of the project where it is proposed in North San José will also be substantial, affecting many of the roadways providing access to and from the area. Access to North San José is more than three times greater than for Coyote Valley, with 54 total roadway lanes (compared to 16 for Coyote Valley) providing access to and from the North San José area. Of 54 lanes, 24 are freeway lanes and 30 are arterial lanes. In addition to roadways, there is existing light rail service extending from the south, from the west through Santa Clara and into Mountain View, and from the east through Milpitas into east San José. The project would substantially impact the freeways and arterial that provides access to the area, as described previously in the transportation section of this EIR.
New Transportation Facilities Need to Serve the Alternative

Based on previous analysis done for development in Coyote Valley, the development of 20 million square feet and 24,700 dwellings in Coyote Valley would, at a minimum, require construction of a new US 101 interchange with an arterial extending west across Coyote Creek. Coyote Creek Golf Course Parkway would also need to be extended west across Coyote Creek, for a total of two more major creek crossings. Five new grade separations with ramps would need to be constructed across the Union Pacific railroad tracks to provide connections to Monterey Highway and US 101. Two additional lanes would need to be added to Monterey Highway, which may involve shifting the railroad tracks to the west in the vicinity of Tulare Hill at the north end of Coyote Valley. Bailey Avenue/McKean Road would need to be reconstructed as a new four to six lane arterial extending to the northwest and connecting with Almaden Expressway. Light rail would need to be extended from its existing terminus in Edenvale south into Coyote Valley. Several of the roadway facilities will have significant construction impacts as explained in the biology discussion subsequently. When operational, the roadway facilities and the light rail extension are likely to have noise impacts on existing neighborhoods.

The new roadway facilities required for the Coyote Valley Location Alternative are substantially greater than those proposed for the project in North San José where an existing transportation system is well developed, as explained in the transportation section of this EIR. The proposed project in North San José includes the easterly extension of Charcot across Coyote Creek and I-880 to provide additional east-west access to the Berryessa area. In addition, the project proposes construction of a new grade separation structure over US 101 connecting North Fourth Street and Zanker Road, an interchange with US 101 at Mabury, and widening of Montague Expressway. Even with these project roadway improvements traffic impacts and congestion is expected to be heavy in and surrounding the North San José project area.

Air Quality

Because of the mix of employment generating uses and residential development proposed by the project, the vehicular emissions resulting from the Coyote Valley Location Alternative would be similar to the proposed North San José project location. The main differences in air pollution emissions would result from differences in the length of the home to work trips since most other trips such as shopping and school trips would be of similar length at either location.

Employment generating uses in Coyote Valley will be located closer to much of San José’s housing supply, most of which is located in the southern half of the City. This will have the effect of reducing the average length of home to work trips for 62,500 workers employed in Coyote Valley. In contrast, the 24,700 homes in Coyote Valley would generate some of the longest home to work trips in San José as Coyote Valley residents drive to work at the employment centers of northern San José and Santa Clara County. The 25,000 dwellings proposed by the project in North San José will tend to have relatively short home to work trips since they would be located in the middle of the employment centers of northern San José and Santa Clara County. Since trip length from the residential and employment generating uses tend to offset each other, the air pollution emissions and impacts are expected to be similar for projects in North San José and the Coyote Valley Location Alternative.

Because Coyote Valley is farther from the existing center of urban development in Santa Clara County, there would be incrementally greater air quality impacts because residents would have to
drive farther to regional shopping centers, cultural facilities, sports venues, and other regional uses not typically duplicated in neighborhoods.

Non-transportation air pollution emissions and air quality impacts are expected to be similar for the proposed North San José project and the Coyote Valley Location alternative. Overall, the amount and type of development proposed is likely to have similar air quality impacts at both the North San José and Coyote Valley locations.

**Noise**

Because Coyote Valley is now a rural area with traffic noise confined to the major roadways that traverse the area, the introduction of substantial new urban development will result in a significant increase in sound levels throughout the area. While the noise impact will be much greater than the impact in Rincon (because the change from ambient will be greater), there may be less impact to sensitive receptors. Virtually all of the existing residential uses in Coyote Valley (which are primarily scattered farmhouses) are assumed to be replaced by the new industrial and residential developments. Any residences that remain, however, would experience a substantial noise impact, compared to existing conditions.

The extension/widening/realignment of Bailey Avenue/McKean Road will cause significantly increased noise levels at the residences near those roadways, both during construction and afterward when the traffic levels more than double. Likewise, the substantial increases in traffic on existing roadways that traverse Coyote Valley, especially Santa Teresa (both north of the area in San José and south in Morgan Hill) and Monterey Highway, will probably result in significant increases in traffic noise that will impact residents near both roadways.

Although this alternative would not place new residences in a currently noisy environment, it would substantially increase the ambient noise levels in the area where the new residences would be located.

**Other Areas of Impact**

**Land Use Impacts**

Significant land use impacts identified for the proposed project are likely to be significantly reduced or avoided with this alternative location. In Coyote Valley, both industrial and residential development would be built on vacant land, in conformance with a previously adopted specific plan as required by the General Plan. The potential for interface problems between newly built residential projects and existing industrial development would not exist or would be substantially less than with North San José. Future development could shade or overlook one or more of the farmhouses which currently exist in Coyote Valley, but it is anticipated that most of the houses will be replaced by proposed development. The residents of those houses, in those instances where they are not the property owners, will be displaced by the future development.

Most of Coyote Valley is designated by the State of California as Prime or Important Farmland. Much of it is still in active agriculture. Development of the project at this location would result in a significantly greater loss of agricultural land and of visual open space. Since most of Rincon has been already been developed and only 34 acres is still designated as Prime Farmland, this is a much
greater impact than that of the proposed project. The visual impacts of developing Coyote Valley, which will be clearly visible from US 101, Monterey Road and Santa Teresa Boulevard, will be much more significant than the visual impacts of placing an equivalent amount of development in the already highly developed North San José.

**Biology**

The Coyote Valley Location Alternative will have greater biological impacts than the proposed project as a result of development occurring on agricultural and fallow lands, and multiple new crossings required for the sensitive habitats of Coyote Creek, Fisher Creek and the Santa Teresa hills, including Tulare Hill. Widening of Monterey Highway may require shifting the Union Pacific railroad tracks to the west, which could impact sensitive serpentine habitat along the eastern edge of Tulare Hill. If a future high speed rail is placed along the Union Pacific railroad, it would further constrain or impact the adjacent sensitive habitat of Tulare Hill. Monterey Road widening will also impact the riparian habitat of Fisher Creek which it crosses just south of Tulare Hill.

The riparian habitat of Coyote Creek will be impacted by the construction of an interchange in north Coyote Valley and the construction of two major bridges where arterials will have to be extended from US 101 interchanges west into Coyote Valley. Construction of these roadway improvements will impact the riparian habitat and following construction, lighting along the roadway may impact riparian wildlife. Coyote Creek provides habitat for the Federally listed Steelhead.

Bailey Avenue widening and other roadways internal to the area will impact the riparian habitat of Fisher Creek. Drainage and flood control improvements necessary to remove this area from a floodplain without causing downstream impacts could be expected to have significant impacts upon Fisher Creek. Between 50 and 100 acres of wetlands are estimated to exist in the northern and western areas of Coyote Valley. The Coyote Valley Location Alternative would likely impact these wetlands. Some of these wetlands and the uplands surrounding them are believed to provide habitat for the Federally listed California Tiger Salamander.

Construction of Bailey Avenue/McKean Road across the Santa Teresa Hills to the northwest of Coyote Valley is likely to result in significant biological impacts because the area to be traversed is occupied by sensitive serpentine habitat with associated listed species. The area of the Santa Teresa hills to be traversed by the new roadway is also native Oak Woodland habitat, which is considered special status habitat in California and which is likely to be significantly impacted by the substantial grading that would be required for a major roadway along this alignment.

There would be a substantial overall loss of wildlife habitat and the biological carrying capacity (number and kinds of species) as a result of the construction of urban development and infrastructure in the Coyote Valley Location Alternative. Wildlife will tend to get killed by vehicles along the roadways; this tends to be a greater impact for wildlife (birds and mammals) moving along active wildlife corridors such as the Coyote Creek riparian corridor.

Finally, the US Fish and Wildlife Service contends that the air pollution emissions can adversely affect the sensitive serpentine habitats in the area as a result of airborne nitrogen deposition. To the extent that this impact occurs, the Coyote Valley Location Alternative may tend to have greater impacts than the proposed North San José project because it is located much closer to significant quantities of sensitive serpentine habitats than is North San José.
Cultural Resources

Like North San José, Coyote Valley has a number of known prehistoric and historic sites and resources. Development that requires subsurface excavation and/or removal of existing structures is likely to impact remaining cultural artifacts, and may disturb prehistoric burials. As with the proposed project location, any development in Coyote Valley would be required to include measures to minimize cultural resource impacts. Also similar to North San José, destruction or substantial modification of remaining historic structures would have significant impacts.

The extent of cultural resource impacts at this alternative location would be equivalent to those from the proposed project. Because resources in Coyote Valley have generally remained undisturbed while those in North San José have already been significantly disturbed, the nature of the impact may be greater.

Geology and Soils

Development in Coyote Valley will need to include geotechnical investigation and future development will have to be designed to withstand seismic hazards at this location. Parts of Coyote Valley have a high potential for seismically induced liquefaction and consequent ground failure. Weak soil layers occur throughout the area and the soils are highly to moderately expansive. Additionally, portions of the Shannon Fault may extend into Mid-Coyote Valley.

Development in Coyote Valley would be exposed to hazards from weak soils and seismic risks equivalent to or greater than those in North San José. The presence of the Shannon Fault (either in or immediately adjacent to Coyote Valley) indicates that seismic hazards would be incrementally greater in Coyote Valley. It is likely that there is mitigation available that would reduce these impacts to less than significant, but the potential for these impacts would still be greater at this location than those from the proposed project.

Hazardous Materials

Historic agricultural practices in Santa Clara County have resulted in contamination of soil throughout the county by farming chemicals. Soil testing in North Coyote Valley did not find significant levels of contamination in the soil. Such contamination may, however, be present in Mid-Coyote Valley. Mitigation is available to reduce such impacts to less than significant levels. The impacts from soil contamination in Coyote Valley are unlikely to be as significant as the impacts to soil and groundwater from industrial releases in North San José.

Because there is only one industrial development in Coyote Valley (IBM on Bailey Avenue), the possibility of hazardous materials releases causing off-site impacts to sensitive receptors is presently much less likely to occur in Coyote Valley than in North San José. A power plant is currently under construction at the northern end of Coyote Valley, however, immediately adjacent to Tulare Hill. The plant is proposing to store and use substantial quantities of hazardous materials that could cause significant off-site impacts in the event of an accidental release.

In addition, future industrial development that would occur if the proposed project is developed in Coyote Valley is likely to use hazardous materials. The specific plan required for this area by the General Plan is likely to address measures necessary to minimize such conflicts, including the
location of concentrations of the most vulnerable sensitive receptors such as schools, day care centers, and senior housing. Any future spills or accidental releases of such materials in Coyote Valley could have more significant environmental impacts than in North San José because of the high groundwater levels and the likelihood of contamination of the groundwater.

Impacts associated with existing soil contamination in Coyote Valley are unlikely to be as significant a problem as in North San José. Impacts to sensitive receptors brought to this location by development of the proposed project would be generally comparable to the impacts associated with developing the proposed project in North San José.

**Public Services and Utilities**

Placing this amount of new industrial and residential development in Coyote Valley will require construction of substantial new infrastructure. Sanitary and storm sewer lines, wells and water lines, a reservoir, electrical and natural gas lines, would all have to be constructed to and within the project area. The construction of these facilities within new and existing public streets and on private property containing new development would not necessarily create significant impacts.

Previous analysis in Coyote Valley has indicated that there is insufficient downstream capacity to accommodate stormwater runoff during peak periods. Parts of Coyote Valley are in a floodplain. Detention facilities of approximately 600 acres to detain stormwater would be required of new development. Construction of stormwater collection facilities would also need to be sized to manage runoff and eliminate flooding. Similar to the proposed location in North San José, development of the project in Coyote Valley would need to be designed and constructed to be consistent with the City’s Flood Hazard Ordinance.

Development of the proposed project in North San José would require expansion and upgrading of existing infrastructure. Development in Coyote Valley will require that most of the infrastructure be built in its entirety. It cannot be determined at this point in time whether the infrastructure necessary to serve 20 million square feet of industrial development, 24,700 dwelling units, and associated commercial and service uses can be developed in Coyote Valley without significant adverse impacts on the physical environment.

**Energy**

Development of the proposed project in Coyote Valley is likely to have incrementally greater energy impacts than development of the proposed project in North San José. North San José is surrounded by existing urbanization. Residents in North San José will be closer to regional shopping, cultural facilities, and other activities and venues not generally replicated in neighborhood locations. Travel other than commuting to neighborhood shopping and jobs held at nearby sites will require substantially greater use of energy than the same trips made from North San José, especially given the minimal regional transit access available in Coyote Valley.

Likewise, the construction of new infrastructure from “scratch” instead of expansion and supplementing existing infrastructure will require the use of more virgin materials and the expenditure of more energy.
Relationship to Project Goals and Objectives

The North Coyote Valley Alternative Location could include development of a high quality corporate center. It would not have North First Street as its central focus, and would not be in a position to take advantage of North First Street’s international reputation. As a result, it is unlikely that this alternative location would help to accelerate an immediate improvement in the local economy. In addition, this location is not ripe for development. The City’s General Plan identifies a number of planning processes and two precedent conditions that must be met before the area can be zoned for development.

Because there is no existing LRT line in Coyote Valley, high intensity industrial and residential development at this location cannot reinforce City and regional goals for encouraging transit use. If a Caltrain station is located in Coyote Valley at some point in the future, some transit use can be provided in conjunction with increased bus lines. A localized internal transit system may be necessary and appropriate to minimize automobile use within the area.

It is assumed that the amount of development that can be placed in Coyote Valley is similar to the amount of development already planned in that area. Under this alternative scenario, the amount of development that is already planned in North San José and allowed by existing policies, is assumed to occur there, not in Coyote Valley.

The most important aspect of the project objectives is the perceived ability and need to take advantage of North First Street’s reputation immediately, while the demand exists and new development can contribute positively to the area’s economy. This alternative is completely incompatible with that goal.

Feasibility

The City’s General Plan identifies North and Mid-Coyote Valley as suitable for urban development. As stated previously, it designates Mid-Coyote as an Urban Reserve, subject to a number of procedural and precedent conditions before it can proceed through the development entitlement process. Physically, the environmental constraints of Coyote Valley have delayed its urbanization pending the availability of resources to deal with some of the issues. Flooding and drainage, a high water table, availability of utilities, transportation infrastructure, the presence of two creeks, and the high costs of infrastructure and improvements necessitated by these constraints have delayed development in this area for decades.

Conclusion: The proposed project would build on the existing dynamic of the North San José industrial area within the Silicon Valley Golden Triangle. The project evaluated in this EIR is proposed to create a substantial new level of development in the existing Rincon de los Esteros Redevelopment Area. The alternative location Coyote Valley cannot accommodate the entire project as it is proposed. Placing even a smaller project at this location would result in most of the same significant impacts associated with the project traffic congestion, air quality and noise impacts and will, in addition, result in additional significant impacts, including loss of agricultural land and open space, significant visual impacts, greater impacts to biological resources, similar or greater impacts related to geology and soils, and similar impacts to cultural resources.
This alternative location would require the construction of virtually all of the infrastructure, public services and public facilities required to serve the amount of development proposed. Although they may be mitigatable, significant impacts could occur as a result of the construction of water, sanitary sewer, storm sewer, electrical and natural gas lines. The necessary construction of schools, parks, recreational facilities, and libraries on agricultural land and visual open space could also result in additional impacts.

This project is not consistent with many of the project=s goals and objectives, including the perceived ability and need to take advantage of North First Street=s reputation immediately, while the demand exists and new development can contribute positively to the area=s economy.

It is not known whether the Coyote Valley location is feasible, but existing General Plan constraints limit the likelihood that the project could be developed in Coyote Valley immediately.

E. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The CEQA Guidelines specify that an EIR must identify the environmentally superior alternative among those alternatives discussed. If the environmentally superior alternative is the “No Project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. [§15126.6(3)(2)]

While the No Project Alternative is likely to result in slightly less impact than the proposed project, the environmentally superior alternative among the alternatives identified is the Reduced Scale Alternative (Section IV.B. of this EIR).
V. CUMULATIVE IMPACTS

A. INTRODUCTION

Cumulative impacts, as defined by CEQA, consists of two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. The individual effects may be changes resulting from a single project or a number of separate projects. Cumulative impacts may result from individually minor, but collectively significant projects taking place over a period of time. Section 15130 of the CEQA Guidelines states that an EIR should discuss cumulative impacts “when the project’s incremental effect is cumulatively considerable, as defined in section 15065(c).” The discussion does not need to be as detailed as is necessary for project impacts, but is to be “guided by the standards of practicality and reasonableness”. The purpose of the cumulative analysis is to allow decision makers to better understand the potential impacts which might result from approval of past, present, and reasonably foreseeable future projects, in conjunction with the proposed project.

Therefore, CEQA requires that the impacts of implementing the proposed North San José Policies update be analyzed in conjunction with other related past, current and probable future projects whose impacts might compound or interrelate with those of the project. The CEQA Guidelines recommend that the cumulative analysis rely on either a list of pending projects, or the projections contained in an adopted General Plan.

The discussion below address two aspects of cumulative impacts: 1) would the effects of all of the pending development listed result in a cumulatively significant impact on the resources in question? and, if that cumulative impact is likely to be significant, and 2) would the contributions to that impact from the project which is the subject of this EIR, implementation of the updated North San José Development Policies, make a cumulatively considerable contribution to those cumulative impacts?

B. LIST OF CUMULATIVE PROJECTS

The proposed actions that must occur to implement the proposed project, the “North San José Development Policies Update”, include amendments to the City’s adopted General Plan, both text amendments and changes in the Land Use/Transportation Diagram. There are no specific individual development projects currently proposed for the lands covered by this EIR, although the EIR does provide both program level and project level review for those subject areas where information is available and/or can be deduced. Because the project includes amendments to the City’s General Plan, the method that was used to prepare this Cumulative Impact analysis combines elements of both the “list” method and the adopted General Plan method.

The City of San José is currently considering six major long-term projects that propose development and/or intensified redevelopment on approximately 10,175 acres, as well as 14 other General Plan amendments that cover approximately 340 acres. The cumulative projects are summarized in Table 32 and the locations of the cumulative projects are shown on Figures 28-30. When compared to buildout under the approved San José General Plan, approval and buildout of all of the cumulative projects would result in a net increase of approximately 102,000 jobs and 45,000 dwelling units.
<table>
<thead>
<tr>
<th>Project # (see figures)</th>
<th>Project Name/Location</th>
<th>Project Size (acres)</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>North San José Development Policies</td>
<td>3,900</td>
<td>allow for net increase of 68,000 jobs/24,700 du’s</td>
</tr>
<tr>
<td>2</td>
<td>Downtown San José/Strategy 2000</td>
<td>1,920</td>
<td>allow for 45,000 jobs, 10,000 du’s, 2,500 hotel rooms</td>
</tr>
<tr>
<td>3</td>
<td>Hitachi (Cottle Road) (GP04-02-01)</td>
<td>332</td>
<td>continue office/R&amp;D, add 2,930 du’s &amp; commercial</td>
</tr>
<tr>
<td>4</td>
<td>iStar (Cottle Road) (GP03-02-05)</td>
<td>79</td>
<td>allow for office/R&amp;D and commercial/retail</td>
</tr>
<tr>
<td>5</td>
<td>Evergreen Smart Growth Strategy</td>
<td>544</td>
<td>net decrease of 10,383 jobs; net increase of 7,000 du’s</td>
</tr>
<tr>
<td>6</td>
<td>Coyote Valley Specific Plan</td>
<td>3,400</td>
<td>plan for 25,000 du’s and 50,000 jobs</td>
</tr>
<tr>
<td>7</td>
<td>Marburg Way at U.S. 101 (GP03-03-16)</td>
<td>3</td>
<td>♠ industrial to residential</td>
</tr>
<tr>
<td>8</td>
<td>N. First St. at Route 237 (GP03-04-02)</td>
<td>35</td>
<td>♠ industrial to residential</td>
</tr>
<tr>
<td>9</td>
<td>Berryessa Rd., east of Jackson (GP03-04-07)</td>
<td>2</td>
<td>&gt; residential density</td>
</tr>
<tr>
<td>10</td>
<td>Berryessa Rd., west of UPRR (GP03-04-08)</td>
<td>13</td>
<td>♠ industrial to residential</td>
</tr>
<tr>
<td>11</td>
<td>N. First St. at Liberty St. (GP04-04-02)</td>
<td>19</td>
<td>♠ industrial to residential</td>
</tr>
<tr>
<td>12</td>
<td>N. Capitol Ave. at Autumnvale (GP04-04-04)</td>
<td>4</td>
<td>♠ industrial to residential</td>
</tr>
<tr>
<td>13</td>
<td>Murphy Ave., east of Oakland (GP04-04-08)</td>
<td>4</td>
<td>♠ industrial to industri./comm.</td>
</tr>
<tr>
<td>14</td>
<td>Tully Rd. at S. 10th St. (GP02-07-03)</td>
<td>14</td>
<td>♠ public to mixed use</td>
</tr>
<tr>
<td>15</td>
<td>Lewis Rd., east of Garden (GP03-07-06)</td>
<td>6</td>
<td>♠ industrial to residential</td>
</tr>
<tr>
<td>16</td>
<td>Story Rd. at McLaughlin Ave. (GP04-07-02)</td>
<td>1</td>
<td>♠ industrial to commercial</td>
</tr>
<tr>
<td>17</td>
<td>Blossom Hill Rd. at Blossom (GP03-10-02)</td>
<td>14</td>
<td>&gt; residential density</td>
</tr>
<tr>
<td>18</td>
<td>Bailey Ave. (GP04-10-01)</td>
<td>222</td>
<td>proposed cemetery</td>
</tr>
<tr>
<td>19</td>
<td>Los Gatos Rd. at Warwick (GP04-09-01)</td>
<td>1</td>
<td>&gt; residential density</td>
</tr>
<tr>
<td>20</td>
<td>White Rd., south of Westgrove (GP04-08-01)</td>
<td>1</td>
<td>♠ residential to office</td>
</tr>
<tr>
<td></td>
<td>Modifications to Transportation LOS Policy</td>
<td>n/a</td>
<td>citywide</td>
</tr>
</tbody>
</table>

Source: City of San José, 2005
For the purposes of this EIR, the cumulative analysis is based on buildout of the San José General Plan in combination with all pending applications to change the City’s General Plan. It also addresses the cumulative impacts associated with two large planning efforts currently in the early stages of the planning process, the Evergreen Smart Growth Strategy and the Coyote Valley Specific Plan. The specific land uses and intensity of these two projects are still being determined through on-going public processes that include considerable opportunity for input from the general public, task force members and the San José City Council. The description of these projects included within this EIR is intended to represent a feasible ‘worst-case’ scenario for those projects in terms of their ability to contribute toward cumulative environmental impacts. The information included here should not be interpreted to presuppose future public processes including City Council actions on any of the cumulative projects listed.

The six largest projects included in the cumulative scenario are described below.

**North San José Development Policies Project**

This is the proposed project that is the subject of this EIR. The proposed North San José Development Policies Project covers the Rincon de los Esteros Redevelopment Area in North San José, a 3,900-acre area located generally south of State Route 237 (SR 237), east of the Guadalupe River, north and northwest of Interstate 880 (I-880), and west of Coyote Creek (refer to Figure 28).

The project would allow for the development of approximately 26.7 million square feet of new industrial/office/R&D building space in the Rincon area beyond current entitlements. Full implementation of proposed policy changes in the industrial “Core Area,” located on both sides of North First Street between Montague Expressway and U.S. 101, would ultimately allow an overall average floor area ratio\(^6\) (FAR) of 1.2, which represents 20 million net square feet of additional development potential. The remaining 6.7 million square feet represents full buildout of the project area outside the core area under the existing FAR cap policy of 0.35 (FAR of 0.40 allowed on land within 2,000 feet of LRT stations). This amount of total new development would allow for approximately 68,000 new employees. In addition, up to 24,700 new dwelling units would be allowed in Rincon, at average densities of either 55 or 90 dwelling units per acre (DU/AC) depending upon their location. This development would accommodate a population increase of approximately 56,563 persons.


The Strategy 2000 is a long-term plan for development in the greater Downtown area, which occupies approximately three square miles and extends beyond San José’s traditional Downtown center to be generally bounded by Diridon Station to the west, Taylor Street to the north, San José State University to the east, and Interstate 280 to the south (refer to Figure 28). Development anticipated to occur during the next 10 year period, includes the following: 8,000,000 to 10,000,000

\(^{1}\)“Floor area ratio” is the relationship between the total floor area in a building or buildings, and the total surface area of the parcel on which the building or buildings are located. A two-story building with 43,560 square feet of floor area on a one-acre property (an acre having 43,560 square feet) would have an FAR of 1.0.
square feet of office space; 8,000 to 10,000 residential dwelling units; 900,000 to 1,200,000 square feet of retail space; and 2,000 to 2,500 guest rooms in four to five hotel projects.

**Hitachi Project**

The 332-acre Hitachi project site is bounded generally by Monterey Highway and the Union Pacific Railroad tracks to the north/northeast, Manassas Road (a private street) to the east/southeast, SR 85 to the south, and Cottle Road to the west (refer to Figure 29).

The project proposes a General Plan amendment and Planned Development rezoning to allow Hitachi to consolidate their existing 3.6 million square feet of industrial and office operations on the 178-acre “central core” of the site, and to construct a mixed-use, transit-oriented development consisting of up to 2,930 residential units and 460,000 square feet of commercial uses around the perimeter of the site.

**iStar Project**

The 78.5-acre project site is bounded by Great Oaks Boulevard to the north, Tucson Way to the east, SR 85 to the east and south, and Manassas Road to the west (refer to Figure 29). The site is comprised of undeveloped, vacant land. The project proposes a General Plan amendment and Planned Development zoning that will allow the development of up to 1.0 million square feet of R&D/office and up to 450,000 square feet of commercial/retail uses on the project site.

**Evergreen Smart Growth Strategy Project**

The Evergreen Smart Growth Strategy is a community based planning effort to develop a vision to guide future development in the Evergreen area. The Evergreen area is defined as the land within San José's Urban Service Area (USA) boundary, south of Story Road, east of US 101 and north of Yerba Buena Road. The planning effort consists of various actions which, when considered together, would provide a comprehensive vision and framework for future development within the Evergreen area of the City of San José. These potential actions include changes in General Plan land use designations and rezoning on approximately 544 acres of land in Evergreen; formation of a Community Facilities District (CFD), which would provide a mechanism for the funding of various transportation and community improvement projects in Evergreen; adoption of a revised Evergreen Development Policy; and adoption of design guidelines for future development in Evergreen. The 544-acre area is comprised of four separate project sites that are generally referred to as the Evergreen Smart Growth Strategy Opportunity Sites.

The effort involves a considerable number of community outreach activities including regular public meetings by a Task Force comprised of community representatives from the Evergreen area. This Task Force is currently in the process of developing recommendations for each of the above mentioned potential actions, including specific recommendations for modification to the existing Evergreen Development Policy and future land use on each of the four Opportunity Sites.

Because the Evergreen Smart Growth Strategy effort has not yet been completed and the Task Force has not yet arrived at their particular recommendations, the proposed land uses and development intensity have not been determined. The assumptions about the Evergreen planning project that are
reflected in this cumulative impacts analysis are therefore still very preliminary and are limited to only the information available at the time this EIR was circulated.

The current Evergreen Development Policy includes a cap on the total number of residential units that can be developed within the Evergreen area. The possible modification of the Evergreen Development Policy that is under consideration would tie added capacity for additional residential units to provision of regional infrastructure improvements and new community amenities such as parks, sports facilities and community centers. A significant portion of the new residential unit capacity would be allocated to the four Opportunity Sites. General Plan and zoning changes would also be necessary on each of these sites in order for such residential development to take place. The proposed Community Facilities District, applied to the four Opportunity Sites, would provide a funding mechanism for all or a portion of the new improvements and amenities.

While the recommended or proposed land use and development intensity for the Evergreen Smart Growth Strategy has not yet been determined, it is anticipated that adoption of a revised Evergreen Development Policy and subsequent General Plan amendments could eventually result in the conversion of existing non-residential lands for residential use, including 322 acres currently designated for Campus Industrial use. This analysis assumes an increase of 7,000 dwelling units and a decrease of 10,383 jobs and the addition of approximately 650 commercial/service jobs (associated with regional and local-serving commercial uses), on approximately 544 acres within Evergreen.

**Coyote Valley Specific Plan Project**

The Coyote Valley Specific Plan (CVSP) is a community-based effort to develop a long-range specific plan to guide the development of the Coyote Valley area over the next 25-30 years. The Coyote Valley Specific Plan area consists of 7,000 acres of mostly undeveloped land in the southern reaches of the City of San José. It is divided into three sub-areas: North, Mid (or Central) and South. The North and Mid Coyote Valley areas are within the City’s Urban Growth Boundary (UGB). Mid Coyote Valley is located outside the City’s Urban Service Area (USA) boundary. South Coyote Valley is located outside both the UGB and USA.

The City Council initiated the current planning process for the CVSP in August 2002 and appointed a 20-member Task Force charged with guiding the preparation of the CVSP. The City’s overall stated vision for Coyote is a unique, vibrant, mixed-use, transit-oriented and pedestrian-friendly community for the North and Mid Coyote Valley areas (3,400 acres). The South Coyote Valley area (3,600 acres) is intended to be a permanent, non-urban buffer between the cities of San José and Morgan Hill, consistent with its current designation as the Coyote Greenbelt. The Specific Plan will require amendments to the General Plan, and are anticipated to include Design Guidelines, Zoning and a Financing, Phasing and Implementation Plan.

The City Council has approved a document entitled Vision and Expected Outcomes for the project, which states that the Plan should include a minimum of 50,000 industry-driving jobs and 25,000 housing units (with at least 20% affordable) and should provide for a variety of housing types, schools, parks, commercial centers, job centers, and other community services. The land use plan should be sensitive to the environment and the land uses well connected through a rich network of open spaces, trails, bicycle paths, roads and transit. The urban design approach to the CVSP is based on the guiding principles of “smart growth” and the related goal of preventing the continuation of “urban sprawl” that has typified urban growth in much of the broader region.
The development of the CVSP has involved a broad-based community outreach process including: monthly Task Force and Technical Advisory Committee (TAC) meetings, regular community meetings, numerous stakeholder and property owner meetings and a very comprehensive website. There will also be Planning Commission and City Council public hearings on the CVSP. The Plan is expected to be considered by the City Council in March 2006.

C. **ANALYSIS OF CUMULATIVE IMPACTS**

1. **Cumulative Land Use Impacts**

   Approval of the proposals under consideration (see list of cumulative projects above) would result in substantial development/redevelopment of over 10,000 acres of land within the City of San José, including approximately 4,500 acres of vacant/undeveloped land. General Plan amendments, rezonings, and (in some circumstances) annexations would be required to allow the anticipated development. Most of the sites are located within developed, urban areas; however, the Coyote Valley and the eastern edge of Evergreen are largely undeveloped and agricultural.

**Thresholds of Significance**

Consistent with the thresholds used by the City in evaluating project-specific land use impacts, this analysis examines whether development of the cumulative projects on the list could result in the following types of land use impacts:

- Land use conflicts from placing incompatible land uses in proximity to each other. This can occur when industrial uses are constructed in an area of primarily residential development and vice versa, or when residential uses are constructed in proximity to freeways, railroad alignments, or airports. These land use conflicts can include: Long-term and short-term (construction-related) noise and dust generation; Hazardous materials use and/or contamination; and Traffic intrusion/spillover.
- Loss of agricultural lands, including prime farmlands;
- Population and housing growth that is inconsistent with the General Plan; and
- Loss of open space.

**Land Use Compatibility**

In terms of the cumulative analysis, land use compatibility can be divided into short-term and long-term impacts. Short-term impacts occur during construction and primarily affect existing sensitive land uses, such as hospitals, schools, and residential development near the construction sites. These impacts include the noise and dust generated by grading and excavation activities and the use of heavy machinery, and the use of hazardous materials such as solvents. These specific impacts are discussed in greater detail in the Noise, Air Quality, and Hazardous Materials subsections of this cumulative discussion.

Locating residential and industrial areas in close proximity to each other creates the potential for long-term conflicts between the two land uses. A residential population is more sensitive
to what would otherwise be sources of annoyance or nuisance to a workplace population. Residents are more likely to include sensitive populations, including children, the elderly, and the chronically ill. Residents frequently object to nighttime noise from loading docks, truck traffic and heavy equipment, outdoor lighting, truck traffic spillover into residential neighborhoods, and the use, storage, and transport of hazardous materials. These activities may be considered unacceptable to nearby residents, even if the businesses are not located immediately adjacent to the residences. These adverse land use impacts can range from minor irritations and nuisances to potentially significant effects on human health and safety.

Complaints from residents may cause restrictions to be placed on industrial businesses that are near the residential development and could limit the types of businesses that are acceptable at these sites.

These restrictions can lead to the devaluation of property and economic losses by limiting the uses of the affected industrial properties. For example, industrial uses might be restricted from using outdoor areas, such as loading docks and parking areas in the evening or nighttime hours. While such economic effects do not equate to environmental impacts, they may be considered as a measure of significance of the degree of conflict created between land uses, and eventually would degrade the viability of the industrial land use.

The projects included in the cumulative analysis would all be required to implement General Plan policies and to conform to residential and industrial design guidelines that are intended to minimize land use conflicts. The General Plan land use designation of Heavy Industrial is intended to protect businesses having characteristics that make them incompatible with residential and other sensitive land uses. Conformance with the City’s adopted Residential Design Guidelines would require that future residential development recognize the presence of potentially incompatible land uses and that the site design be appropriate for such conditions.

Implementation of setbacks, buffers, appropriate site design and building orientation, and/or soundproofing will be considered during the site and architectural review process (either as Site Development Permits or as Planned Development Permits) on a project-by-project basis. Similarly, future development and/or redevelopment of industrial sites would be reviewed for consistency with the City’s adopted Industrial Design Guidelines. Project-specific construction dust control measures during construction would be implemented at each site in accordance with the City’s Grading and Zoning Ordinances and BAAQMD requirements. Construction-related noise impacts would also be mitigated on a project-by-project basis depending upon distances to sensitive receptors and construction methods. It is anticipated that Construction Noise Management Plans will be implemented for most projects.

Development in accordance with the City’s General Plan, Zoning and Grading Ordinances, and adopted design guidelines will reduce the likelihood that the projects considered in this cumulative scenario would result in a significant cumulative land use compatibility impact. While the proposed North San José project which is the subject of this EIR will itself have project specific land use impacts, for the reasons described above, the proposed project would not contribute towards a significant cumulative land use compatibility impact. (Less Than Significant Cumulative Impact)
Land Use Impacts from Increased Traffic

Cumulative traffic from the North San José and Downtown development will contribute to the cumulatively significant levels of congestion on the gateway streets between the two areas. Traffic on Third, Fourth, Tenth and Eleventh Streets, and on Hedding, Taylor, and Julian Streets will be cumulatively significant, as will the levels of congestion. Both primary (traffic congestion and noise) and secondary effects such as dust, litter, odors, and access difficulties will increase significantly as a result of the combined traffic. Because of the quantity of traffic and the presence of the grid street system, the quantity of cut-through traffic into the adjacent residential neighborhoods will also be significant. (Significant Cumulative Impact)

Loss of Agricultural Lands

This EIR discusses the proposed project’s impacts on farmland and concludes that approval of the project as it is proposed, “would not result in the loss of prime agricultural land.” Since approval of the project as it is proposed would not result in the loss of any prime agricultural land, it would not contribute to a cumulatively significant loss of prime agricultural land. (No Cumulative Impact)

Population and Housing

Historically, San José has had a shortage of jobs compared to the number of employed residents living in the City, commonly referred to as a jobs/housing imbalance. A jobs/housing imbalance, especially when there is a relative deficit of jobs, can be a source of adverse impacts because it results in longer commutes as City residents travel to other locales for employment. This same imbalance can result in financial hardships for a city due to the costs associated with providing services to residential land uses in relation to revenue generated.

In recent years, consistent with the major strategies and objectives of San José’s adopted General Plan, the City has been attempting to correct this imbalance. Table 33 provides an overview of the historic and projected number of households, jobs, employed residents, and population in San José. Table 34 provides a breakdown of projected jobs and households in San José under buildout of the General Plan, both with and without the cumulative projects.

The data in Table 33 can be summarized as follows:

- The City’s historic jobs/housing imbalance has been decreasing, as planned.
- When compared to existing (2004) conditions, buildout under the approved General Plan will increase the number of jobs and households in San José by 119,400 (26%) and 65,000 (22%), respectively.
- When compared to existing (2004) conditions, buildout assuming approval and construction of the cumulative projects would increase the number of jobs and households in San José by 221,400 (48%) and 109,600 (37%), respectively.
- When compared to buildout under the approved General Plan, approval and construction of the cumulative projects would increase the number of jobs and households in San José by 102,000 (17%) and 44,600 (12%), respectively.
The overall jobs/housing ratio under future buildout conditions will remain essentially unchanged if the City were to approve all of the cumulative projects.

Thus, while approval of the cumulative projects would substantially increase the number of both households and jobs in San José, the increase would not adversely impact the projected balance between jobs and housing that is identified in the approved General Plan. *(Less Than Significant Cumulative Impact)*

<table>
<thead>
<tr>
<th>Table 33</th>
<th>Economic and Demographic Data for San José</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Projected Buildout</td>
</tr>
<tr>
<td>Jobs</td>
<td>231,700</td>
</tr>
<tr>
<td>Households</td>
<td>231,400</td>
</tr>
<tr>
<td>Population</td>
<td>679,700</td>
</tr>
<tr>
<td>Employed Residents</td>
<td>338,400</td>
</tr>
<tr>
<td>Persons per Household</td>
<td>2.9</td>
</tr>
<tr>
<td>Employed Residents per Household</td>
<td>1.5</td>
</tr>
<tr>
<td>Jobs per Employed Resident</td>
<td>0.68</td>
</tr>
</tbody>
</table>

*Notes:*
1. Historic data are from ABAG and are for the San José Sphere of Influence, an area slightly larger than the incorporated area of the City.
2. In this table, “households” is used to represent “dwelling units.” In reality, the two numbers are almost identical.
3. Data for jobs, population, employed residents, and households are rounded to the nearest hundred.

*Sources: ABAG (Projections ‘96 & Projections 2005), City of San José.*
Table 34
Breakdown of Projected Jobs and Housing in San José

<table>
<thead>
<tr>
<th></th>
<th>Jobs</th>
<th>Households/DU’s</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing (2004)</td>
<td>465,000</td>
<td>295,000</td>
</tr>
<tr>
<td>Unbuilt Entitlement (includes 20,000 jobs in Coyote Valley)</td>
<td>52,000</td>
<td>0</td>
</tr>
<tr>
<td>Vacant Land Capacity under Existing General Plan (excluding Coyote Valley)</td>
<td>37,400</td>
<td>40,000</td>
</tr>
<tr>
<td>Coyote Valley (untitled, but in Existing General Plan)</td>
<td>30,000</td>
<td>25,000</td>
</tr>
<tr>
<td><strong>Subtotal: Buildout under Existing General Plan</strong></td>
<td><strong>584,400</strong></td>
<td><strong>360,000</strong></td>
</tr>
<tr>
<td>Effect of Major Cumulative Projects</td>
<td></td>
<td></td>
</tr>
<tr>
<td>North San José</td>
<td>+ 68,000</td>
<td>+ 24,700</td>
</tr>
<tr>
<td>Hitachi</td>
<td>+ 575</td>
<td>+ 2,930</td>
</tr>
<tr>
<td>iStar</td>
<td>- 1,156</td>
<td>---</td>
</tr>
<tr>
<td>Downtown San José</td>
<td>+ 45,000</td>
<td>+ 10,000</td>
</tr>
<tr>
<td>Evergreen Smart Growth</td>
<td>- 10,383</td>
<td>+ 7,000</td>
</tr>
<tr>
<td>Subtotal (rounded):</td>
<td>+ 102,000</td>
<td>+ 44,600</td>
</tr>
<tr>
<td><strong>Total: Buildout under Cumulative Scenario</strong></td>
<td><strong>686,400</strong></td>
<td><strong>404,600</strong></td>
</tr>
</tbody>
</table>

*Source: City of San José, 2005.*

**Loss of Open Space**

The City’s adopted General Plan identifies an appropriate balance of property planned for development within the urban growth boundary, and other lands designated for permanent open space, both inside and outside of the Urban Growth Boundary. Most of the cumulative projects are located on properties that are within urban, highly developed areas of San José and are already designated for urban uses in the City’s General Plan. Although the Mid-Coyote Valley Urban Reserve area is not within the City’s current Urban Service Area boundary, it has been designated for development in the General Plan since 1984. With the exception of the proposed cemetery project (GP04-10-01, project #18 on Figure 29), none of the cumulative project sites are designated as permanent open space in the General Plan. The cumulative projects, therefore, would not result in a cumulative loss of lands previously designated for Open Space use. (Less Than Significant Cumulative Impact)

The above discussion notwithstanding, the development of the vacant lands resulting from approval and implementation of all of the projects on the cumulative list will result in the loss of approximately 4,600 (vacant +114 acre Pleasant Hills Golf Course) acres of visual open space within the City. This development will constitute a change in the visual character of the individual properties and an incremental change for the City as a whole. As vacant land within the City is developed, open spaces are lost. Implementation of the projects in the list of cumulative projects would result in the substantial loss of visual open space, as described below.
Visual and Aesthetic Impacts

Each of the major projects being evaluated in San José would result in a visual/aesthetic impact since, to varying degrees, the proposed developments would block existing views of the scenic hillsides and mountains that ring three sides of the Santa Clara Valley. Such views are important since they essentially define the “sense of place” that is associated with living and working in a valley.

For example, while not significant by itself, new multi-story buildings associated with the proposed intensification of development in North and Downtown San José will obscure views from various vantage points from both within and adjacent to the project areas themselves.

In Evergreen and Coyote Valley, each of the proposed developments will convert large areas of open space, which is a scenic resource, to a developed environment.

For each project, visual and aesthetic effects would be lessened by implementing various mitigation measures. Such measures include incorporating parks and open space areas into specific plan and/or site designs, the use of aesthetically-pleasing architectural features in building designs, and the installation of landscaping. The substantial combined visual impacts of these significant projects cannot, however, be mitigated to a less-than-significant level by these measures.

Each project’s visual and aesthetic impacts would contribute to such impacts on a Citywide basis. Coupled with the substantial development of the greater San José area that has occurred in recent decades, the projects under consideration will result in the following:

$\Delta$ A cumulatively significant loss of open space in San José, estimated to be in the range of 2,000 to 3,000 acres; and
$\Delta$ A cumulatively significant loss of unobstructed views of the scenic hillsides and mountains that form the perimeter of the Santa Clara Valley.

There are no feasible measures that could reduce this significant cumulative visual and aesthetic impact to a less-than-significant level. (Significant Cumulative Impact)

The above discussion and conclusion notwithstanding, it is important to note that none of the development under consideration in the list of cumulative projects would occur on lands that are designated as permanent open space, other than the proposed cemetery which would not result in a substantial loss of open space. All of the proposed development will occur on lands that are either already developed or are designated in the current General Plan for future development. Open space areas designated in the General Plan to remain as rural/open space (e.g., neighborhood and regional parks, the eastern foothills, the baylands, and the South

65 The City’s adopted General Plan identifies substantial areas of San José’s Sphere of Influence as permanent open space for a variety of reasons, including the need to protect the quality of life for all of the people who live and work in the City.
Coyote Greenbelt) would not be reduced by any of the projects that are under consideration in this cumulative analysis.

**Conclusion:** Implementation of the proposed North San José project, in combination with all of the cumulative projects currently proposed, would contribute to the following significant cumulative land use impacts:

- A cumulatively significant loss of visual open space in San José, estimated to be in the range of 2,000 to 3,000 acres; and
- A cumulatively significant loss of unobstructed views of the scenic hillsides and mountains that form the perimeter of the Santa Clara Valley.
- Secondary effects of the cumulative traffic from the North San José and Downtown development, such as dust, litter, odors, and access difficulties, will increase significantly on segments of North Tenth and Eleventh Streets and on Julian, Taylor and Hedding Streets. Because of the quantity of traffic and the presence of the grid street system, the quantity of cut-through traffic into the adjacent residential neighborhoods, and the land use impacts from that traffic on the residential neighborhood, will also be significant.

*(Significant Cumulative Impacts)*

2. **Cumulative Transportation Impacts**

**Cumulative Traffic Impacts**

Consistent with the City of San José’s practice for all General Plan land use amendments, a cumulative impacts analysis was done using the TRANPLAN computer model. The model and the methodology used in evaluating the model output are both discussed in Section II.B. of this EIR, and the detailed results of the cumulative analysis model run is included in Appendix D.

**Thresholds of Significance**

For the purposes of this cumulative analysis and consistent with the thresholds used by the City in evaluating cumulative transportation impacts from General Plan amendments, if one or more of these thresholds is exceeded, the proposed General Plan amendments would have cumulatively significant adverse impacts. Depending on the circumstances of each individual amendment, including size and location, the cumulative analysis may conclude that one or more individually proposed amendments would contribute substantially to significant cumulative impacts, or that none of the individually proposed amendments would make a more meaningful contribution to the cumulative impacts than any other.

A cumulative transportation impact is considered significant if the addition of traffic generated by the combined amendments causes any of the following to occur:

- peak direction volumes across, into, or out of any of the three special subareas increases by the percentage shown:
Subarea | % change
---|---
North San José | 0.20 %
Evergreen | 0.10%
South San José | 0.20%

or

- total vehicle miles traveled (VMT) and vehicle hours traveled (VHT) both increase by 0.20 percent for all roadways in the San José Sphere of Influence; or

- a roadway link that operates at an acceptable LOS of D or better under baseline conditions would fall to LOS E or F; or

- the peak direction volume of LOS E/F links increases by 1.50 percent or more on any of the congested link sets analyzed for each proposed land use amendment.

Cumulative TRANPLAN Analysis

Screenline Analysis

On any roadway system, there are areas through which major travel is made, most notably commute trips. In San José, the major commute is made between job sites in the north and west areas of the City and the County, and the residential areas in the east and south areas of the City. Also of interest is the travel corridor through which commuters from the East Bay travel to get to and from job sites in North San José, Santa Clara, and Sunnyvale. Travel between these areas takes place in “travel corridors”, usually defined by a freeway or a major arterial, and made up of the freeway and several parallel roadway facilities.

Screenlines for the cumulative analysis are based on the boundaries of the three City of San José special subareas: North San José, Evergreen, and South San José. Changes in peak direction volumes crossing the identified boundaries are used to determine the effects of the combined land use changes. The results of the screenline analysis are summarized in Table 35, which identifies the

<table>
<thead>
<tr>
<th>Screenline Location</th>
<th>Volume Change</th>
<th>Percentage Change (Thresholds)</th>
</tr>
</thead>
<tbody>
<tr>
<td>North San José</td>
<td>14,797</td>
<td>49.37% (0.20%)</td>
</tr>
<tr>
<td>Evergreen</td>
<td>3,402</td>
<td>16.71% (0.10%)</td>
</tr>
<tr>
<td>South San José</td>
<td>4,013</td>
<td>17.50% (0.20%)</td>
</tr>
</tbody>
</table>

volume changes across each threshold, and the percentage change this represents. The thresholds of significance for changes in volume are also identified in the table.
The combined impact of all of the General Plan amendments, should they all be approved and fully implemented within the current General Plan horizon, would be significant adverse cumulative increases in traffic volumes across all three special subarea screenlines. This would be a significant impact. (Significant Cumulative Impact)

VMT and VHT Analysis

The analysis prepared for the Cumulative General Plan scenario compared changes in VMT and VHT between the currently approved General Plan and the General Plan with all proposed amendments, for all of the roadways throughout the City’s Sphere of Influence. The analysis found that the combined effect of all proposed amendments to the General Plan Land Use Transportation Diagram would result in an increase of 129,916 vehicle miles traveled in the PM peak hour, a change of 8.33 percent. For vehicle hours traveled, the analysis found a change of 5,606 hours in the PM peak hour, which is a change of 13.70 percent.

The threshold of significance identifies changes of 0.20 percent for both VMT and VHT as a significant impact. Full implementation of all of the currently proposed General Plan amendments during the General Plan horizon would result in significant increases in VMT and VHT within the City’s Sphere of Influence. This would be a significant impact. (Significant Cumulative Impact)

LOS E/F Link Analysis

This analysis is similar to that done for the project impacts, as described in Section II.B. of this EIR. The cumulative impact analysis, however, looks at the combined effects of all of the proposed General Plan amendments, including network changes, on all of the link sets identified for all of the individual amendments. For this cumulative scenario, 69 links were found to operate at LOS E or F in the adopted General Plan base case. The impacted links (i.e., those that would experience a significant impact) can be grouped into 16 link sets. The cumulative impacts from implementation of all of the proposed amendments during the current General Plan horizon would cause an additional five additional links to operate at LOS E or F, and the increases in peak direction link volumes would exceed the threshold of significance (i.e., 1.5 percent or more) on 14 of the 16 impacted link sets.
Table 36
LOS E/F Link Volume Analysis
Cumulative Conditions

<table>
<thead>
<tr>
<th>GP02-07-03a</th>
<th>South of I-280</th>
<th>GP04-04-06e</th>
<th>South of US 101</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>SR 87</td>
<td>1</td>
<td>Lafayette St</td>
</tr>
<tr>
<td>2</td>
<td>Vine St</td>
<td>2</td>
<td>De La Cruz Blvd</td>
</tr>
<tr>
<td>3</td>
<td>First St</td>
<td>3</td>
<td>SR 87</td>
</tr>
<tr>
<td>4</td>
<td>Second St</td>
<td>4</td>
<td>First St</td>
</tr>
<tr>
<td>5</td>
<td>Tenth St</td>
<td>5</td>
<td>Fourth St</td>
</tr>
<tr>
<td>6</td>
<td>US 101</td>
<td>% chg 97.91%</td>
<td>% chg</td>
</tr>
<tr>
<td>7</td>
<td>King Rd</td>
<td>% chg 65.10%</td>
<td></td>
</tr>
<tr>
<td>GP02-07-03b</td>
<td>North of Hamilton</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>SR 87</td>
<td>3</td>
<td>Montague Exp</td>
</tr>
<tr>
<td>2</td>
<td>Monterey Hwy</td>
<td>4</td>
<td>Capitol Ave</td>
</tr>
<tr>
<td>3</td>
<td>McLaughlin Ave</td>
<td>5</td>
<td>Trade Zone Blvd</td>
</tr>
<tr>
<td>4</td>
<td>US 101</td>
<td>6</td>
<td>Hostetter Rd</td>
</tr>
<tr>
<td>5</td>
<td>King Rd</td>
<td>% chg 39.18%</td>
<td></td>
</tr>
<tr>
<td>GP02-07-03c</td>
<td>South of Capitol</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Calaveras Blvd</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Yosemite</td>
<td>2</td>
<td>Yosemite</td>
</tr>
<tr>
<td>3</td>
<td>Pearl Ave</td>
<td>3</td>
<td>Landess Ave</td>
</tr>
<tr>
<td>4</td>
<td>SR 87</td>
<td>4</td>
<td>Capitol Ave</td>
</tr>
<tr>
<td>% chg 11.08%</td>
<td></td>
<td>5</td>
<td>Berryessa Rd</td>
</tr>
<tr>
<td>GP03-02-05a</td>
<td>South of SR 85</td>
<td>% chg 3.35%</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Almaden Exp</td>
<td>GP04-04-06h</td>
<td>South of Naglee/</td>
</tr>
<tr>
<td>2</td>
<td>Almaden Exp</td>
<td>1</td>
<td>Jackson</td>
</tr>
<tr>
<td>3</td>
<td>Pearl Ave</td>
<td>2</td>
<td>I-880</td>
</tr>
<tr>
<td></td>
<td>SR 87</td>
<td>3</td>
<td>Bascom Ave</td>
</tr>
<tr>
<td>% chg -8.29%</td>
<td></td>
<td>4</td>
<td>Coleman Ave</td>
</tr>
<tr>
<td>GP03-02-05b</td>
<td>South of SR 85</td>
<td>% chg 3.35%</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Silver Creek Valley Rd</td>
<td>5</td>
<td>SR 87</td>
</tr>
<tr>
<td>2</td>
<td>Silicon Valley Blvd</td>
<td>6</td>
<td>First St</td>
</tr>
<tr>
<td>% chg -3.65%</td>
<td></td>
<td>7</td>
<td>Fourth St</td>
</tr>
<tr>
<td>GP03-02-05d</td>
<td>East of Monterey Hwy</td>
<td></td>
<td>Thirteenth St</td>
</tr>
<tr>
<td>1</td>
<td>Thirteenth St</td>
<td>9</td>
<td>US 101</td>
</tr>
<tr>
<td>% chg 3.74%</td>
<td></td>
<td>% chg 70.66%</td>
<td></td>
</tr>
<tr>
<td>GP04-04-06a</td>
<td>South of Naglee/Taylor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>The Alameda</td>
<td>1</td>
<td>SR 237</td>
</tr>
<tr>
<td>2</td>
<td>Coleman Ave</td>
<td>2</td>
<td>Mathilda Ave</td>
</tr>
<tr>
<td>3</td>
<td>SR 87</td>
<td>3</td>
<td>Lawrence Exp</td>
</tr>
<tr>
<td>4</td>
<td>First St</td>
<td>4</td>
<td>San Tomas Exp</td>
</tr>
<tr>
<td>GP04-04-06i</td>
<td>South of US 101</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Table 36

LOS E/F Link Volume Analysis
Cumulative Conditions

<table>
<thead>
<tr>
<th>% chg</th>
<th>37.71%</th>
<th>5</th>
<th>Lafayette St</th>
</tr>
</thead>
<tbody>
<tr>
<td>GP04-04-06b</td>
<td>South of I-880</td>
<td>6</td>
<td>De La Cruz Blvd</td>
</tr>
<tr>
<td>1</td>
<td>The Alameda</td>
<td>7</td>
<td>SR 87</td>
</tr>
<tr>
<td>2</td>
<td>Coleman Ave</td>
<td>8</td>
<td>First ST</td>
</tr>
<tr>
<td>3</td>
<td>SR 87</td>
<td>9</td>
<td>Fourth St</td>
</tr>
<tr>
<td>4</td>
<td>First ST</td>
<td>% chg</td>
<td>104.79%</td>
</tr>
<tr>
<td>5</td>
<td>Fourth St</td>
<td>GP04-04-06j</td>
<td>East of I-880</td>
</tr>
<tr>
<td>% chg</td>
<td>61.93%</td>
<td>1</td>
<td>Calaveras Blvd</td>
</tr>
<tr>
<td>GP04-04-06c</td>
<td>North of I-880</td>
<td>2</td>
<td>Great Mall Pkwy</td>
</tr>
<tr>
<td>1</td>
<td>The Alameda</td>
<td>3</td>
<td>Montague Exp</td>
</tr>
<tr>
<td>2</td>
<td>Coleman Ave</td>
<td>4</td>
<td>Charcot</td>
</tr>
<tr>
<td>3</td>
<td>SR 87</td>
<td>5</td>
<td>Brokaw Rd</td>
</tr>
<tr>
<td>4</td>
<td>First St</td>
<td>6</td>
<td>US 101</td>
</tr>
<tr>
<td>5</td>
<td>Fourth St</td>
<td>% chg</td>
<td>67.76%</td>
</tr>
<tr>
<td>% chg</td>
<td>75.03%</td>
<td>1</td>
<td>Calaveras Blvd</td>
</tr>
<tr>
<td>GP04-04-06d</td>
<td>North of US 101/I-880</td>
<td>2</td>
<td>Great Mall Pkwy</td>
</tr>
<tr>
<td>1</td>
<td>SR 87</td>
<td>3</td>
<td>Montague Exp</td>
</tr>
<tr>
<td>2</td>
<td>First ST</td>
<td>4</td>
<td>Charcot</td>
</tr>
<tr>
<td>3</td>
<td>Fourth St</td>
<td>5</td>
<td>Brokaw Rd</td>
</tr>
<tr>
<td>4</td>
<td>US 101</td>
<td>6</td>
<td>US 101</td>
</tr>
<tr>
<td>5</td>
<td>Old Bayshore</td>
<td>7</td>
<td>US 101</td>
</tr>
<tr>
<td>6</td>
<td>I-880</td>
<td>% chg</td>
<td>66.94%</td>
</tr>
</tbody>
</table>

While each of the link sets in the previous table is identified by one or more General Plan amendment file number, the volumes and percentage increases in this table represent the cumulative condition, not the impacts of just that individual project. The file number refers to one or more pending General Plan amendments for whose impact analysis the same link set was used.

The information summarized in Table 36 indicates that approval and full implementation of all of the General Plan amendments proposed, within the current General Plan horizon, would result in significant increases in peak hour congestion in the current peak travel direction. Approval and implementation of all of the proposed amendments to the General Plan Land Use/Transportation Diagram would result in significant increases in congested link sets near several of the individual proposed General Plan amendments. Impacts would include significant increases in peak hour volumes in the prevailing peak hour directions on 14 roadway link sets, and a degradation to LOS E or F on five additional roadway links. This would be a significant impact. (Significant Cumulative Impact)
Cumulative Effects on Designated and Exempt Intersections

The City’s General Plan has for many years exempted all 58 intersections in the Downtown Core Area from conformance with the General Plan and adopted Council policies on traffic level of service. This was done for reasons described in the General Plan, including the unique nature of the Downtown Core and the unusually high degree of transit access available there. While all 58 intersections are exempt from meeting the standard of LOS D, most of the intersections operate at better than LOS D now and, based on the most recent analyses completed by the City, will continue to operate at LOS D in the future.

The City is preparing an updated Strategy Plan for the Downtown Core Area that includes an expanded boundary for the area, including the new City Hall site. The City is proposing to exempt the 16 intersections in the Core expansion area from the LOS policies, consistent with the status of the current Downtown Core Area intersections. Due to their location and function as access to the Downtown Core Area, and the perceived need to protect adjacent residential neighborhoods from the effects of expanding these intersections, the City is also proposing to designate 11 intersections as “Gateways” to the Downtown Core Area. These gateway intersections would be exempted from the LOS policies in the same manner as intersections within the Downtown Core.

As described below, the City is also proposing modifications to the Council’s adopted Transportation Level of Service Policy, and has circulated an EIR that addresses the impacts of the proposed changes. Part of the proposed modifications is the creation of a List of Protected Intersections. Intersections on that list will be allowed to fall below LOS D, and new development projects will not be required to expand the intersections’ capacity. To qualify for that list, intersections must be at infill locations and within either transit corridors or other special planning areas. The list initially proposed for Council consideration contains 13 intersections.

Since 1985, all of the intersections in North San José have been covered by an Area Development Policy that, in accordance with existing General Plan policies, allows for a modified and less rigorous LOS standard. Under this policy, the operating standard in North San José has been that all intersections to which a proposed development would add one percent or more of capacity must operate at an average weighted LOS D rather than meet the LOS D standard on an individual intersection basis. All development that occurred under this policy was required to improve intersections that were impacted, similar to the implementation of the citywide LOS Policy. After adoption of the North San José Deficiency Plan, all development in North San José was also required to include TDM measures and on-site amenities to facilitate use of alternative transportation, and to pay a Deficiency Plan Fee.

After circulation of the LOS Policy Modifications EIR, the City prepared and circulated this EIR which addresses updates of policies that govern development in North San José, and evaluates a proposal to allow more intensified industrial/office/R&D development and a substantial amount of new high density housing within the area. In recognition of the regional nature of the traffic patterns in North San José and in light of the existing transit network in the area, the changes to the North San José Area Development Policy would allow all of the North San José intersections to operate below the LOS considered acceptable under
the citywide policy for the lifetime of the Area Development Policy. The Policy and development project evaluated in this EIR also includes substantial improvements to the existing transportation network in the area, and upgrades to the transit system (see discussion below under “Mitigation for Cumulative Traffic Impacts”). As described in Section II.B. of this EIR, 18 of the 56 intersections in North San José are projected to operate at LOS E and F after full implementation of the project, including all of the proposed mitigations. Additional traffic from other sources outside North San José, may cause other intersections in North San José to fall below LOS D also. The proposed Policy would not preclude that from occurring.

This EIR also addresses the impacts of adding four more intersections to the List of Protected Intersections that would be created by the LOS Policy Modifications.

If all of the proposed policy changes and projects that are currently proposed are approved as they are proposed, the effect would be to allow up to 158 intersections to operate under constraints that are different than the City’s adopted citywide LOS policy for at least the near term.

The categories of intersections that would not be subject to the citywide LOS standard and Policies include the following:

<table>
<thead>
<tr>
<th>Downtown Intersections Exempt From LOS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Downtown Core Area</td>
</tr>
<tr>
<td>Expanded Downtown Core Area</td>
</tr>
<tr>
<td>Downtown Gateways</td>
</tr>
<tr>
<td><strong>Total Downtown Core Intersections</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>List of Protected Intersections</th>
</tr>
</thead>
<tbody>
<tr>
<td>LOS Policy Modifications</td>
</tr>
<tr>
<td>Additional intersections to add to List of Protected Intersections</td>
</tr>
<tr>
<td><strong>Total Protected Intersections</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>North San José Area Development Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intersections within North San José</td>
</tr>
</tbody>
</table>

The cumulative effect of approving all of these pending projects and policy modifications could be to allow up to 158 intersections fall below LOS D. Those intersections in North San José would only be exempt for the lifetime of the Area Development Policy, and most are not predicted to operate below LOS D. This is an increase of 100 intersections over the number
currently exempt from the LOS Policy, although most of the intersections in North San José are already and have been for many years subject to a lower standard under the current Area Development Policy.

**Conclusion:** The project which is the subject of this EIR will contribute substantially to the identified significant cumulative impacts that include increasing congestion across the three special subarea screenlines, significant increases to VMT and VHT within the City’s Sphere of Influence, and significant increases in peak hour congestion on 14 already congested roadway links, and the degradation of five additional roadway links.

*(Significant Cumulative Impacts)*

3. **Cumulative Air Quality Impacts**

   **Clean Air Plan**

   In order to satisfy the requirements of both State and Federal legislation, the Bay Area Air Quality Management District prepared a Clean Air Plan (CAP) that is based on quantified analysis. This analysis includes an estimate of the amount of air pollution that will be generated by various sources, especially vehicular traffic. The estimates of traffic are based on the General Plans for all of the jurisdictions within the district’s air shed.

   The CAP also identifies what measures will be implemented to reduce the pollution to levels that are consistent with the state and federal laws during the mandatory time frames (*i.e.*, by the designated target date). The mitigations include upgraded engines and fuels, along with the planning policies required to be in cities’ general plans to achieve CAP conformance.

   As discussed in Section II.C. of this EIR, BAAQMD identifies thresholds of significance to be used in evaluating the likely air quality impacts from proposed general plan amendments. If a project is consistent with the population projections in the version of the General Plan that was used to prepare the CAP, then it can be assumed that the project will not result in long term air quality impacts that cannot be mitigated through implementation of the mitigation measures that are in the CAP and in the General Plan.

   If growth in population is greater than assumed in the CAP emission inventory, then population-based emissions also are likely to be greater than assumed in the CAP and the analysis done for the CAP is not relevant. Consequently, attainment of the State air quality standards could be delayed, the project is inconsistent with air quality planning for the region, and will have a significant air quality impact.

   **Thresholds of Significance**

   Consistent with the thresholds used by BAAQMD for determining whether a general plan or any amendment to a general plan is consistent with the adopted Clean Air Plan (CAP) or could result in a significant air quality impact, this analysis evaluated whether the cumulative projects on the list would be consistent with either of the following:
• The population growth allowed by the local plan would exceed the values included in the current CAP, and the rate of increase in VMT for the jurisdiction is equal to or lower than the rate of increase in population; and/or
• The local plan demonstrates reasonable efforts to implement the Transportation Control Measures (TCMs) listed in the BAAQMD Guidelines.

Cumulative Air Quality Impacts

The combined projects that are evaluated in this cumulative impact analysis would change the City’s adopted General Plan by increasing the population allowed by the plan by adding approximately 43,300 dwelling units and increasing the number of jobs planned in the City by approximately 102,000. As discussed elsewhere in this EIR, much of the existing traffic congestion in Santa Clara County and the region is the result of the concentration of jobs in northwestern Santa Clara County and the existence of substantial quantities of housing in the eastern and southeastern areas of the County. Air pollution in the region is primarily the result of vehicular traffic, so land use planning that increases the length and number of vehicle trips and the amount of traffic congestion would add to air pollution; land use planning that reduces numbers of trips and/or trip lengths, and/or that reduces existing congestion, would reduce air pollution.

Many of the new dwelling units and many of the new employment uses included in this cumulative scenario are proposed on infill sites, meaning locations that are within the existing built urban area and are served by existing infrastructure. Further, consistent with the objectives of the CAP and the City’s General Plan, each of the major projects being considered under the cumulative scenario is, to varying degrees, intensifying development along existing and planned rail transit corridors. North San José is served by the Guadalupe, Tasman, and Capitol LRT lines. Downtown is served by LRT and Caltrain, and is proposed to be served by the planned extension of BART. One of the Evergreen development sites is located adjacent to the planned Capitol Corridor LRT extension. The Hitachi and iStar sites are adjacent to two LRT stations and a CalTrain station. A CalTrain station is planned for Coyote Valley.

Some of the projects are proposed as redevelopment, the replacement of existing urban uses with newer, more intensive urban development. This is particularly true of the intensified development proposed for North San José and on the Hitachi property. The iStar site is immediately adjacent to Hitachi and is at an infill location, but is vacant and therefore not a redevelopment opportunity.66

Depending on the numbers and specific location (including access to transit and proximity to employment), placing housing in the northern parts of the County will create fewer and shorter peak hour commute trips and less resultant air pollution. Similarly, locating jobs in the southern part of the County will generally create shorter commute trips. There would still be increased traffic with any new development, but to the extent that new housing is located

---

66Both Hitachi and iStar are within the Edenvale Redevelopment Area. The term “redevelopment” in this context means only the replacement of existing development with new construction.
proximate to both jobs and support uses (such as commercial development), the new traffic and air pollution created, especially peak hour traffic, is less than would be the case otherwise.

North San José and Downtown propose a substantial increase in the number of jobs planned in North San José and Downtown, respectively, as well as an increase in the number of dwelling units near those jobs. The proposed land use designations also allow support commercial development for both the employment and residential uses. The location of these complementary land uses will generate substantially less traffic and air pollution than would occur if the uses were located at separate locations, but there will still be some increased peak hour traffic and increased air pollution that will occur.

The proposal to place substantial new housing and mixed commercial uses on the Hitachi property would locate housing near the existing and planned employment of the Edenvale Redevelopment Area, but the traffic from that new residential development will contribute to the peak travel direction in the region and will increase both peak hour congestion and air pollution.

The proposed addition of new dwelling units in Evergreen to replace the previously planned industrial uses in that area, will significantly exacerbate existing patterns of congestion in Santa Clara County, both adding residential trips to peak directions and removing the possibility of future jobs that could reduce peak traffic, and contributing to traffic-generated air pollution.

The addition of substantial quantities of housing in mid-Coyote Valley, while proximate to the planned jobs in the same area, will also contribute significant quantities of new residential traffic to existing peak traffic movements and the generation of regional air pollution.

The proposed General Plan amendment for the iStar property will introduce a substantial amount of commercial development on land previously designated for primary employment uses. The employment represented by these commercial uses would not contribute to the primary peak hour movements, but will generate increases in traffic overall, and will contribute incrementally to peak hour congestion and associated air pollution.

The City’s adopted General Plan includes all of the Transportation Control Measures identified in the BAAQMD Guidelines that can be implemented by a local government.

The cumulative effect of implementing all of the proposed projects, should they be approved, would be to substantially increase the population of the City of San José beyond the numbers projected in the Clean Air Plan. As discussed in the Cumulative Traffic section of this EIR, there would be substantial increases in traffic congestion and in VMT and VHT in San José’s Sphere of Influence. While the effect of increasing the population within San José’s Sphere of Influence will be to increase the air pollution generated in the Bay Area, it should be kept in mind that housing the County work force within the County is ultimately more beneficial than encouraging residential development at more distant locations, particularly through the development of agricultural land in San Benito, Santa Cruz, and Monterey Counties and in the San Joaquin Valley. Nevertheless, the effect of implementing all of these projects would
be a lack of conformance with the Clean Air Plan and a cumulatively significant increase in air pollution. **(Significant Cumulative Impact)**

**Conclusion:** The proposed project which is the subject of this EIR would add 24,700 new dwelling units and 68,000 additional jobs to the holding capacity of the City’s General Plan. Both the housing and the jobs will be relatively close to each and to an existing network of transit and roadway systems. Nevertheless, the addition of 24,700 additional dwelling units would not be consistent with the assumptions of the Clean Air Plan, which will result in a significant impact on regional air quality in the Bay Area. **(Significant Cumulative Impact)**

4. **Cumulative Noise Impacts**

As described at the beginning of the Cumulative Impacts Section, the cumulative project sites are located throughout the urbanized area of San José. The existing noise environment of the Greater San José area is defined by typical urban activities with transportation activities being the single greatest contributor to overall noise. Transportation noise sources include vehicular noise along freeways and arterial streets, rail noise from trains and light rail, and aircraft noise. Noise from aircraft overflights associated with the Mineta San José International Airport affects a large area, extending both to the north and to the south of the airport. The affected area extends from the airport to the south over Downtown San José and to the north over both north San José and portions of the City of Santa Clara. Noise from aircraft overflights associated with Reid-Hillview Airport affects a much smaller area, generally limited to portions of Evergreen.

Noise levels along freeways, expressways, arterials and other streets result from a combination of traffic volumes, speed of the vehicles, and type of vehicles (i.e., percentage of heavy trucks). These variables have differing effects upon sound levels; for example, sound levels may actually be lower with higher volumes of traffic if the traffic is moving slowly in heavily congested conditions. A 26% increase in traffic volume will increase sound levels by one decibel if the speed remains constant. An increase of three decibels or greater is required to be perceived by the human ear; traffic volumes on a given roadway must double to cause a three decibel increase in noise levels, assuming speeds remain constant.

The cumulative projects being considered in San José will result in the types of noise-related impacts described below.

**Impacts to Cumulative Projects from Ambient Noise Levels**

At various locations, it is proposed that noise-sensitive land uses (e.g., residences, schools, etc.) would be constructed on sites where existing noise levels exceed the noise/land use compatibility guidelines in San José’s General Plan. Such locations are typically those adjacent to railroads or LRT lines, arterials, expressways, and freeways, beneath or near aircraft flight paths, as well as in the Downtown Core Area.
Where noise-sensitive uses are proposed at locations with elevated ambient noise levels, such impacts are typically mitigated through the use of noise-reducing building materials (e.g., noise-rated windows, insulation, etc.) and through site design (e.g., setbacks, soundwalls, placing outdoor use areas in areas that are shielded from roadway noise, etc.). The City’s adopted Residential Design Guidelines and existing General Plan policies require that the need for specific mitigation measures be identified during the design review process. The design and inclusion of the mitigation measures for attached residential uses is also verified in conformance with state law prior to issuance of building permits.

Existing laws and policies will ensure that interior noise levels meet relevant standards. For infill sites in areas such as the Downtown, North San José, Hitachi and iStar properties, the existing and anticipated noise levels from traffic and aircraft will make achieving exterior noise standards difficult. General Plan policies require that residential development only be located in high noise locations if outdoor activity areas can be protected, consistent with relevant standards. (Less Than Significant Cumulative Impact)

Impacts to Nearby Uses from Cumulative Project Traffic

Traffic associated with cumulative development, which is projected to be roughly 1.5 million daily trips, will increase noise along many roadways in the greater San José area. Given the high existing traffic volumes, the noise increase resulting from dispersal of these trips would not be significant along roadways where existing volumes are high (e.g., freeways, expressways, and most existing arterials).

The noise increase associated with increased traffic trips on the roadways would, however, be significant at locations where 1) new roadways would be constructed, or 2) roadway widening would move traffic closer to adjacent receptors, or 3) traffic volumes would substantially increase in relation to existing volumes. Examples of locations where roadways will be constructed or widened include Zanker Road in north San José, Yerba Buena Road/Murillo Avenue and White Road in Evergreen, Autumn Street in Downtown, and Coyote Valley Parkway and Bailey Avenue/McKean Road in Coyote Valley and Almaden Valley. Examples of locations where increases in traffic volumes will significantly increase noise include segments of North First Street, River Oaks Parkway, Coleman Avenue, North 11th Street, North Tenth Street, Taylor Street, and Julian Street. (Significant Cumulative Impact)

Impacts from Increased Aircraft Operations Resulting from Cumulative Projects

Aircraft-generated noise is primarily a result of the number of aircraft operations (takeoffs and landings) and how loud the aircraft are. The new “stage three” aircraft account for significant reductions in sound levels. As a result of quieter aircraft, future sound levels are expected to remain similar to the existing conditions even though a large increase in the number of aircraft operations is forecast. There are normal cyclical fluctuations in the number of aircraft operations related to fuel costs, airfare prices and other events that result in corresponding fluctuations in airport noise levels.
The net effect of the population and jobs increase under the cumulative scenario upon aircraft operations at Mineta San José International Airport will be less than the normal cyclical fluctuations in aircraft operations, and therefore, the cumulative noise impacts associated with Mineta San José International Airport would not be significant. For the same reasons, the cumulative noise impacts associated with aircraft operations at Reid-Hillview Airport are not expected to be significant.  *(Less Than Significant Cumulative Impact)*

**Cumulative Construction Noise**

The construction of these cumulative projects would result in short-term noise and disturbance at various locations throughout the City. There are factors that both exacerbate and mitigate the significance of cumulative construction noise. Factors that tend to spread out and diffuse the effects of construction noise include the following: 1) these cumulative project sites are scattered throughout the City; 2) their schedules for construction are different and are likely to occur over the timeframe of the next 25 years; 3) construction noise mitigation measures are typically included as part of each project, especially major development and public projects; and 4) all construction projects are temporary; even with multiple projects, the area of greatest impact changes and the types of noise wax and wane as construction proceeds.

Conversely, because of the substantial amount of construction that will need to occur in order to implement the significant amount of development and redevelopment that is proposed, and due to the presence of many of these sites (particularly North San José, Downtown, Hitachi, iStar, and Evergreen) in or adjacent to existing neighborhoods and businesses, there will be a great deal of disturbance occurring over a long period of time very near existing residences and businesses. Such construction will include major upgrades to public infrastructure such as roadways, bridges, utility lines, etc. It is possible that construction may be ongoing in some areas for years, with the effects of construction noise from demolition, grading, power tools, heavy truck traffic, piledriving, etc., creating impacts on some neighborhoods for extended and/or repeated periods of time. The close proximity of some of the projects to each other, such as Hitachi/iStar and North San José/Downtown would exacerbate some of the impacts, especially projects that involve substantial demolition, grading of large areas, and/or piledriving.  *(Significant Temporary Cumulative Impact)*

**Conclusions:** Based on the above discussion, it is concluded that cumulative long-term noise impacts would be significant and unavoidable. Approval of all of the cumulative projects would result in a substantial increase in ambient noise levels, or expose people to noise levels in excess of established City or state standards. In addition the amount of construction proposed in areas that are near enough to each other that some construction noise will spill over, will result in cumulatively considerable temporary construction noise impacts.  *(Significant Cumulative Impacts)*

5. **Cumulative Biological Impacts**

Approval and implementation of the cumulative projects listed in Table 32 would directly affect development on over 10,000 acres of land of the City of San José. The cumulative
project sites are shown on Figures 28-30. Of the overall cumulative development area, approximately 4,500 acres are currently undeveloped; that is, they are either in agricultural production, fallow, vacant lots, or are in a natural state and provide a higher level of biological habitat than urbanized property. Approximately 115 acres of the 4,500 undeveloped acres are currently a golf course.

Impacts to biological resources will result from the cumulative development of virtually all vacant land within the City limits that is not specifically designated for an open space use.

In addition to the cumulative projects listed in Table 32, another project/activity that should be noted in this discussion of cumulative biological resource impacts is the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP). The City of San José, County of Santa Clara, Santa Clara Valley Transportation Authority (VTA), and Santa Clara Valley Water District (SCVWD) have initiated a collaborative process to prepare and implement a countywide HCP/NCCP. These Local Partners, in partnership with the U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Game (CDFG), National Oceanic and Atmospheric Administration (NOAA Fisheries) and other resource agencies and stakeholder groups will develop a long-range plan in specified areas of the county where land development activities and the continued survival of endangered, threatened, or other species of concern are in conflict. The goal of this plan is to provide the means for conservation of these species, thereby contributing to their recovery while, at the same time, allowing for compatible and appropriate development to occur. At this time, the complete list of projects ("covered activities") to be covered by the HCP/NCCP is not known. The SCVWD may use the HCP to cover on-going flood control maintenance activities in various waterways. No large-scale water storage or flood control projects are being considered at this time. The HCP may also include consideration of the VTA’s Highway 152/156 interchange improvements project. City of San José projects would generally include various public and private activities to implement the San José 2020 General Plan.

Thresholds of Significance

Consistent with the thresholds used by the City in evaluating project-specific biological impacts, a cumulative impact to biological resources is considered significant if the proposed project, in conjunction with other pending projects, would have a substantial adverse effect, either directly or through habitat modification, on any special status species or sensitive biological habitat.

Cumulative Impacts to Sensitive Plant and Animal Species

Sensitive plant and animal species (other than Burrowing Owl, described below) are not known to occupy the North San José Development Policies project area, the Downtown Strategy Plan area, the Evergreen Smart Growth project area, the Hitachi or iStar project areas, or 13 of the 14 other General Plan amendment sites comprising the cumulative project list (Table 32).

Serpentine grassland comprise open areas dominated by native and non-native grasses underlain by serpentine soils. This habitat type is host to a variety of sensitive plant species.
Small fragmented areas of serpentine grassland exist within the western portion of the CVSP area, and more expansive areas are present within the Bailey Avenue over-the-hill realignment and west of the CVSP area in the vicinity of the 222-acre GP04-10-01 site (Site 18 on Figure 30). There is a moderate to high potential that two federal endangered plant species (Santa Clara Valley *dudleya* and Metcalf Canyon jewelflower) and a rare (CNPS list 1B) plant, most beautiful jewelflower, are present in the CVSP area northwest of Bailey Avenue, within the Bailey Avenue over-the-hill realignment, and on the GP04-10-01 site. Development of the cumulative projects may impact these sensitive plant species.

Survey data suggests that California tiger salamander (CTS), a federal threatened species, breed in ponds west of Coyote Valley and estivate in the hills surrounding the ponds. CTS have been identified and/or suitable habitat exists in the ponds, irrigation channels, and stockpools in the CVSP project area, within the Bailey Avenue over-the-hill realignment, as well as in Fisher Creek and its tributaries. The estivation habitat includes the 222-acre, GP04-10-01 site, of which approximately 165 acres would be affected under the proposed General Plan Amendment. Development affecting CTS breeding and/or estivation habitat would result in a significant biological impact.

Bay checkerspot butterflies are known to occur on the serpentine hillsides east, west, and north of Coyote Valley. Critical habitat for the bay checkerspot butterfly was designated by the USFWS in 2001, and seven critical habitat units surround Coyote Valley. While surveys of some of the CVSP project area have observed no evidence of butterfly larval host plants (dwarf plantain) or adult butterfly nectar plants, there is a moderate potential for the butterfly to be present and be affected by development of the Bailey Avenue over-the-hill roadway realignment and development of GP04-10-01.

The impacts to sensitive plant and animal species described above could result from buildout of the CVSP (which includes the Bailey Avenue over-the-hill roadway extension), and development of GP04-10-01, in a geographically distinct area separate from the remainder of the cumulative projects. Since the other projects on the cumulative list would not contribute to these impacts, these project-specific impacts are not considered to result in a significant cumulative impact. Indirect impacts are discussed below. **(Less Than Significant Cumulative Impact)**

**Cumulative Impacts to Burrowing Owl and Its Habitat**

Development of the cumulative projects will result in the loss of native and non-native grassland habitat and active and fallow agricultural land throughout the City, some of which is either occupied or potential burrowing owl breeding and foraging habitat. Development of the cumulative projects would result in the loss of a total of approximately 765 acres of burrowing owl habitat, including the North San José Development Policies Project (650 acres), Evergreen Smart Growth Strategy (80 acres), and GP03-04-02 (Site 8 on Figure 28 = 35 acres). In addition, potential habitat exists and Burrowing Owls may be found within the CVSP and iStar project areas, and on approximately 100 acres of the Hitachi project site. The

---

*It should be noted that while the Bailey Avenue over-the-hill extension is distinguished from the CVSP project area, the roadway project is required for, and is included in, buildout of the CVSP project.*
development of virtually all large pieces of vacant land in the City, as proposed by the cumulative projects, will result in significant cumulative impacts to burrowing owls and their habitat.  (Significant Cumulative Impact)

Cumulative Impacts to Wetlands and Riparian Habitat

Wetlands provide critical habitat for a variety of endangered plant and animal species.  They also serve a fundamental role in mitigating urban runoff by filtering out pollution before it runs into the ocean and streams and by buffering rising waters due to floods or high tides.

Riparian areas in central California support rich and diverse wildlife habitat, including breeding, nesting and foraging habitat for endangered and more common animal and bird species.  Riparian corridors that connect natural areas such as the baylands and the hillsides surrounding Santa Clara County are also wildlife corridors.

Potential impacts to wetlands and riparian habitat from the cumulative projects include direct impacts and indirect impacts, as described below.

Direct Impacts

Direct impacts fill or remove wetland habitat, and typically occur from filling of wetlands to create more developable area, and construction of bridges, stormwater outfalls, and other infrastructure improvements, or in the case of CVSP proposals to create new habitat with enhanced functions and values.

Buildout of the CVSP is estimated to result in permanent impacts to approximately 90 acres of wetland and riparian habitat through the realignment of Fisher Creek, filling of individual development sites, and construction of bridges and storm drain outfalls.  With the exception of the CVSP project, development of the cumulative projects may require construction of bridges, storm drain outfalls, or other infrastructure that may result in minor filling of wetlands; but no other major filling of wetlands is anticipated to result from the cumulative projects.

Direct impacts to wetlands are regulated by law, as each project complies with a host of federal, state and regional permit requirements, including requirements of the U.S. Army Corps of Engineers, California Department of Fish and Game, and the Regional Water Quality Control Boards (RWQCBs).  Each of these permitting authorities requires mitigation for the loss of wetland habitat.  Mitigation for filling of wetlands typically requires provision of replacement wetland habitat at between a 1:1 (mitigation acreage: impact acreage) to a 3:1 ratio, depending upon the habitat value of the lost wetland acreage.  RWQCB also requires mitigation, based upon the stream length impacted by a project.  Mitigation is generally provided on-site or the project is redesigned to avoid impacts.

For sites with wetland habitat, compliance with permitting requirements and implementation of mitigation measures, such as those described above, would be required on a project-by-project basis to avoid or reduce wetlands impacts to a less than significant level.  Therefore, the projects considered in this cumulative scenario would not result in a significant
cumulative direct impact to wetlands and riparian habitat, and the proposed project would not contribute towards a significant cumulative impact. **(Less Than Significant Cumulative Impact)**

**Indirect Impacts**

The use of these habitats is adversely affected by the close proximity of human activity and the placement of structures. The quality of the riparian habitat and type of structures or activities adjacent to it determines the overall effect on wildlife use. In general, the greater the amount of human activity and the closer that activity occurs to riparian areas, the greater the potential for negative impacts to wildlife use.

Indirect impacts can result from siting urban development too close to wetlands or a riparian corridor, where human activity creates light, noise, or other disturbances (e.g., introduction of predatory domestic pets or people into the creek or wetland) that disturb animals or birds such that their breeding or nesting is adversely affected.

It is generally desirable, therefore, to minimize human activities adjacent to riparian habitats. This need to reduce human use has led to the development of the setback or buffer concept along riparian areas as an attempt to reduce impacts to riparian areas. While empirical evidence exists to support the concept that wildlife values of the riparian corridor can be compromised by adjacent human activity, little empirical data presently exists for the establishment of a precise setback area.

Nevertheless, riparian setbacks of up to 100 feet are often recommended by CDFG as appropriate for streams with high quality riparian habitat. These setbacks are typically measured from either the top of the bank or the outer edge of riparian vegetation, whichever is greater. In addition, the City’s Riparian Corridor Policy Study indicates that “development adjacent to riparian habitats should be set back 100 feet from the outside edge of the riparian habitat (or top of bank), whichever is greater.”

Many of the cumulative projects include large setback buffers that will avoid and/or reduce impacts to riparian habitat and the wildlife that uses such habitat. The North San José Development Policies Project EIR assumes that future development will observe riparian setbacks of at least 100 feet along the Guadalupe River and Coyote Creek, within which minimal human use and disturbance will be allowed. Any development proposal that encroaches within the 100-foot riparian setback will require additional CEQA review. Similarly, the Evergreen Smart Growth Strategy EIR assumes that future development will observe a 100-foot riparian setback from Evergreen Creek and a 50-foot setback from Fowler Creek. Fowler Creek contains only minimal riparian habitat and the 50-foot setback is considered sufficient to avoid impacts.

The City’s Riparian Corridor Policy will guide the provision of setbacks for any Downtown Strategy Plan redevelopment along the Guadalupe River or its tributaries, as well as future development allowed by the remaining General Plan amendments included in this cumulative analysis. Through conformance with the Riparian Corridor Policy, these projects would not result in significant impacts to riparian habitat.
As described above, if the cumulative projects conform to the City’s Riparian Corridor Policy by providing 100-foot riparian setbacks to avoid and reduce indirect impacts to riparian habitat and wildlife, then cumulative indirect impacts to wetland and riparian habitat can be avoided or reduced to less than significant levels. (Less Than Significant Cumulative Impact)

Impacts to Trees

The City of San José promotes the health, safety, and welfare of the City, by regulating the removal of ordinance trees on private property. Ordinance-size trees are defined as trees over 56 inches in circumference at a height of 24 inches above natural grade. The removal of mature trees detracts from the scenic beauty of the City; reduces the biological diversity of species living within the City’s Urban Service Area; causes erosion of topsoil and degradation of water quality in the creeks and Bay; creates flood hazards; increases the risk of landslides; reduces property values; increases the cost of construction and maintenance of drainage systems through the increased flow and diversion of surface waters; and eliminates one of the prime oxygen producers and prime air purification systems in this area. City also recognizes Heritage Trees if they meet certain age, size, species or historic criterion.

Development of the cumulative projects will result in the loss of thousands of mature trees, including native trees, orchard trees, and landscape trees. Buildout of the Hitachi project alone is expected to remove approximately 1,023 ordinance-size trees (approximately half of which are native species) and 4,514 non-ordinance-size trees from the site. Most of the trees on the iStar property, which contains 2,330 trees, 55 of which are ordinance-sized, may be removed by future development. Implementation and development of the Evergreen Smart Growth Strategy Project may result in the loss of up to approximately 3,500 trees, including hundreds of native oaks, if the trees cannot be retained or relocated.

The redevelopment of North San José and the development of Coyote Valley with high intensity, transit-oriented development will require removal of most of the trees on individual sites. Underground parking, very high residential densities, convenient access for pedestrians and transit frequently includes very high site coverage, and reduces the flexibility of site design. Coyote Valley still contains substantial numbers of native trees. Most of the trees in North San José, however, are non-native landscape trees, which provide generally lower habitat values. The substantial number of trees in North San José do contribute to improved air quality and they do provide some habitat value, especially for migratory birds.

The North San José Development Policies project assumes retention of a small remnant sycamore riparian woodland, but most other trees (not yet surveyed) would be removed. Similarly, existing trees within the 3,500-acre CVSP project area have not been surveyed, but it is expected that most trees would be removed through buildout of the CVSP project. The previously approved 688-acre Coyote Valley Research Park project in North Coyote Valley,
that represents less than one-fifth of the total CVSP project area, would result in the loss of approximately 131 trees, 81 of which are ordinance-sized. As individual properties in these two project areas are proposed for development, applicants would be required to apply to the City of San José for tree removal permits. Any proposal to remove trees for a development project would be evaluated, taking into consideration the number, age, size, condition and species of the trees as well as the feasibility of retaining or relocating the trees. The loss of a large number of these trees would be a significant impact. Individually significant trees, whose loss could not be mitigated by replacement planting, may be required to be moved. Most of the major project proposed will have significant tree impacts. The cumulative effect of the removal of thousands of existing mature trees, many of which are native species, will be cumulatively significant.

The contribution to this impact from the development proposed in North San José would be less than other areas because it contains fewer native species. In combination with the loss of trees citywide, however, the project will contribute to the cumulatively significant impact. (Significant Cumulative Impact)

Potential Disturbance to Active Raptor Nests and Occupied Owl Burrows from Project Construction

Raptors (e.g., eagles, hawks, and owls) and their nests are protected under both federal and state regulations. The federal Migratory Bird Treaty Act (16 U.S.C., Sec. 703, Supp. I, 1989) prohibits killing, possessing, or trading in migratory birds, except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs. Birds of prey are protected in California under Fish and Game Code section 3503.5 (1992). Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered a "taking" by the CDFG. Furthermore, the destruction of occupied Burrowing Owl burrows is also considered a taking. Any loss of fertile eggs, nesting raptors, any activities resulting in nest abandonment, or the destruction of occupied Burrowing Owl burrows would constitute a significant impact. This significance criteria would apply to White-tailed Kites, Cooper’s Hawks, Red-Shouldered Hawks, Red-Tailed Hawks, Burrowing Owls, and other birds of prey, many of which are known to nest within the cumulative projects’ areas. Construction activities such as tree removal and site grading that disturb a nesting raptor on a specific site or immediately adjacent to the specific site would constitute a significant impact.

Raptors are known to nest in mature trees and sometimes on buildings. Mature trees are present on developed and vacant properties on the cumulative project sites. Since development and redevelopment at the levels of intensity proposed by the cumulative development projects will leave very little of these sites in a natural state, it is likely that a number of trees harboring raptors and their nests will be removed. The destruction of occupied raptors’ nests in the trees would be a significant impact. The magnitude of this impact would vary on a project-by-project basis, dependent on the number of trees present on the various sites. See the above discussion regarding the number of trees on the cumulative project sites.
Likewise, destruction of a burrow occupied by a Burrowing Owl, whether during the nesting season or otherwise, would constitute a violation of the Migratory Bird Treaty Act and the Fish and Game Code. As the remaining viable habitat has diminished, Burrowing Owls have been found in marginal habitat locations, including landscape islands and in parking strips. The destruction of an occupied nest or of an individual bird, no matter where the nest is located, would be a significant impact. (Significant Cumulative Impact)

Indirect Cumulative Impacts

Steelhead rainbow trout is an anadromous form of rainbow trout that is federally listed as a threatened species. Steelhead are known to occur in the CVSP project area, spawning and spending their first years in Coyote Creek. Steelhead are also known to be present in the Guadalupe River and spawn in Los Gatos Creek. Fall-run Chinook salmon is an anadromous species that is listed as a federal candidate species. Chinook have regularly spawned in the Guadalupe River watershed. Any of the cumulative projects that would affect Coyote Creek, the Guadalupe River, or their tributaries could impact these sensitive fish species, either through direct disturbance or through erosion and sedimentation of the stream channels during construction. Each of the cumulative projects will be required to comply with the City of San José Grading Ordinance, the NPDES General Construction Activity Storm Water Permit to minimize and control construction and post-construction runoff and contamination of the runoff, and the 100-foot setback requirements of the City’s Riparian Corridor Policy Study. Through adherence with these programs, the cumulative projects would not result in significant cumulative impacts to anadromous fish species.

In addition, there are regional planning efforts in progress to address the effects of cumulative development on fisheries. As an example, the SCVWD (with City participation) is preparing a low effect HCP for Guadalupe River, Stevens Creek, and Coyote Creek fish habitat management plan for below Anderson Dam and other watersheds. This process is known as the “Fisheries and Aquatic Habitat Collaborative Effort”. (Less Than Significant Cumulative Impact)

The USFWS has indicated concerns regarding the potential for nitrogen deposition from air pollution associated with overall development of urbanized areas to affect plant composition in serpentine grasslands and the bay checkerspot butterfly in the south Santa Clara County area. At this time, actual studies or information specifically related to the City projects, in terms of nitrogen deposition are not available. Further, there is no definitive scientific basis for concluding that projected nitrogen dioxide emissions from specific (or cumulative) projects in San José would impact listed species, such as the bay checkerspot butterfly, that are dependent on native plants found growing on serpentine substrates. For these reasons, a discussion of this potential cumulative impact would be speculative and is not included in this analysis. (Less Than Significant Cumulative Impact)

Conclusions: Significant cumulative impacts were identified to Burrowing Owls and their habitat, mature trees and raptors. The proposed North San José project’s impacts in these areas will contribute to these cumulatively significant impacts.
6. Cumulative Cultural Resource Impacts

Thresholds of Significance

Consistent with the thresholds used by the City in evaluating project-specific cultural resource impacts and with the definitions in CEQA, a significant cumulative impact to cultural resources would occur if approval of two or more of the cumulative projects would cause a substantial adverse change in the significance of historic resource or archaeological resources, as defined in Section 15064.5 of the CEQA Guidelines, or disturb any human remains, including those interred outside of formal cemeteries.

Archaeological Resources

The entire San José area has a potential for containing subsurface prehistoric and historic archaeological resources, particularly near the channels of the Guadalupe River, Coyote Creek, and their tributaries. While approximately twenty-five percent of the cumulative project area has already undergone some type of development, impacts to subsurface cultural resources could still occur during ground disturbing and excavation for future development of vacant sites as well as during redevelopment of urban sites.

The North San José Development Policy Project area is bordered by the Guadalupe River and Coyote Creek. Eighteen prehistoric archaeological sites, one isolated prehistoric find, two reported but unrecorded prehistoric resources and two Native American ethnographic villages/settlements are known to be present in the that area. Prehistoric archaeological resources within and adjacent to Rincon are generally classified as midden sites formed through extensive and intensive human occupation which modified the natural soil. Native American burials are often present in these deposits. These sites include former mounds now straddling the Guadalupe River as well as sites covered with up to four feet of sediments. There are also several unrecorded locations of reburied skeletal remains.

The Downtown Strategy Plan Area contains the Guadalupe River and is considered to have a moderate-to-high likelihood of containing prehistoric archaeological deposits, as well as a high likelihood of containing historic archaeological deposits. The Downtown Area as a whole also has a high likelihood of prehistoric and historic archaeological resources.

There are no recorded archeological sites or reported cultural resources located within or adjacent to the Hitachi or iStar project sites. No known prehistoric, ethnographic or contemporary Native American resources, including sacred places and traditional use areas, have been identified in or adjacent to either project site. Research, surveys, and subsurface investigation of the Evergreen project area has also failed to identify subsurface resources on those development sites.

Prehistoric archaeological sites have been recorded within the northern and mid-Coyote Valley areas, which contains Coyote and Fisher Creeks. These recorded sites include prehistoric and American Period (post-1850) archaeological resources, some of which have been
found to be eligible for inclusion on the National Register of Historic Places (NRHP) and California Register of Historic Resources (CRHR). Native American resources include a former major village site and other habitation locations.

Nine of the 14 cumulative General Plan amendment sites are located near the Guadalupe River, Coyote Creek, or their tributaries - Canoas, Miguelita, Ross, Thompson and Upper Penitencia Creeks. These sites have a moderate to high potential for subsurface archaeological resources.

When an archaeological resource is listed in, or eligible to be listed in, the CRHR, Public Resources Code 210874.1 requires that any substantial adverse effect to that resource be considered a significant environmental effect. Public Resources Code 21083.2(g) defines a unique archaeological resource to be an archaeological artifact, object, or site, about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- Contains information needed to answer important scientific research questions and there is a demonstrated public interest in that information, or
- Has a special and particular quality such as being the oldest of a type or the best available example of its type, or
- Is directly associated with a scientifically recognized important prehistoric or historic event or person.

If prehistoric or historic archaeological sites are encountered during any of the cumulative project’s construction and proper mitigating procedures are not implemented, a significant impact to the resource will result.

The City of San José General Plan’s Goals and Policies for Archaeological and Cultural Resources recognizes the irreplaceable nature of cultural resources and requires that preservation should be a key consideration in the development review process. Each of the cumulative projects will include the City’s standard mitigation measures for reporting and evaluating cultural resources, in the event such resources are found during project construction.

Reporting and evaluation requirements would be in accordance with current archaeological standards (e.g., Archaeological Resource Management Reports: Recommended Contents and Format, California Office of Historic Preservation, Preservation Planning Bulletin 4(a); any internal City of San José reporting standards for cultural resources reports including Guidelines for Historic Reports) and evaluation criteria (e.g., NRHP, CRHR, City of San José Historic Resources Inventory guidelines).

In light of the above-described policies of the City of San José for mitigation of archaeological resource impacts, it is concluded that the cumulative development will not result in a cumulatively significant impact to archaeological resources. (Less Than Significant Cumulative Impact)
**Historic Resources**

As San José has grown and evolved over the last 50 years, many of the residential and industrial neighborhoods have been divided, reduced and replaced by business development, roadway construction, and development of multi-family residences. This continual development in San José has resulted in the loss or relocation of many historic structures, both residential and commercial/industrial. The cumulative loss of historic structures is of great consequence. The overall historical context of San José is degraded every time a historic structure, regardless of use, is lost or incongruously relocated.

General Plan and adopted Council policies on historic resources strongly encourage the protection and adaptive reuse of significant historic structures. Because these policies provide for protection of the resources, and would characterize loss of significant historic structures as a significant impact, the programmatic analysis in the Downtown Strategy Plan EIR and the environmental review for the 14 General Plan amendments included in the cumulative projects list assumes that any structures that are found to be historic resources, as defined by CEQA Guidelines §15064.5(a), will be preserved or otherwise protected from demolition and any substantial adverse change in their historic significance. Proposals to alter such structures must include a thorough and comprehensive evaluation of the historic significance of the structure and the economic and structural feasibility of preservation and/or adaptive reuse. Every effort should be made to incorporate existing landmark structures into the future plans for their site and the surrounding area. If no such properties that meet the definition of historical resources were identified, then no further review related to historic resources would be necessary prior to the implementation of the Downtown Strategy Plan and General Plan Amendment projects. If properties meeting this definition are identified, the City shall ensure that the project plans follow the *Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* (Secretary’s Standards). Pursuant to CEQA Guidelines §15064.5(b)(3), if the project plans conform to the Secretary’s Standards, then potential impacts to historical resources will be considered less-than-significant and/or exempt from environmental review.

Since the North San José Development Policies Project, Evergreen Smart Growth Strategy, Downtown Strategy Plan and 14 General Plan Amendment projects do not identify impacts to historic resources, any future development that proposes removal or substantial adverse change in the historic significance of such resources would require preparation of another EIR.

In addition to the cumulative projects described in Table 32, there are two developments proposed in the Downtown Core and Midtown areas of the City that would result in significant unavoidable impacts to historic resources. The proposed KB Home Monte Vista Residential project would demolish Del Monte Plant #3, one of seven remaining historic cannery sites in the City. Del Monte Plant #3 is listed on the City’s Historic Inventory and has been found to meet the criteria for listing in the NRHP under Criterion A, as a contributing structures to a non-contiguous historic district pertaining to the food processing and canning industries of the Santa Clara Valley. A section of the complex also appears to meet the criteria for listing on the NRHP under Criterion C (Architecture) and appears to be eligible for City Landmark status. The proposed 47 Notre Dame Residential project would demolish the former Palomar Ballroom, that is considered eligible for both the NRHP and
CRHR, based on its social significance to the Chicano/Latino community in San José and is a candidate city landmark.

**Hitachi Project**

Development of the Hitachi project as it is presently proposed would result in a significant impact to historic resources. The project site contains a series of buildings in the central campus area that meet the definition of a “district” in Sec. 13.48.020.B of the City’s historic preservation ordinance. The potential district possesses historic significance and adequate integrity; therefore, it is potentially eligible for listing on the CRHR under Criterion 1 (association with an important event) and Criterion 3 (architectural distinction). One building alone, 009/011, qualifies as an individual candidate for City Landmark status, because it is particularly distinctive as a work of the Mid-Century Modern style and possesses adequate integrity. The proposed Hitachi project would preserve building 009/011; however, the project would demolish or substantially alter the remaining eight buildings which contribute to the potential historic district (buildings 001, 005, 006, 007, 010, 013, 014, 015). This project, therefore, would result in a significant impact to historic resources.

**iStar**

The existing structures on the iStar site (formerly known as the Christopher Ranch) include a fruit dehydrator (1928), two warehouses (circa 1920s-40s), an early twentieth-century cottage, a shed outbuilding, and rails for loading/processing fruit. The dehydrator was the third progressive dehydrator installed in the Santa Clara Valley and the last one to remain.

None of the existing structures on the iStar site are currently listed on the CRHR or the NRHP. The dehydrator building is not currently listed in the City of San José’s Historic Resource Inventory, but has been evaluated and is considered eligible for listing as a Candidate City Landmark, as well as potentially eligible for inclusion in the CRHR and the NRHP. It is not known at this time whether iStar proposes to retain or demolish the dehydrator building. Impacts to the dehydrator would result in a significant impact to historic resources.

**Coyote Valley Specific Plan Project**

Implementation of the CVSP would also result in impacts to historic resources. CVSP-area resources from the American Period (post-1850) include the hamlet of Coyote, farmsteads/ranches, residential, commercial and public properties, transportation-related and water control features, wineries, and quarries. The CVSP area includes a range of resource types such as farmsteads that may be eligible for the CRHR. The CVSP does not currently include any provisions for preservation and adaptive reuse of historic resources. While some of these buildings may be relocated to the historic hamlet of Coyote, it is unknown which buildings would be relocated, and the impact of such relocation on the significance of the resource. For this reason, the CVSP is assumed to result in significant impacts to historic resources.

Five of the 22 cumulative projects evaluated in this discussion would result in a significant impact to historic resources. The resources that would be affected by these projects are generally distinct. They are geographically separated and do not represent the same type of development. Two of the projects may result in impacts to resources representing the same
period in the City’s history (e.g., the iStar dehydrator may have both period and use/association in common with resources in Coyote Valley). While the individual impacts do not combine to create a cumulative impact of greater severity upon any one historic period or type of resource, the cumulative loss of historic structures is significant. The overall historical context of San José is degraded every time a historic structure, regardless of use, is lost or incongruously relocated.

The combined impacts to historic resources as a result of full implementation of the proposed projects would result in a cumulatively significant loss of historic resources. The proposed North San José Development Policies Project would not contribute to that cumulatively significant impact. *(Less Than Significant Cumulative Impact)*

*(Less Than Significant Cumulative Impacts)*

7. **Cumulative Geology and Soils Impacts**

**Thresholds of Significance**

Consistent with the thresholds used by the City in evaluating project-specific geologic and soils impacts, this analysis examines whether development of the cumulative projects on the list could expose substantial numbers of people or structures to risk from seismic-related or geologic hazards, or would result in a substantial quantity of erosion or siltation.

**Seismic Hazards**

The San Francisco Bay Area is one of the most seismically active regions in the United States. San José is located near the San Andreas Fault Zone (SAFZ), a complex of active faults forming the boundary between the North American and Pacific lithospheric plates. Movement of the plates relative to one another results in the accumulation of strain along the faults, which is released during earthquakes. Numerous moderate to strong historic earthquakes have been generated in northern California by the SAFZ. The level of active seismicity results in classification of the area of seismic risk Zone 4 (the highest risk category) in the California Building Code. The SAFZ includes numerous active faults found by the California Division of Mines and Geology under the Alquist-Priolo Earthquake Faults Act to be “active” (i.e., to have evidence of fault rupture in the last 11,000 years).

Many faults exist in the southern San Francisco Bay Area and some of them are capable of producing ground motions that would affect the proposed new developments. The closest large regional faults are the Hayward, Calaveras, and San Andreas Faults. The Silver Creek Fault also exists within the project area. However, the Silver Creek Fault has not ruptured during Holocene geologic time (i.e., within approximately 11,000 years) and, therefore, is not shown on the most recent fault hazard maps issued by the California Division of Mines and Geology, pursuant to the Alquist-Priolo Act. The Silver Creek Fault is not considered a significant seismic source for ground shaking in or near the project area. Other faults that may affect the project area are the Sargent Fault and the Monte Vista-Shannon Fault.

San José could potentially experience a relatively high degree of ground shaking due to a large earthquake on a major active regional fault. Because of the proximity of these faults, any ground shaking, ground failure, or liquefaction due to an earthquake could cause damage
Soils underlying much of San José have moderate to high shrink/swell potential. This condition occurs when expansive soils undergo alternate cycles of wetting (swelling) and drying (shrinking). During these cycles, the volume of the soil changes significantly. In addition, non-uniformly compacted imported fill that has potentially been placed in the area could experience significant differential settlements under new building loads. Structural damage, warping, and cracking of roads and sidewalks, and rupture of utility lines may occur if the potential expansive soils and the nature of the imported fill are not considered during design and construction of improvements.

In locations underlain by expansive soils and/or non-engineered fill, the designers of proposed building foundations and improvements (including sidewalks, roads, and utilities) must consider these conditions in foundation designs. The design-level geotechnical investigations prepared for new development will include measures to ensure that potential damage related to expansive soils and non-uniformly compacted fill are minimized. Options to address these conditions may range from removal of the problematic soils and replacement, as needed, with properly conditioned and compacted fill, to design and construction improvements to withstand the forces exerted during the expected shrink-swell cycles and settlements.

Program Mitigation

All structures in the Bay Area and their occupants are at risk of damage or injury from ground shaking in the event of an earthquake. The amount of ground shaking would depend on the magnitude of the earthquake, the distance from the epicenter, and the type of earth materials in between. Very strong to violent ground shaking will occur in the project area during expected earthquakes on the San Andreas, Hayward and other regional faults. This level of seismic shaking could cause extensive structural and non-structural damage in buildings throughout San José.

Due to the risks associated with exposure to geologic hazards, all future development addressed by this EIR, as well as all future development at any location in San José, would be subject to General Plan policies, including the following:

- **Soils and Geologic Conditions Policy #1** states that the City should require soils and geologic review of development proposals to assess such hazards as potential seismic hazards, surface ruptures, liquefaction, landsliding, mudsliding, erosion and sedimentation in order to determine if these hazards can be adequately mitigated.
- **Soils and Geologic Conditions Policy #2** states the City should not locate public improvements and utilities in areas with identified soils and/or geologic hazards to avoid any extraordinary maintenance and operating expenses. When the
location of public improvements and utilities in such areas cannot be avoided, effective mitigation measures should be implemented.

- Soils and Geologic Conditions Policy #5 states the Development Review process should consider the potential for any extraordinary expenditures of public resources to provide emergency services in the event of a manmade or natural disaster.
- Soils and Geologic Conditions Policy #6 states that development in areas subject to soils and geologic hazards should incorporate adequate mitigation measures.
- Soils and Geologic Conditions Policy #8 states that development proposed within areas of potential geologic hazards should not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties.
- Earthquake Policy #1 states that the City should require that all new buildings be designed and constructed to resist stresses produced by earthquakes.
- Earthquake Policy #3 states that the City should only approve new development in areas of identified seismic hazard if such hazard can be appropriately mitigated.
- Earthquake Policy #4 states the location of public utilities and facilities, in areas where seismic activity could produce liquefaction should only be allowed if adequate mitigation measures can be incorporated in to the project.
- Earthquake Policy #5 states that the City should continue to require geotechnical studies for development proposals; such studies should determine the actual extent of seismic hazards, optimum location for structures, the advisability of special structural requirements, and the feasibility and desirability of a proposed facility in a specified location.
- Earthquake Policy #7 states land uses in close proximity to water retention levees or dams should be restricted unless such facilities have been determined to incorporate adequate seismic stability.

**Standard Construction Requirements**

New construction proposed by the cumulative projects would be designed and constructed in conformance with the Uniform Building Code guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking and seismic-related hazards, including liquefaction, on the various project sites. Therefore, potential impacts associated with future exposure to the proposed projects would be reduced or avoided by conformance to the standards specified in the Uniform Building Code for Seismic Zone 4 and with the recommendations of the structural analysis required for future development proposed on liquefaction-susceptible soils. For this reason, the projects would not be subject to significant impacts from seismic-related hazards.

It is acknowledged that seismic hazards cannot be completely eliminated even with site-specific geotechnical investigation and advanced building practices. However, exposure to seismic hazards is a generally accepted part of living in the San Francisco Bay Area and therefore the mitigation measures described above reduce the potential hazards associated with seismic activity to a less-than-significant level. **(Less Than Significant Cumulative Impact)**
Cumulative Geologic Impacts

Development of the proposed cumulative projects would not be affected by slope instability or volcanic hazards. The projects would not be expected to contribute to regional subsidence or long-term erosion hazards. Implementation of mitigation and avoidance measures, such as those described above, would be required on a project-by-project basis to avoid or reduce geologic hazards impacts associated with seismic ground shaking or shrink/swell soils to a less-than-significant level. Therefore, the projects considered in this cumulative scenario would not result in a significant cumulative geologic hazards impact and the proposed project would not contribute towards a significant cumulative impact.

Implementation of the project in combination with other cumulative development would increase the number of residents and employees exposed to regional seismic risks in the seismically active San Francisco Bay Area, but no other impact related to geology, soils or seismicity would result. No additional mitigation measures, beyond those identified for the proposed project (see Section II.G, Geology) would be necessary. (Less Than Significant Cumulative Impact)

(Less Than Significant Cumulative Impacts)

8. Cumulative Hydrology and Water Quality Impacts

Approval of the proposals under consideration (see list of cumulative projects in Table 32) would result in substantial development/redevelopment of thousands of acres of land within the City of San José.

Thresholds of Significance

Consistent with the thresholds used by the City in evaluating project-specific hydrologic and water quality impacts, this analysis examines whether development of the cumulative projects on the list could result in the following types of impacts:

- Exposure of people and property to the effects of flooding at locations where project sites are within floodplains;
- Increases in the volume of stormwater runoff such that the capacities of the storm drainage system and/or local waterways are exceeded; and
- Degradation of surface water quality, resulting from the effects of high stormwater discharges (e.g., erosion of streambanks) and non-point-source pollutants that are common constituents of urban stormwater runoff.

Context of Analysis

In recent years, various federal, state, and local laws have been enacted for the purpose of minimizing the risks associated with flooding, as well as for the purpose of improving/maintaining the quality of surface waters. Such legislation includes, but is not limited to, the National Flood Insurance Program, the federal Clean Water Act, the California Porter-Cologne Water Quality Control Act, and the San José Floodplain Management Ordinance.
As a direct result of such legislation, development projects in San José are now required to undertake steps to avoid, minimize, and/or mitigate flooding and water quality impacts. These steps can include 1) modifying site designs to reduce impervious surfaces; 2) constructing on-site stormwater detention facilities; 3) constructing off-site improvements to stormwater and flood control facilities; 4) maintaining open areas to preclude the blockage of flood flows; 5) constructing finished floors of buildings above base flood elevations; and 6) incorporating Best Management Practices (BMPs) into the construction and post-construction phases of development. In addition, these requirements are now applied to projects that seek to redevelop areas that were previously urbanized, the result of which optimally is a reduction in impervious surfaces on such sites.

In view of the applicability of ordinances, laws and regulations that would avoid the occurrence of significant hydrological and water quality impacts, it is concluded that cumulative hydrology and water quality impacts will not be significant. (Less Than Significant Cumulative Impact)

9. Cumulative Hazardous Materials Impacts

Most of the projects included in this cumulative analysis are proposed on properties that were previously developed with industrial or agricultural uses. It is likely that hazardous materials may have been stored and used on, and/or transported to and from some of these properties as part of industrial or agricultural activities on the sites. These hazardous materials (such as gasoline, oil, propane, and various chemicals used in manufacturing and agriculture) may have been stored on these sites in above-ground or underground tanks. Storage tanks can leak, often resulting in soil and/or groundwater contamination. If groundwater is affected, it can impact properties downstream of the spill. The use of pesticides and fertilizers on agricultural properties can result in widespread residual soil contamination, sometimes in concentrations that exceed regulatory thresholds.

In addition, development/redevelopment of some of the sites would require demolition of existing buildings that may contain asbestos-containing materials (ACMs) and/or lead paint. Demolition of these structures could expose construction workers or other persons in the vicinity to harmful levels of asbestos or lead. Similarly, some of the properties may be located on asbestos-containing serpentine rock soils or fill (which is the case on the Hitachi property). When this rock, which is naturally-occurring, is disturbed during construction and grading activities, there is a potential for release of asbestos fibers, which could also affect construction workers and/or persons residing downwind.

Consistent with the thresholds used by the City for hazardous materials impacts, the above-described conditions, which are present on most project sites to varying degrees, constitute potentially significant environmental impacts since they can lead to the exposure of residents and/or workers to substances that have been shown to adversely affect health.

Due to the risks associated with exposure to hazardous materials, for each of the projects that are under consideration, various mitigation measures will be implemented as a condition of development. Measures would include incorporating the requirements of various existing local, state, and federal laws, regulations, and agencies such as the State Department of Toxic
Substances (DTSC) and Cal/OSHA, during all phases of project construction. Depending upon the extent of the chemical release, contaminated soils could be excavated and transported to appropriate landfills, or treated on-site. If groundwater is affected, remediation and on-going groundwater sampling both on the site and on surrounding downgradient properties could be warranted. Finally, determining the extent of asbestos and lead paint contamination would also be required prior to building demolition and site grading and, if present, such substances would handled and disposed of in a manner that minimizes human exposure.

For sites with hazardous materials contamination, implementation of mitigation and avoidance measures, such as those described above, would be required on a project-by-project basis to avoid or reduce hazardous materials impacts to a less than significant level. Therefore, the projects considered in this cumulative scenario would not result in individual significant unmitigated cumulative hazardous materials impacts and the proposed project would not contribute towards a significant cumulative impact. (Less Than Significant Cumulative Impact)

10. Cumulative Utilities Impacts

Approval and full implementation of the cumulative projects listed in Table 32, in conjunction with the buildout of the City's current General Plan, would result in the construction of large amounts of new industrial, commercial and residential development. Each of these uses would have different potential impacts upon the City's utility and service systems. Utility and service providers maintain long term projections for demand for their services within the City based on the City's General Plan, and in many cases have developed strategies to meet the anticipated demand levels. Typically the timeframe for their demand/supply analysis is comparable to the timeframes of projects addressed here.

In the case of the Coyote Valley Specific Plan (CVSP) project, the amount of development in the proposed project is already in the City's General Plan and may have been anticipated by utility providers. Because the Mid-Coyote area is not within the City’s Urban Service Area (USA), however, the urbanization in the Coyote Valley Urban Reserve has not been planned within the current General Plan horizon. Implementation of the CVSP would require an expansion of the USA boundaries. In the cases of the Evergreen and iStar projects, the proposed development would likely have similar or lesser demand upon the utility and service systems than the land uses currently shown in the City's General Plan for those respective sites. The North San José and Downtown San José projects would each increase development beyond that allowed under the adopted General Plan.

Threshold of Significance

For the purposes of this EIR, a cumulative impact to utility and service system resources is considered significant if the proposed project, in conjunction with other pending projects would:

- exceed the current or feasible future capability of the relevant utility or service system.
Cumulative Impacts to Sanitary Sewer/Wastewater Treatment Facilities

The City’s sanitary sewer/wastewater treatment system has two distinct components: 1) a network of sewer mains/pipes that conveys effluent from its source to a treatment plant, and 2) the water pollution control plant that treats the effluent, including a system of mains/pipes that recycles a portion of the treated wastewater for non-potable uses (e.g., irrigation of landscaping, agricultural irrigation, dust suppression during construction, etc.).

Sanitary Sewer System

The City of San José has adopted a level of service (LOS) policy for design of sanitary sewer mains. The levels of service range from "A" to "F," with LOS A defined as unrestricted flow and LOS F defined as being inadequate to convey existing sewer flow. To meet the City's guidelines, new developments must meet LOS D or above. LOS D is defined as restricted sewage flow during peak flow conditions.

Apart from the Coyote Valley, the City of San José currently has wastewater collection infrastructure in place in all of the cumulative project areas. Generally this consists of varying levels of local connectors, laterals that range from six to eight inches in diameter, and sewer mains ranging in size from 10 to 30 inches. The network primarily relies upon gravity flow, supplemented by sewer lift stations and force mains at specific locations. The City is responsible for maintenance of the entire system.

The cumulative projects, as well as future development allowed under the adopted General Plan, will contribute wastewater to the existing system. As part of each project’s approval process, the City will require appropriate upgrades and extensions to the existing system. The largest expansion of the sanitary sewer system would occur in the Coyote Valley. In addition, through its Capital Improvement Program, the City undertakes upgrades to the existing system, consistent with its policy objective of maintaining LOS D in the City’s sanitary sewer mains.

Water Pollution Control Plant (WPCP)

San José’s WPCP, which is located at the northerly end of the City, provides wastewater treatment for the Cities of San José, Santa Clara, and Milpitas, as well as five other sanitary districts in Santa Clara County. The WPCP has an existing capacity to treat 167 million gallons per day (mgd) of effluent. Of this total amount, the capacity allocated to San José is roughly 106 mgd.

In 1998, the WPCP was treating an average of 142 mgd (dry weather peak), of which 94 mgd was from San José. In 2000, the WPCP was treating an average of 135 mgd. In 2002 and 2004, the plant was treating an average of 118 mgd and 117 mgd, respectively. San José’s portion of the 117 mgd is approximately 73 mgd. The decline in discharge from 142 mgd to 117 mgd can be attributed, at least in part, to a decline in manufacturing uses in Santa Clara County, a general decline in industrial activity, and continuing implementation of water conservation measures through new construction. At least part of the reduction in activity is due to the economic conditions which resulted in high vacancy rates in the industrial areas of Santa Clara County.
For the reasons discussed previously in Section II.J. of this EIR, while the capacity of the WPCP is 167 mgd, the amount of treated wastewater that can be discharged to San Francisco Bay is limited to 120 mgd (dry weather peak). This limitation has led to the development of programs to reduce the volume of wastewater generated at the source, as well as a system that recycles some of the wastewater for non-potable uses.

The recycling of wastewater occurs through the South Bay Water Recycling (SBWR) program. The SBWR system includes over 100 miles of pipes that convey treated wastewater to portions of San José, Santa Clara, and Milpitas. The SBWR program is currently recycling approximately 17 mgd of treated wastewater to over 450 customers in the three cities.

Cumulative implementation of the major planning projects identified in this document is conservatively projected to result in a total net increase in sewer/wastewater discharge of approximately 21 mgd. Factoring in buildout of the City's current General Plan raises the projected increase in discharge by 12 mgd to a total increase of 33 mgd. This estimate does not reflect possible advances in water conservation, expanded use of recycled water or other measures that could reduce the total potential impact upon sewer and wastewater facilities. Additionally, the discharge assumed for buildout of the City's General Plan does not account for off setting reductions in discharge as existing uses are displaced by future development.

The estimated total increase in wastewater discharge from buildout in San José (including the cumulative projects) of 33 mgd could be treated by WPCP only if the existing flow from San José of 73 mgd does not increase. This statement is based on the fact that an increase of 33 mgd would not cause San José to go above its current WPCP treatment allocation of 106 mgd. If however, due to the re-occupancy of currently vacant buildings, discharge levels return to those that occurred in 2000, there would be insufficient capacity at the existing WPCP to treat the additional volume of wastewater. In any case, the 33 mgd increase in wastewater would cause the discharge from the WPCP to the Bay to exceed the 120 mgd limitation. Exceeding the treatment capacity of the WPCP could result in significant impacts to the physical environment and to human health and safety. Neither this scenario nor a situation in which the flow cap restriction of 120 mgd would be allowed to occur, based on the requirements of Chapter 15.12 of the Municipal Code (see discussion below).

In order to accommodate treatment of all of this sewage, the WPCP may need to be expanded or satellite facilities might need to be built. Any proposal to increase WPCP capacity would require separate CEQA review and would be subject to a separate permitting process. There is at present no specific proposal to expand WPCP capacity, and to identify at this time the location or the impacts of doing so would be speculative.

The City may pursue several strategies to address demand upon the WPCP. Programs to reduce water usage will also reduce sewer/wastewater discharge, which reduce the demand for treatment capacity. The City has in recent years successfully reduced discharge to the WPCP through the ongoing implementation of water conservation programs and programs to reduce sewage generation.

Increased use of recycled water will reduce the amount of discharge from the WPCP to the Bay. All of the major projects considered in this cumulative analysis are located adjacent to existing SBWR pipelines (North San José, Downtown, and Evergreen) or adjacent to planned
extensions of the SBWR pipelines (Coyote Valley, Hitachi and iStar), providing extensive opportunities for additional use of recycled water, including the possibility of double plumbing (interior uses) for recycled water use in new buildings. Active implementation of aggressive strategies to facilitate use of recycled water could reduce the actual amount of discharge from the WPCP to the Bay to acceptable levels. Under the worst case conditions used for this analysis, the City would need to increase use of recycled water by approximately 33 mgd in order to remain under the 120 mgd dry weather flow trigger.

While the impacts from increased flow to the WPCP could be significant, this impact is avoidable through increased use of recycled water, expansion of WPCP treatment capacity, and/or limitations on new development such that full buildout of the cumulative projects could not occur until capacity is available. The City may choose to not approve some of the proposed cumulative development assumed in this analysis, or development could be delayed until a later date.

Ultimately, the capacity of the WPCP to treat sewage and discharge effluent is a potential infrastructure capacity issue that could constrain full implementation of the cumulative projects, but the capacity constraint would not result in an environmental impact since the City of San José would not entitle development that would exceed the 120 mgd flow trigger discharge to impact the Bay. Every land use permit issued by the City of San José includes this standard permit condition:

Sewage Treatment Demand. Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.

As noted above, unless the City is able to substantially increase the use of recycled water, the proposed amount of development, including buildout of the current General Plan, could cause the WPCP to exceed the discharge flow limit. The City will not however issue any entitlement for development beyond the WPCP capacity including the flow trigger cap or other WPCP capacity limitations. The City will continue to monitor WPCP capacity, pursue strategies for reducing water usage and discharge to the WPCP, and increase the use of recycled water. The proposed increased level of development in North San José would increase the amount of sewage sent to the WPCP for treatment, but would not contribute to a cumulatively significant impact. **(Less Than Significant Cumulative Impact)**

**Cumulative Impacts to Water Service**

The City of San José has three water service providers (retailers) who each serve different regions of the City that would be affected by the cumulative impacts addressed here. The
San José Water Company serves the Downtown and a portion of the North San José area. The San José Municipal Water System serves the remainder of North San José and the Evergreen area. The Great Oaks Water Company serves the Hitachi and iStar properties. The water service provider for Coyote Valley has not yet been determined. The water systems for each of these retailers are independent of each other although they all potentially draw upon groundwater and surface water resources administered by the Santa Clara Valley Water District (SCVWD).

Based on a conservative estimate of the likely water demand for the pending projects under consideration and buildout of the City's current General Plan, the projected cumulative increase in demand is approximately 39 mgd. The water retailers draw upon various sources for their water supply, including local groundwater and surface water supplies and importation of water from outside of San José’s jurisdiction. While some growth in imported water supply is expected (and currently under negotiation), the predominant source of additional water supply is local groundwater. The SCVWD is in the process of modeling their long-term ability to provide ground water to the three retailers, but their preliminary analysis suggests that they have adequate capacity to address the cumulative demand of the projects under consideration here.

The San José Municipal Water System has identified the need to construct some additional facilities as part of their conveyance system to serve the North San José project. Additional facility improvements may be necessary for the other suppliers or for the San José Municipal Water System in other parts of the City, but these have not yet been identified. Such improvements will be identified and implemented as development occurs as part of the entitlement review process. Some facilities may also be constructed by the providers themselves through their typical business operations.

Based upon the information available at this time, it appears that the existing sources and infrastructure for water supply are adequate to address the cumulative increase in demand due to the projects under consideration. The proposed increased level of development in North San José would increase water demand, but would not contribute to a cumulatively significant impact.

Approval and implementation of all of the cumulative projects as proposed would increase demand for water supply, but would not result in significant cumulative environmental impacts as a result of exceeding the identified water supply. (Less Than Significant Cumulative Impact)

### Cumulative Impacts to Storm Drainage

The City of San José owns and maintains the existing public storm drainage system throughout the City's Urban Service Area. The underground drainage system is composed of storm lines which range in size from 12 inches to 144 inches in diameter. Flows from individual sites and surface streets are conveyed by gravity flow to storm laterals and storm mains. In most cases drainage to the Guadalupe River, Coyote Creek or other tributary streams is by gravity flow through the system or by direct outflow, but in some areas water is pumped from storm mains into the stream system.
The City's standard is to provide adequate storm drainage to convey up to a 10 year storm event. In some areas of the City, notably including the North San José area, the current storm drainage system does not provide this capacity. The City maintains a long term plan to build out the storm drainage system to meet the 10 year standard throughout the City.

The cumulative projects analyzed in this section include both redevelopment and/or intensification of existing areas (e.g. North San José, Downtown) or new development on largely vacant sites (e.g. Evergreen, Coyote Valley), as well as a number of smaller infill project sites. While intensification of already developed areas will likely result in minimal increases in storm water amounts which can be largely accommodated by the existing storm drainage network, development in new areas will require the construction of new storm drainage systems.

Downtown San José is fully developed, except for small vacant lots that are mostly paved. As referenced earlier, North San José will include expansion and improvement of the existing storm system as new development occur under the proposed plans for intensification. In the case of the Evergreen and Coyote Valley projects, the large scale and master planning approaches underway allow for the comprehensive design, funding, and construction of storm water facilities as needed to serve the new development. Evergreen and Coyote Valley are also subject to the most stringent requirements of the City to minimize storm water runoff, consistent with policies implemented by the Regional Water Quality Control Board. As a result of compliance with these policies, these projects are not expected to result in any significant impacts upon the nearby stream systems or from exceeding the capacity of downstream storm drainage systems.

Development allowed under the proposed projects would in some cases generate stormwater flows in excess of the capacity of existing stormwater collection systems. Construction of the planned storm water collection systems in conjunction with planned development and consistent with RWQCB policies, would not result in new significant environmental impacts. (Less Than Significant Cumulative Impact)

Cumulative Impacts to Electricity and Natural Gas

Pacific Gas & Electric (PG&E) supplies electricity and natural gas to the City of San José. Distribution of electric power is accomplished primarily through underground systems extending from various high voltage transmission lines in the area. Natural gas is distributed through a series of gas distribution lines located within street right of ways. Electric and gas utilities are available in the vicinity of the respective project areas and can be extended onto developments in the project areas. PG&E has projected that planned development of the Coyote Valley will require construction of an additional electric distribution substation to provide adequate power. Additional substations may also need to be constructed in other parts of San José to serve new development.

See also the discussion of Cumulative Energy Impacts below.

Development allowed under the proposed project would not result in any identified significant impact related to the provision of electricity and natural gas. Construction of planned electric distributions substations would not result in new significant environmental
impacts substantially greater or different than the individual developments they are built to serve. (Less Than Significant Impact)

Cumulative Impacts to Solid Waste Systems

Commercial solid waste collection in San José is provided by a number of non exclusive service providers and the waste may be disposed of at any of the four privately owned landfills in San José. Collection of residential waste occurs under exclusive franchise agreements between the City and two service providers, Norcal of San José and Green Team. According to the Source Reduction and Recycling Element of the General Plan prepared for the City of San José and the County wide Integrated Waste Management Plan, there is sufficient landfill capacity for Santa Clara County's projected needs for at least 30 more years.

Recycling collection and processing services, including yard waste recycling, are provided to both single family and multi-family residences by Norcal of San José, Green Team, and Green Waste, Inc. Recycling services are available to most businesses from private recyclers. The City of San José Environmental Services Department also offers information and assistance to businesses wishing to recycle, or to expand their recycling activities.

Development allowed under the proposed cumulative projects would not result in an exceedance of system capacity or any other significant impacts to the solid waste system. (Less Than Significant Cumulative Impact)

Less Than Significant Cumulative Impacts

11. Cumulative Energy Impacts

As shown in the list of cumulative projects, there is a substantial amount of development that is being considered for approval in San José. To provide information regarding the magnitude of cumulative energy impacts, the estimated annual energy usage of the largest of these projects is quantified in Table 37. To put the data of Table 37 into context, the cumulative increase in electricity, 1,433 million kWhr, is eight percent of the total amount of electricity used in Santa Clara County in the year 2000.

More important, as discussed in Section II.K., Energy, the California Energy Commission is projecting future shortages of electricity, natural gas, and gasoline during periods of peak demand. In the context of these projected shortages, the increase in energy usage that is shown in Table 37 would constitute a significant cumulative energy impact. This conclusion

70Total electricity usage for year 2000 in Santa Clara County was 17,843 million kWhr. (Source: California Energy Commission, www.energy.ca.gov/electricity/electricity_by_county_2000.html)

71In 2003, Santa Clara County highway gasoline consumption was estimated to be 813,222,000 gallons. (Source: Caltrans, Office of Transportation Economics, 2004)
is consistent with the thresholds of significance used for energy impacts, which state that energy usage needs to be evaluated in the context of projected supplies.
<table>
<thead>
<tr>
<th>Area</th>
<th>Natural Gas (cubic feet/year)</th>
<th>Electricity (kWh/year)</th>
<th>Gasoline (gallons/year)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>North San José</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proposed land uses</td>
<td>32,000 residences</td>
<td>1,440 million</td>
<td>208 million</td>
</tr>
<tr>
<td></td>
<td>26,700,000 ft² office/R&amp;D</td>
<td>774 million</td>
<td>481 million</td>
</tr>
<tr>
<td></td>
<td>622,000 daily trips</td>
<td>2,214 million</td>
<td>689 million</td>
</tr>
<tr>
<td></td>
<td>Subtotal</td>
<td></td>
<td>33 million</td>
</tr>
<tr>
<td><strong>Downtown San José</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proposed land uses</td>
<td>10,000 residences</td>
<td>450 million</td>
<td>65 million</td>
</tr>
<tr>
<td></td>
<td>10,000,000 ft² office/R&amp;D</td>
<td>290 million</td>
<td>180 million</td>
</tr>
<tr>
<td></td>
<td>1,200,000 ft² commercial</td>
<td>44 million</td>
<td>16 million</td>
</tr>
<tr>
<td></td>
<td>196,690 daily trips</td>
<td>784 million</td>
<td>261 million</td>
</tr>
<tr>
<td></td>
<td>Subtotal</td>
<td></td>
<td>10 million</td>
</tr>
<tr>
<td><strong>Evergreen</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proposed land uses</td>
<td>7,200 residences</td>
<td>324 million</td>
<td>47 million</td>
</tr>
<tr>
<td></td>
<td>75,000 ft² commercial</td>
<td>3 million</td>
<td>1 million</td>
</tr>
<tr>
<td></td>
<td>60,162 daily trips</td>
<td>327 million</td>
<td>48 million</td>
</tr>
<tr>
<td></td>
<td>Subtotal</td>
<td></td>
<td>3 million</td>
</tr>
<tr>
<td><strong>Coyote Valley</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proposed land uses</td>
<td>25,000 residences</td>
<td>1,125 million</td>
<td>163 million</td>
</tr>
<tr>
<td></td>
<td>12,500,000 ft² office/R&amp;D</td>
<td>363 million</td>
<td>225 million</td>
</tr>
<tr>
<td></td>
<td>520,489 daily trips</td>
<td>1,488 million</td>
<td>388 million</td>
</tr>
<tr>
<td></td>
<td>Subtotal</td>
<td></td>
<td>27 million</td>
</tr>
<tr>
<td><strong>Hitachi</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proposed land uses</td>
<td>2,930 residences</td>
<td>132 million</td>
<td>19 million</td>
</tr>
<tr>
<td></td>
<td>460,000 ft² commercial</td>
<td>17 million</td>
<td>6 million</td>
</tr>
<tr>
<td></td>
<td>34,488 daily trips</td>
<td>149 million</td>
<td>25 million</td>
</tr>
<tr>
<td></td>
<td>Subtotal</td>
<td></td>
<td>2 million</td>
</tr>
<tr>
<td><strong>iStar</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proposed land uses</td>
<td>1,000,000 ft² office/R&amp;D</td>
<td>29 million</td>
<td>18 million</td>
</tr>
<tr>
<td></td>
<td>450,000 ft² commercial</td>
<td>17 million</td>
<td>6 million</td>
</tr>
<tr>
<td></td>
<td>29,352 daily trips</td>
<td>46 million</td>
<td>24 million</td>
</tr>
<tr>
<td></td>
<td>Subtotal</td>
<td></td>
<td>2 million</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td>5,007 million</td>
<td>1,433 million</td>
<td>77 million</td>
</tr>
</tbody>
</table>

\(a\) Proposed land uses are estimated maximums, based on preliminary information available at the time this EIR was prepared.

\(b\) Project includes 3.6 million ft² of office/r&d uses, but those uses are not included in this table because the Hitachi site presently includes 3.6 million ft² of office/r&d uses.

There are many measures available to reduce energy consumption in both residences and businesses, as listed in Section II.K. Each of the projects being considered will, to varying degrees, incorporate such measures into the design of all new buildings.

It is also important to note that several of the large projects being considered (e.g., North San José, Downtown, Coyote Valley, and Hitachi) would construct residences in the vicinity of job centers. Further, all of the large projects listed in Table 32 are, to varying degrees, located along existing or planned rail corridors (LRT, CalTrain, BART, Altamont Commuter...
Proximity of jobs to housing and the availability of efficient public transit are important goals of land use planning, as embodied in the policies of San José’s General Plan, because they can substantially reduce the adverse effects of automobile usage (i.e., energy consumption, congestion, and air pollution).

One of the cumulative projects, the Evergreen Smart Growth Strategy, would reverse a 1970s decision to designate 367 acres of land in Evergreen for roughly 5 million square feet of Campus Industrial uses. The 1970s decision was made for the purpose of locating jobs near the substantial supply of housing in Evergreen. The current proposal would redesignate these lands for housing which would result in longer commutes. From a transportation energy perspective, this would be an adverse impact.

On the basis of the above discussion, including the fact that the extent to which each project will incorporate energy-conserving measures into its design is presently unknown, it is concluded that cumulative energy impacts will be significant and unavoidable. (Significant Cumulative Impact)

(Significant Cumulative Impacts)

12. Cumulative Impacts to Public Facilities and Services

As described in Chapter III, public facilities and services are provided to the community as a whole, usually from a central location or from a defined set of nodes. The resource base for delivery of these services, including the physical service delivery mechanisms, is financed on a community-wide basis, usually from a unified or integrated financial system. The service delivery agency can be a city, county, service or other special district. Usually, new development will create an incremental increase in the demand for these services; the amount of demand will vary widely, depending on both the nature of the development (residential vs. commercial, for instance) and the type of services, as well as on the specific characteristics of the development (such as senior housing vs. family housing).

The cumulative impact of a group of projects, as with a particular project, on public facility services is generally a fiscal impact. By increasing the demand for a type of service, a group of projects could cause an eventual increase in the cost of providing the service (more personnel hours to patrol an area, additional fire equipment needed to service a tall building, etc.). That is a fiscal impact, not an environmental one. CEQA does not require an analysis of fiscal impacts.

CEQA analysis is, however, required if the increased cumulative demand is of sufficient size to trigger the need for a new facility (such as a school or fire station), since the new facility would have a physical impact on the environment. CEQA requires that an EIR then identify and evaluate the physical impacts on the environment that such a facility would have. To reiterate, the impact that must be analyzed in an EIR is the impact that would result from constructing a new public facility (should one be required), not the fiscal impact of a development on the capacity of a public service system.

As described in the introduction to this Cumulative Chapter, the City of San José is currently considering six major long-term projects that propose development and/or intensified redevelopment on approximately 10,175 acres, as well as 14 other General Plan amendments.
that cover approximately 340 acres. When compared to buildout under the approved San José General Plan, approval and buildout of all of the cumulative projects would result in a net increase of approximately 102,000 jobs and 45,000 dwelling units.

**Fire and Police Protection**

Fire protection for the City is provided by the City of San José Fire Department (SJFD). The SJFD also participates in a mutual aid program with Saratoga, Morgan Hill, Campbell, Milpitas, and Santa Clara. Through this program, should the SJFD need assistance above and beyond what is available within the City, one or more of the mutual aid cities would provide assistance. The SJFD includes 31 fire stations located throughout the City, which house 31 engine companies, eight truck companies, three Urban Search and Rescue (USAR) truck companies, one Hazardous Materials Incident Team (HIT), five Battalion Chiefs, one Paramedic Supervisor, and one Arson Investigator.

Police protection services are provided by the City of San José Police Department (SJPD). Police are dispatched from police headquarters located at 201 West Mission Street. The SJPD consists of 16 districts with 83 beats.

The $159 million Public Safety Bond Program approved by voters in March 2002 funds capital projects for the Fire and Police Departments and includes: a public safety driver training facility, new and upgraded 911 communications facilities, an improved training center, a new police substation, new fire stations, fire stations to be relocated, new community policing centers, and upgrades to existing fire stations.

These public safety projects are intended to be implemented over the next decade and would be available to serve the population produced by the cumulative group of projects. Increased public safety staffing and purchase of equipment is evaluated by the City during the normal budget process, based on then current conditions.

The new construction that would occur as a result of the cumulative projects includes the redevelopment of older commercial and industrial buildings that may use hazardous materials as well as construction on parcels that are currently vacant. New buildings would replace aging buildings with structures built to current fire code standards.

The net increase in the amount of development that would exist in the City by the cumulative scenario, particularly the increased residential development, will increase calls for fire and police services. As described above, the City is undertaking a capital improvement program that includes the anticipated development of new fire stations, fire stations to be relocated, and upgrades to existing fire stations. However, there is currently no specific proposal to build a new fire station(s) or new or expanded police facilities as a result of the additional demands that would arise from development of the cumulative projects.

Increased demands for service may be offset by expansion of existing stations, including additional staffing. In the event that future development patterns (including the specific location of new development) and/or service demands indicate that a new fire station is needed in a given area of San José, a suitable location for construction of a station would be identified and provided within the project area. Increased demand for services is not necessarily an environmental impact. The environmental impact, if it does occur, generally
results from the impacts on the physical environment that result from the physical changes made in order to meet the demand.

Construction of a new fire station or police facility, if required, would require environmental review. Since specific sites for such construction cannot be identified at this time, it cannot be stated conclusively that significant environmental impacts would or would not occur. The construction of a local fire station on land in any of the six major project areas would contribute incrementally to the impacts of development identified for each of the six projects, but is not anticipated by itself to have new or substantially different significant adverse environmental impacts. Further discussion at this time of the impacts that might result from building an additional public safety facility would be speculative.

The following General Plan goals and policies would ensure that police and fire services are maintained at adequate levels and that implementation of the cumulative projects would result in a less-than-significant impact to police and fire services.

- Services and Facilities, Policy 16: For police protection, achieve a response time of six minutes or less for 60 percent of all Priority 1 calls; achieve a response time of eleven minutes or less for 60 percent of all Priority 2 calls.
- Services and Facilities, Policy 17: In reviewing major land use or policy decisions, the City should consider the availability of police and fire protection, parks and recreation, and library services to the affected area as well as the potential impacts of the project on existing service levels.

(Less Than Significant Cumulative Impact)

Parks and Recreation Cumulative Impacts

The City of San José currently manages 3,561 acres of regional, neighborhood and community parkland. The City provides developed park lands, open space, and community facilities to serve its residents. Some recreation facilities available to San José residents are also provided by other public agencies, such as playgrounds and fields on public school sites, County parks, and City trails on Santa Clara Valley Water District lands. Park and recreation facilities vary in size, use, type of service, and provide for neighborhood, citywide, and regional uses.

The City of San José has 160 neighborhood parks, 18 community gardens, and eight regional parks. Amenities can include basketball courts, bar-b-ques, exercise (par) courses, picnic tables, playgrounds, restrooms, soccer fields, softball fields, swimming pools, and tennis courts. In addition to parks, recreational facilities include community centers, trails, and open space preserves.

In November of 2000, the voters of San José overwhelmingly approved the passage of two general obligation bond measures. Seventy-five (75) of the 96 Park Bond projects have been delivered to residents of San José as part of the Safe Neighborhood Parks and Recreation Bond.

The City’s General Plan has established level of service benchmarks for parks and community centers. The City has a service level objective of 3.5 acres of neighborhood and
community serving recreational lands per 1,000 residents, of which a minimum is 1.5 acres of City owned neighborhood, community, or locally serving regional/City-wide park lands and up to 2 acres of school playgrounds, and all of which are located within a reasonable walking distance from the surrounding residences; 7.5 acres of regional/City-wide parkland per 1,000 population; and 500 square feet of community center floor area per 1,000 population.

Assuming 3.2 persons per household, the 44,600 dwelling units proposed by the cumulative projects would result in approximately 142,720 residents and a corresponding cumulative demand for approximately 500 acres of neighborhood serving parks, 1,070 acres of regional parkland, and 71,360 sq.ft. of community center space. The projects proposing higher density residential development will produce fewer residents, typically 2.29 for high density housing, than the Citywide average noted above, and so the actual cumulative demand for parkland is likely to be less than described above.

Implementation of the cumulative projects would result in a substantial increase in San José residents. The City has adopted the Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) that require residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. The PIO allows applicants to receive credit towards the parkland dedication requirements for private recreation improvements included as part of the project. Additionally, residential developments are required to provide on-site private and common open space in conformance with City’s Residential Land Use Policy 11.

While the increased population associated with the implementation of the cumulative projects would result in increased use of existing parks and trails, such use is not expected to be substantial enough to cause these facilities to deteriorate and no significant adverse physical impact would result. Therefore, while cumulative projects will result in an increase in demand for parks and recreation, they will offset this increased demand through the provision of new and improved parks and open space opportunities. New parks facilities would be developed in the project area concurrent with the proposed residential development. New parks and recreation facilities would contribute incrementally to the impacts of development identified for each of the cumulative projects as a whole, but would not be anticipated to have new or substantially different significant adverse environmental impacts.  (Less Than Significant Cumulative Impact)

Library Service Impacts

The San José Public Library System consists of one main library and 18 branch libraries. The Dr. Martin Luther King Junior Main Library is located on the corner of San Fernando and Fourth Streets, in downtown San José, and the 18 library branches are located throughout the City. In addition to the San José Public Library system, Santa Clara County also has a network of eight libraries within the County’s municipalities, as well as a bookmobile. The Alum Rock Library, located at 75 South White Road, is the only County library located in San José.

The San José General Plan benchmarks for library services are 10,000 square feet of library space per 36,000 population, and 18.3 weekly service hours per 10,000 population. In November 2000, the Branch Library Bond Measure was approved to help achieve General
Plan library services goals. The measure will provide 212 million dollars over the next ten years for six new and 14 expanded branch libraries.

The additional demand for library service resulting from growth allowed by the cumulative projects will impact individual neighborhood branches in the areas where growth would occur, and the Martin Luther King, Jr. Main Library. As population grows and service demands increase, additional library services would be required. The resources to meet the increased demands could include some or all of the following:

- expanding the physical size of branches and main library;
- adding new branches;
- enlarging materials collections;
- expanding/redefining collections to accommodate changing technologies;
- increasing staff; and
- providing additional services not currently provided.

Developing the proposed amount of new housing in North San José, Evergreen, and Coyote Valley would create a significant new demand that would exceed the resources and service capacity of existing and nearby libraries, and could trigger the need for new libraries in each of the major project areas. The ultimate buildout of these projects is likely, therefore, to include a new branch library or substantial expansion of existing libraries in these areas of San José. Each of the six major projects are planned in geographically distinct areas of the City, and would be served by branch libraries located within their respective project area and not contribute to cumulative impacts on branch libraries in other areas of San José.

The projects include land use designations that allow the location of residential support uses, including libraries. Future development of a library in the six major project areas would require supplemental environmental review. Since specific sites for such construction cannot be identified at this time, it cannot be stated conclusively that significant environmental impacts would or would not occur and so further discussion at this time of the impacts that might result from building a library in these cumulative project areas would be speculative.

The cumulative projects would increase the number of people using library facilities in the City, and may trigger the need for a new library in a particular project area, particularly in North San José, Evergreen and Coyote Valley. In the event that a new library is needed in a given project area, it is assumed that it would be constructed near the planned residential development, at a location suitable for library use. (Less Than Significant Cumulative Impact)

School Impacts

Santa Clara County has 33 school districts and 345 schools. The cumulative projects are located in areas of San José serviced by eight school districts:

San José Unified School District
East Side Union High School District
Orchard School District
Santa Clara Unified School District
Oak Grove School District
Evergreen School District
Mount Pleasant School District
Morgan Hill Unified School District

The purpose of this cumulative analysis is to forecast the combined effect of the cumulative projects on school districts where a school district serves more than one of the cumulative projects.

The Orchard School District and Santa Clara Unified School District would be impacted by the North San José project, as described in Chapter III., Public Services and Facilities. The other cumulative projects would not contribute students to these districts.

The Oak Grove School District would be impacted by the Hitachi project. The other cumulative projects would not contribute students to this district.

The Evergreen School District and the Mount Pleasant School District would be impacted by the Evergreen project. The other cumulative projects would not contribute students to these districts.

The Morgan Hill Unified School District (MHUSD) may accommodate the students generated by the Coyote Valley Specific Plan (CVSP), or potentially a new school district could be formed. The other cumulative projects would not contribute students to the MHUSD or a new school district. Additionally, the students generated by the dwelling units to be built under the CVSP are not anticipated to be accommodated by other Santa Clara County school district(s), so the CVSP is not expected to contribute to a cumulative impact to schools.

The iStar project is located within the service area boundaries of East Side Union and Oak Grove School Districts, but proposes no residential development, and so no students would be generated.

Two of the eight school districts would be impacted by more than one of the cumulative projects. The anticipated cumulative impacts on these school districts are described below.

San José Unified School District

The San José Unified School District (SJUSD) is located in central San José and includes land in the North San José and Downtown project areas. The SJUSD served 32,351 students from Kindergarten to Grade 12 in 2002-2003, and is comprised of 54 schools consisting of 31 elementary schools, seven middle schools, seven high schools, seven continuation schools, one charter school and one alternative school. Within the SJUSD boundary, the North San José project could generate approximately 383 elementary students, 184 middle school students, and 240 high school students. The 10,000 multi-family dwelling units proposed with the Downtown project will generate an estimated 2,000 to 5,000 students, depending upon the unit types and sizes ultimately developed.

The SJUSD is in the process of closing schools through its School Closure and Transition Plan. Due to the presence of surplus schools within the SJUSD, the proposed North San José and Downtown projects may not require construction of new facilities.
East Side Union High School District

The East Side Union High School District (ESUHSD) is located in the eastern portion of San José and includes land in the North San José, Hitachi and Evergreen project areas. The ESUHSD is comprised of ten high schools, five continuation schools, and four charter schools. During the 2001-2002 school year, the ESUHSD had a total of 24,409 students enrolled in grades 9-12. The North San José project could generate approximately 566 high school students that would attend schools in the ESUHSD. The Hitachi project could generate approximately 586 new high school students. The Evergreen project could generate between 300 and 400 new high school students. None of the other cumulative projects are anticipated to generate students in this school district.

Based on the above-described estimates, the cumulative student generation within this school district by the projects under review is anticipated between 1,450 and 1,550 high school students. The ESUHSD is anticipated to accommodate these additional students by adjusting their school attendance boundaries to enroll project generated high school students at schools within the district that are under capacity, such as Yerba Buena High School, James Lick High School, and Overfelt High School.

See discussion below for mitigating impacts to school capacity.

Conclusion: The cumulative demands upon urban services are collectively substantial, but would not necessarily constitute a significant impact. Impacts on city services including police protection, fire protection, libraries, parks and recreation can be mitigated to a less-than-significant level by permitting the approval only of development that does not exceed the City’s adopted level of service standards. New development approvals are required to comply with general plan services and facilities policies.

(Less Than Significant Cumulative Impacts)

D. MITIGATION FOR CUMULATIVE IMPACTS

1. Mitigation for Cumulative Land Use Impacts

As discussed in the Land Use Impacts discussion, available mitigations for the land use impacts associated with significant traffic increases (including implementation of measures identified in the Council’s adopted Traffic Calming Policy), and available mitigation measures to reduce the visual impacts associated with loss of open space (including planning for permanently protected open space and inclusion of landscaping with development project) are assumed to be in place and/or included in all of the proposed projects. The significant unavoidable land use impacts that would result from approval and implementation of all identified projects are therefore significant and unavoidable. Implementation of the proposed modifications to the North San José Development Policies will contribute to these cumulative significant impacts both in terms of a significant addition to traffic in the impacted neighborhoods and in the loss of approximately 600 acres of visual open space.

Significant Unavoidable Cumulative Impacts
2. **Mitigation for Cumulative Transportation Impacts**

   **Mitigation for Cumulative Traffic Impacts**

The data summarized above indicate that the approval and implementation of all of the pending General Plan amendments and major long-term planning projects that were evaluated in this cumulative analysis would result in significant and unavoidable traffic impacts. The scale of the cumulative traffic impacts would be substantial, affecting traffic operations on numerous freeways and local streets throughout much of San José and in neighboring communities.

**Overview of Traffic Mitigation at the Cumulative Level**

Mitigation for cumulative traffic impacts of a widespread nature, such as that described above, requires a comprehensive approach that addresses both “demand” and “capacity”.

Demand, defined as the number of vehicles desiring to use the roadway system at a given time, can be greatly affected by a variety of factors, including the following:

- **Land Use Factors**: This consists of planning for growth in a manner that reduces the number and length of single-occupancy vehicle trips. Specific measures include locating employment and retail uses near residential uses, encouraging infill development and discouraging sprawl through tools such as urban growth boundaries (UGBs), and adopting policies that encourage higher density development along transit corridors.

- **Policy Factors**: This consists of adopting policies that provide incentives for commuters to switch from single-occupancy vehicles to alternative forms of transportation. Such measures can include tax benefits for employer-subsidized transit passes, preferential or free parking for carpools, and designated travel lanes for carpools and buses. In some cases, large developments can be required to fund and operate shuttles that provide connections to nearby public transit systems. Policies that reduce level of service standards for peak hour traffic operations can also reduce demand because the resulting increased congestion becomes a disincentive to solo driving when compared to alternative modes.

- **Design Factors**: This category consists of incorporating features into the design of a project that facilitate the use of alternative transportation. Examples include providing showers and storage lockers at employment centers to facilitate bicycling, constructing transit shelters or other amenities for transit users, and constructing attractive pedestrian facilities such as sidewalks and appropriately lit pathways.

Capacity is defined as the ability of the transportation system to accommodate demand. Increases in capacity can take the form of physical improvements, operational improvements, or both:
Physical improvements can include new/wider highways or other roadways, new interchanges/grade separations, widened intersections, new/extended rail lines, and new/expanded transit centers.

Operational improvements can include the interconnection/coordination of traffic signals, new/expanded bus routes, new rail service on existing lines, and increasing the frequency of transit service.

Depending on the nature and complexity of the improvement, increase in transportation capacity can require participation by governmental agencies at the federal, state, regional, and/or local levels. At the federal level, participation is usually limited to funding. At the state level, participation involves funding and, in the case of Caltrans, implementation of improvements to freeways and state highways. At the regional level (e.g., Metropolitan Transportation Commission), participation involves establishment of priorities for the funding of highway and transit improvements in the San Francisco Bay Area. At the local level, the VTA (acting as the County Congestion Management Agency) sets the goals and priorities for improvements to the Santa Clara County transportation system, as embodied in the Valley Transportation Plan 2030 (VTP 2030). The City of San José and neighboring cities implement improvements to local roadways and, through the development review/approval process, require new development to fund/implement transportation system improvements.

VTP 2030, which was adopted by the VTA Board of Directors in February 2005, notes that projected growth in Santa Clara County over the next 25 years will be substantially greater than planned increase in roadway capacity. For example, the Plan notes that the projected 36 percent increase in jobs and 27 percent increase in population will far exceed the estimated 5.6 percent increase in freeway capacity from planned projects. The Plan states that “the ability to expand the roadway system to accommodate more vehicles is approaching practical limits.”

Recognizing that increases in highway capacity will be inadequate to accommodate projected growth, VTP 2030 includes major expansions of both rail (e.g., LRT, BART, Caltrain, ACE, and Capitol Corridor) and bus transit systems. The ability of the VTA to construct and operate these expanded systems will depend on a number of factors, not the least of which will be financial viability. A key component of financial viability will center on the degree to which people utilize the transit systems, instead of driving their cars. To the extent that the significant traffic congestion that is described in this EIR becomes an incentive for persons to utilize public transit, such increased ridership will, in turn, improve the ability of the VTA to implement further improvements over the long term.

It has been the City’s practice in the past to rely heavily on conformance with the General Plan Traffic Level of Service Policy and its implementation through adopted Council Policy on Transportation Level of Service to ensure that traffic impacts, especially increased intersection congestion, would be minimized or avoided. Part of this cumulative analysis includes proposed modifications to those policies. Strict adherence to LOS standards at critical infill locations will inhibit the City’s ability to approve appropriate higher density infill development within the existing UGB. The City is therefore proposing to relax the LOS standard at a few designated intersections in transit corridors or other special planning areas where higher intensity development and increased reliance on transit and other
transportation modes can support the planned development. Additionally, the modifications to the LOS Policy would require new development to implement traffic calming and other improvements to alternative transportation modes, in order to both offset the incremental reduction in intersection capacity and to protect residential neighborhoods from spillover traffic.

**Cumulative Traffic Mitigation**

Given the magnitude of the cumulative traffic impacts that are described above, no feasible mitigation was identified that would reduce the impacts to a less than significant level. This conclusion notwithstanding, it is important to summarize the mitigation/avoidance measures that are included in the projects under consideration in this cumulative scenario.

1. Consistent with the policies and strategies of the General Plan, all of the projects are infill development within San José’s UGB.

2. Consistent with adopted City policies and policies embodied in various regional transportation and clean air plans, each of the six large projects (i.e., North San José, Downtown, Evergreen, Coyote Valley, Hitachi, and iStar) include a proposed intensification of development along existing/planned rail corridors.

3. Four of the six large projects (North San José, Downtown, Coyote Valley, and Hitachi) include new residential land uses proximate to existing/planned job centers.

4. As applicable, each project will include facilities (e.g., showers, bike lockers, transit amenities, pedestrian pathways, etc.) that facilitate use of alternative modes of transportation.

5. The North San José project includes a comprehensive package of roadway improvements (including upgrades to freeway, expressway, and local street facilities), and a financing plan for their funding. The North San José project is also proposing improvements to the transit system.

6. The Downtown Strategy 2000 project includes a comprehensive package of roadway improvements (including upgrades to US 101, I-280, and SR 87 freeway ramps, and local street facilities such as the new Autumn Street connection and Coleman Avenue widening).

7. The Evergreen project contains a comprehensive package of highway improvements (including upgrades to US 101, White Road, and local intersections), and a financing plan for their funding.

8. The Coyote Valley project will include improvements to interchanges on US 101, new/widened roadways in Coyote Valley, and the widening of Bailey Avenue between Coyote Valley and Almaden Valley. The Coyote Valley project is also envisioned to include a fixed guideway transit system.

These measures will have the effect of reducing cumulative traffic impacts, compared to that which would occur in the absence of such measures. The measures would not, however, be
sufficient to reduce impacts to a less than significant level. Given the practical limitations on future roadway expansions, further reductions in cumulative traffic impacts will be largely dependent upon long term changes in the behavior of commuters. Such changes will be necessary in order to reduce the overwhelming dependence on single occupant automobile transportation that is the basis of both the project specific and cumulative traffic impact analyses. This EIR does not assume that such change will occur during the current General Plan horizon.

Changes in commute behavior (i.e., relying less on single occupant automobile transportation) may, over time, reduce the significant traffic congestion identified in this cumulative impacts analysis. Government actions that encourage use of alternative transportation and discourage reliance on single occupant automobiles, consistent with the City’s General Plan and the Countywide Congestion Management Plan, are specific actions that also might be taken to reduce the significant traffic impacts. However, a significant reduction in cumulative traffic congestion is unlikely to occur during the current General Plan horizon.

**Significant Unavoidable Cumulative Impact**

3. **Mitigation for Cumulative Air Quality Impacts**

The City’s adopted General Plan includes all of the Transportation Control Measures identified in the BAAQMD Guidelines that can be implemented by a local government. Goals and objectives for all of the six major projects evaluated in this cumulative section include designing for transit access where such design is feasible. As development is proposed, the City evaluates specific development design for consistency with the General Plan policies.

The proposed North San José development includes improvements to the existing transit system, development of a grid street system that is compatible with alternative transportation modes (including walking and bicycling), requirements for design that supports alternative transportation, and the basic policy modifications are intended to facilitate the development of mixed uses in closer proximity. All of these measures are consistent with the BAAQMD Guidelines for reducing long term air quality impacts, and with the provisions of the CAP.

While there are no specific measures identified that would reduce air quality impacts to a less than significant level, the proposed project includes all feasible measures to reduce long term air quality impacts. While the cumulative projects would not be consistent with the population projections in the current CAP, the inclusion of TCMs and design measures to support alternative transportation modes and the provision for improvements to the existing transit system are consistent with CAP policies. The project’s contribution to the cumulatively significant air quality impacts will still be significant and avoidable.

**Significant Unavoidable Cumulative Impact**

4. **Mitigation for Cumulative Noise Impacts**

Mitigation for noise impacts at existing receptors along roadways frequently consists of the construction of soundwalls along the roadway right-of-way. Soundwalls are effective,
however, only where the noise-sensitive land use does not front onto the roadway. At locations where land uses front onto the roadway, soundwalls become impractical due to the gaps are needed for driveways and because the aesthetic properties of front yard walls are adverse. In such cases, mitigation often takes the form of installing upgraded windows, doors, and ventilation to reduce interior noise levels. Exterior noise impacts may be unavoidable; the San José General Plan acknowledges this situation by stating that the City’s noise goals can often not be achieved along major roadways.

It is important to note that, while it is technically feasible – as described in the preceding paragraphs – to mitigate many noise impacts along roadways, such mitigation is frequently not required at the project level because its cost renders it economically infeasible. In addition, since increases in traffic noise are often incremental and are not attributable to just one project, there is no nexus for requiring noise mitigation from a single source. In those circumstances, there is no existing mechanism for mitigating cumulative noise impacts.

Given the extent and variety of projects and the multiple sources of noise, it is unlikely that any mitigation program can reduce the cumulative noise impacts to less than significant. **Significant Unavoidable Cumulative Impact**

While impacts of many individual construction projects can be minimized or reduced to less than significant, the cumulative impacts of construction noise in areas planned for multiple or very large developments would be significant and unavoidable. **(Significant Unavoidable Temporary Cumulative Impacts)**

**Significant Unavoidable Cumulative Impacts**

5. **Mitigation for Cumulative Biological Impacts**

Mitigation for Cumulative Impacts to Individual Nesting Raptors and Burrowing Owls

In conformance with federal and state regulations regarding protection of raptors, appropriate surveys for Burrowing Owls following CDFG protocols will be completed prior to any development occurring on sites with foraging or nesting habitat for Burrowing Owls, or prior to redevelopment occurring on sites identified as having potential burrowing owl habitat. Likewise, preconstruction surveys for nesting raptors will be conducted on proposed development or redevelopment sites with mature trees.

If surveys confirm that a site is occupied habitat, or that a nest exists that could be disturbed by proposed development, then additional mitigation measures to minimize or avoid impacts to the individual raptors, their occupied burrows or nests, would be identified and implemented. Implementation of pre-construction surveys and establishment of construction-free buffers, in the event raptors or active nests are present, will avoid project impacts and avoid a significant cumulative impact to raptors. **(Less Than Significant Cumulative Impact)**
Mitigation for Cumulative Impacts to Trees

The loss of mature, native trees cannot, in the short-term, be mitigated to a less-than-significant level by replacing them with new trees. Native tree species have a higher biological value than non-native trees, because they are adapted for long-term survival in California’s soils and climate, are more resistant to insects and disease than are non-native tree species, and provide superior habitat for a wide range of wildlife. In the circumstances that would result from simultaneous and ongoing implementation of all of the proposed projects, thousands of native and non-native trees would be removed citywide – literally from one end of the City to the other.

While replacement planting would be included in the future development and redevelopment projects to reduce the long-term effects of habitat loss from tree removal, the loss of mature trees, particularly native trees, resulting from development of all of the cumulative projects would result in a cumulatively significant biological impact for which there is no effective mitigation. (Significant Unavoidable Cumulative Impact)

Mitigation for Cumulative Impacts to Burrowing Owl Habitat

Mitigation for the cumulative loss of Burrowing Owl habitat could include the establishment of a County-wide program to set aside one or more large area(s) of publicly owned, permanent open space and improve this habitat for use by Burrowing Owls. Each individual project resulting in a loss of Burrowing Owl habitat could contribute to the improvement and maintenance of this permanent habitat through the payment of an impact fee. The level of required participation by each new development project could be assessed, based on a reasonable relationship to the individual development’s contribution to the cumulative loss of Burrowing Owl habitat. Through such a mitigation program, permanent, good quality habitat for Burrowing Owls could be retained in perpetuity at locations deemed appropriate by biologists. There is currently no established program.

In the absence of replacement habitat to offset the loss of the remaining Burrowing Owl habitat in the area, the development proposed in North San José in combination with the other cumulative projects would result in a cumulatively significant, unavoidable loss of Burrowing Owl habitat. (Significant Unavoidable Cumulative Impact)

Significant Unavoidable Cumulative Impacts

6. Mitigation for Cumulative Cultural Resource Impacts

Because approval and implementation of the proposed project evaluated in this EIR will not result in a cumulatively considerable contribution to significant cumulative impacts to cultural resources, no mitigation is required.

7. Mitigation for Cumulative Geology and Soils Impacts

The evaluation reflected above did not identify cumulatively significant geology and soils impacts. No mitigation is required.
8. **Mitigation for Cumulative Hydrology and Water Quality Impacts**

The evaluation reflected above did not identify cumulatively significant hydrology or water quality impacts. No mitigation is required.

9. **Mitigation for Cumulative Hazardous Materials Impacts**

The evaluation reflected above did not identify cumulatively significant hazardous materials impacts. No mitigation is required.

10. **Mitigation for Cumulative Utilities Impacts**

    **Mitigation for Impacts to WPCP and Sanitary Sewer Collection System**

    The City of San José will ensure that the development proposed under this cumulative scenario would not cause the WPCP to exceed its capacity or discharge limit, consistent with Chapter 15.12 of the Municipal Code. Programs which the City may use to accomplish could include continued implementation of water conservation measures, substantially increased use of recycled water, and/or expansion of the WPCP capacity.

    Unless the City is able to substantially increase the use of recycled water, the proposed amount of development, including build-out of the current General Plan, could cause the WPCP to exceed the discharge flow trigger cap. The City will not however issue entitlement for development beyond the WPCP capacity. Development allowed under the proposed projects would in some cases generate sanitary sewer discharge in excess of the capacity of existing collection systems. Construction of the planned sanitary sewer collection system to serve individual components of this cumulative impact scenario would not result in new significant environmental impacts different or substantially greater than those of the individual projects. **(Less Than Less Than Significant Impact)**

11. **Mitigation for Cumulative Energy Impacts**

    There are many measures available to reduce energy consumption in both residences and businesses, as listed in Section II.K. Each of the projects being considered will, to varying degrees, incorporate such measures into the design of all new buildings. Section II.K. identifies a number of measures that could reduce increased energy use from the proposed project, including the project’s contribution to the cumulatively significant increased use of energy, to a less than significant level.

    The increased intensity of development in North San José is proposed to encourage employment generating businesses to locate in that area. Given the long term horizon for this project, and the inherent limitations on the City’s ability to forecast who the future users might be and what their requirements might include, the City is not proposing at this time to commit to a menu of energy conservation measures. **(Significant Unavoidable Cumulative Impact)**

    **Significant Unavoidable Cumulative Impacts**
12. **Mitigation for Cumulative Public Facilities and Services Impacts**

As discussed above, the cumulative projects would not result in significant cumulative impacts to fire and police protection, parks and recreation facilities and services or library services. No mitigation is, therefore, required.

**School Impact Mitigation**

The City’s ability to plan for school facilities is limited by State law in that cities can no longer require the dedication of school sites in conjunction with the planning process. State law (Government Code 65996) specifies that an acceptable method of offsetting a project’s effect on the adequacy of school facilities is the payment of a school impact fee prior to issuance of the building permit. In San José, residential development project applicants can either negotiate directly with the affected school districts, or they can make a “presumptive payment” of $1.93 per square foot for multi-family units. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code. The school impact fees and the school districts’ methods of implementing measures specified by Government Code 65996 would partially offset the costs of serving project-related increases in student enrollment.

In the event a school district decides construction of a new facility is warranted to accommodate the new students, future development of one or more schools in one of the cumulative project areas would require supplemental environmental review. There are also specific requirements set by the state for constructing a new school that would have to be met. Since a specific site for such construction cannot be identified at this time, it cannot be stated conclusively that significant environmental impacts would or would not occur. The construction of one or more schools on land in a given project area would contribute incrementally to the impacts of development identified for the project as a whole, but is not anticipated by itself to have new or substantially different significant adverse environmental impacts. Further discussion at this time of the impacts that might result from building one or more schools in a given project area would be speculative.

**School Impacts Conclusion:** The SJUSD and the ESUHSD would each experience a cumulative increase in students from two or more proposed projects, but these districts would mitigate their impacts through compliance with state law regarding school mitigation. Future development of one or more schools in the project areas, if deemed necessary by the school districts, would require separate, supplemental environmental review. At the time of future development of a new school or additional facilities, it is assumed that the school facilities would be constructed near the proposed residential development, at a location suitable for school uses.

The North San José project would not impact either of these school districts, and would not contribute to a cumulative significant impact on schools.
VI. GROWTH INDUCING IMPACTS

The CEQA Guidelines require that an EIR discuss the ways in which a proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in a surrounding area. Projects which could remove obstacles to population growth (such as a major public service expansion) must also be considered in this discussion. According to CEQA, the Lead Agency must never assume that growth in an area is necessarily beneficial or of little significance environmentally.

The proposed project would modify a number of San José policies in order to allow additional industrial, residential and commercial development within the project area (North San José). The proposed project would also establish a mechanism to provide for the construction of transportation infrastructure to mitigate potential traffic impacts caused by this new development. The following discussion addresses the possibility of growth inducing impacts related to the development of new industrial, commercial, or residential uses and the proposed transportation infrastructure improvements.

The proposed project is not intended specifically to generate new growth, but rather to allow the City of San José to direct or provide an opportunity for regionally projected population and job growth to occur in an area of the City this is for the most part already developed and served with a high level of infrastructure, including the light rail system. Current policies would largely preclude new industrial or residential development within the project area, likely resulting in increased growth pressure in outlying areas of the City or in surrounding communities. In this aspect, the proposed project could diminish the pressure for growth in other locations.

The proposed project would produce significant growth in North San José. The direct impacts of this growth are discussed elsewhere in this EIR. The proposed policy changes are intended to allow amounts of new development proportionally balanced to minimize overall impacts by allowing new housing and supporting commercial uses in close proximity to new employment generating industrial uses. Because North San José is intended to remain primarily an employment center for San José as a whole, the project as proposed would not allow enough new housing to fully serve all of the new jobs that would be allowed in North San José, resulting in the likelihood of additional housing development outside of the project area.

The proposed number of new housing units, 32,000, is assumed to provide 68 percent of the housing necessary to house the workforce generated by the proposed amount of new industrial development. Based upon the current General Plan for the remainder of San José, anticipated new housing sites were identified in adjoining parts of the City that would accommodate an additional 22 percent of the new housing necessary to house the projected increase in workforce. While it would be possible to identify additional new housing sites within San José, given the proximity of other cities to the project area and the potential that new workers will chose to live in various Bay Area locations, housing sites to accommodate the remaining 10% increase in worker population (6,800 housing units) were identified in Milpitas, Santa Clara and to a lesser degree elsewhere throughout Santa Clara County and the region. Suitable or likely locations for new housing were identified in these jurisdictions based upon their respective General and Specific Plan documents and are intended to reflect long-term increases in housing development already anticipated by those communities. These assumptions about new housing growth were used for the traffic analysis prepared for this EIR. The impacts of developing the anticipated new housing in San José have been addressed in the CEQA clearances prepared for the City’s General Plan and its subsequent amendments. Similarly,
the projected new residential development in surrounding communities is consistent with the adopted plans for those jurisdictions as well as with regional growth projections prepared by the Association of Bay Area Governments.

The project includes the proposed construction of several transportation infrastructure improvements as mitigation for traffic impacts caused by other parts of the project. The proposed project does not include proposed increases in infrastructure that would create capacity for additional development beyond the project scope (growth inducing).
VII. SIGNIFICANT, UNAVOIDABLE IMPACTS

If the project is implemented, it would result in the following significant unavoidable impacts:

- Significant land use impacts to residential neighborhoods resulting from increased traffic and traffic congestion on grid streets that contain front-on residences.

- Significant increased traffic congestion on local and regional streets and freeways in San José, Milpitas, Santa Clara, and Campbell.

- Significant regional air quality impacts.

- Significant increases in noise levels adjacent to existing residences.

- Significant loss of Burrowing Owl habitat.

- Significant increase in demand upon energy usage in relation to supply.

In addition, the project would have cumulatively significant impacts in the following areas:
VIII. REFERENCES


http://www.sjparks.org/Parks/list.htm.


California Energy Commission, California Utility Electricity Deliveries by County for 2000.


IX.  EIR AUTHOR AND CONSULTANTS

AUTHOR

City of San José  
*Department of Planning Building and Code Enforcement*
Stephen Haase, Director of Planning, Building, and Code Enforcement  
Akoni Danielsen, Principal Planner  
Andrew Crabtree, Senior Planner

CONSULTANTS

David J. Powers & Associates  
*Environmental Consultants and Planners*
Michelle Yesney, Principal  
John Schwarz, Senior Project Manager  
Will Burns, Assistant Project Manager  
Stephanie Grotton, Graphic Artist

Basin Research Associates, Inc.  
*Cultural Resource Consultants*
Colin Busby, Project Manager  
Melody E. Tannam, Researcher

Donald Ballanti, Certified Consulting Meteorologist  
*Air Quality Consultant*

Hexagon Transportation Consultants, Inc.  
*Traffic Consultants*
Gary Black, President  
Robert Del Rio, Project Manager

H.T. Harvey & Associates  
*Ecological Consultants*
Dave Plumpton, Ph.D., Associate Ecologist  
Andrew Dilworth, Plant Ecologist  
Laird Henkel, Wildlife Biologist

Illingworth & Rodkin, Inc.  
*Acoustic Consultants*
Richard B. Rodkin, PE, Principal  
Michael S. Thill, Project Manager