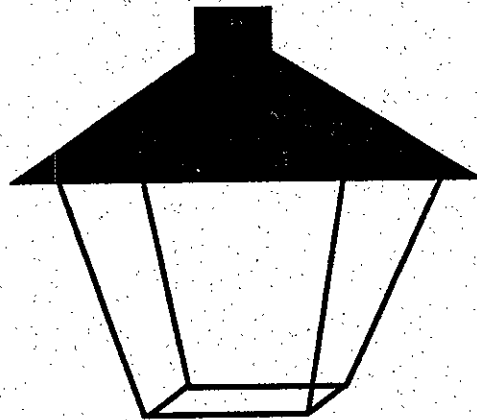


FINAL
ENVIRONMENTAL IMPACT REPORT

TOWN AND COUNTRY
VILLAGE



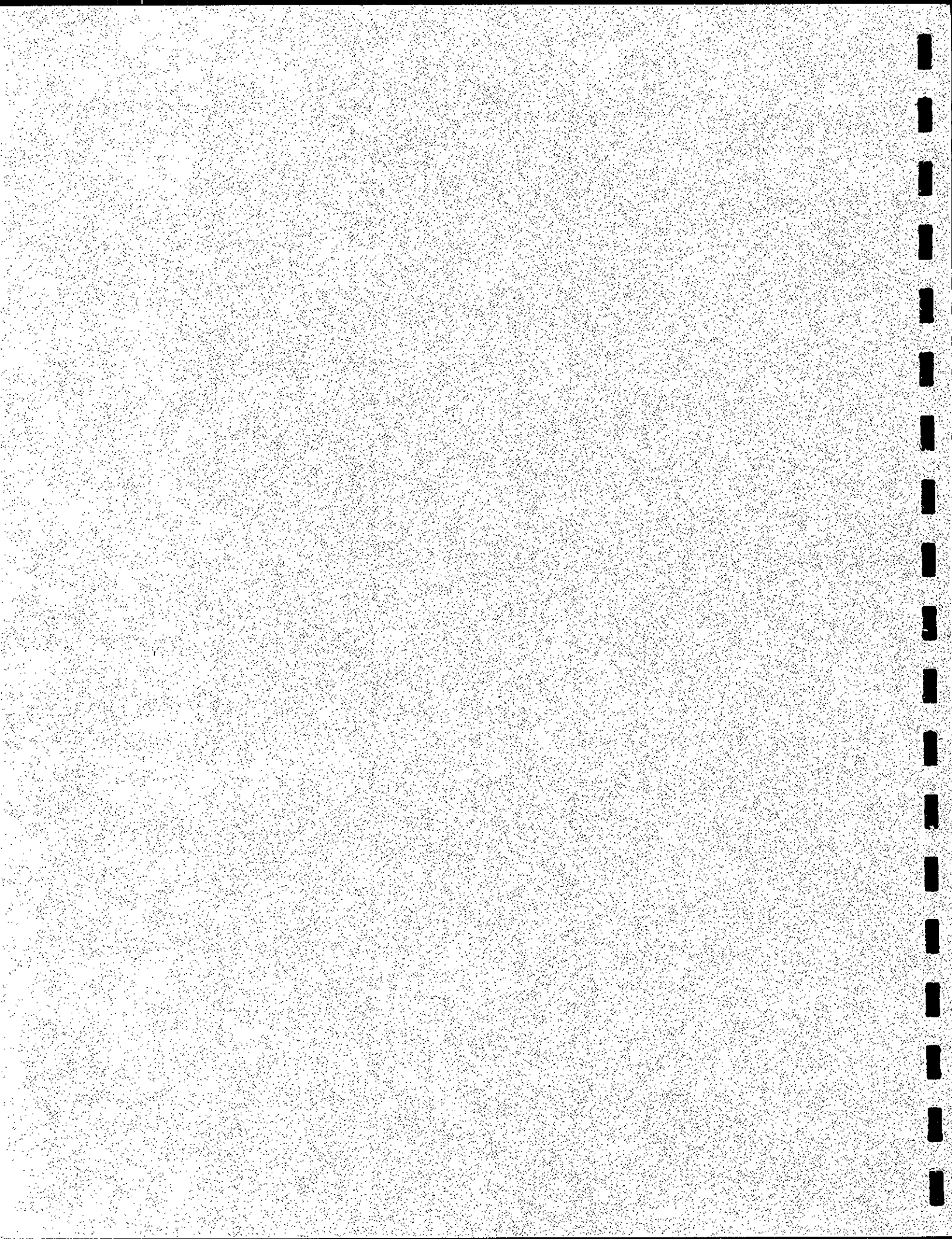
CITY OF SAN JOSE

JUNE 1998

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VOLUME IV OF IV : FINAL EIR APPENDICES H-K

PDC949706-036



APPENDIX H

**FIRST AMENDMENT TO THE
DRAFT ENVIRONMENTAL IMPACT REPORT**

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FIRST AMENDMENT

TO A

DRAFT ENVIRONMENTAL IMPACT REPORT

TOWN AND COUNTRY VILLAGE

CITY OF SAN JOSE

APRIL 1998

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PREFACE

This document, together with the Draft Environmental Impact Report (DEIR) constitute the Final Environmental Impact Report (FEIR) for the Town and Country Village redevelopment project. The DEIR was circulated to affected public agencies and interested parties for a 45-day review period. This Amendment consists of comments received by the Lead Agency, the City of San Jose, on the DEIR, responses to those comments, and revisions to the text of the DEIR.

In conformance with the CEQA Guidelines, the FEIR provides objective information regarding the environmental consequences of the proposed project. The FEIR also examines mitigation measures and alternatives to the project intended to reduce or eliminate significant environmental impacts. The FEIR is used by the City and other Responsible Agencies in making decisions regarding the project. The CEQA Guidelines require that, while the information in the FEIR does not control the agency's ultimate discretion on the project, the agency must respond to each significant effect identified in the DEIR by making written findings for each of those effects. According to State Public Resources Code (§21090), no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

- (a) The public agency makes one or more of the following findings with respect to each significant effect:
 - (1) Changes or alterations have been required in, or incorporated into, the project which will mitigate or avoid the significant effects on the environment.
 - (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
 - (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities of highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.
- (b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

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I. LIST OF AGENCIES AND INDIVIDUALS RECEIVING THE DRAFT EIR

State and Regional Agencies

Director of Planning, County of Santa Clara
Santa Clara County, Roads and Airport Department
Audubon Society
Director of Planning, City of Campbell
Association of Bay Area Governments
Governor's Office of Planning and Research, State Clearinghouse
Director, California Department of Fish and Game
Santa Clara County, Parks & Recreation Department
Santa Clara Valley Water District
Director of Planning & Inspections, City of Santa Clara
San Francisco Bay Regional Water Quality Control Board
Transportation Planning, Caltrans District 4
Santa Clara Valley Transportation Authority
Sierra Club/Loma Prieta Chapter
Guadalupe-Coyote Resource Conservation District
Bay Area Air Quality Management District
Metropolitan Transportation Commission
Campbell Union School District

Individuals

Mark Cali
Robin Marshall
Janet Gawbill
Kerry Field
Peter Cassata
Karita Hummer
Don Ichikawa
Susan Lindshog
Rita Carr
Cisco Systems

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II. LIST OF AGENCIES AND INDIVIDUALS COMMENTING ON THE DRAFT EIR

<u>Comment Received From</u>	<u>Date of Letter</u>	<u>Response Required</u>
<i>Federal and State Agencies</i>		
A. State Department of Fish and Game	2/11/98	yes
B. Cal EPA	2/25/98	yes
C. State Department of Transportation	2/26/98	yes
<i>Regional and Local Agencies</i>		
D. County of Santa Clara, Parks and Recreation Department	1/27/98	yes
E. Campbell Union School District	1/29/98	yes
F. County of Santa Clara, Roads and Airports Department	2/5/98	yes
G. City of Santa Clara, Planning Division	2/20/98	yes
H. The Redevelopment Agency of the City of San Jose	2/25/98	yes
I. Santa Clara Valley Transportation Authority	2/25/98	yes
<i>Organizations and Individuals</i>		
J. Daphna Lee	2/7/98	yes
K. Petition to Slow the "Fast Track" Development of the New Town & Country Village	2/12/98	yes
L. Lucille J. Williams	2/23/98	yes
M. Ann Reid	2/23/98	yes
N. Petition letter	2/24/98	yes
O. Berliner Cohen	2/24/98	yes
P. San Jose Downtown Association	2/25/98	yes
Q. Abrams Associates*	2/23/98	yes

*Note: This letter was sent attached to the letter from the Downtown Association.

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III. RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

The following section includes all of the comments contained in letters received during the 45-day review period advertised by the City of San Jose regarding this DEIR. The comments are organized under headings containing the source of the letter and its date. The specific comments have been copied from the letters and are presented as "Comment" with its response directly following. Copies of these letters submitted to the City of San Jose are found in their entirety in Section V of this First Amendment to the DEIR.

FEDERAL AND STATE AGENCIES

A. DEPARTMENT OF FISH AND GAME, DATED FEBRUARY 25, 1998

COMMENT 1: On Page 85 of the Draft Environmental Impact Report (EIR), it is stated that "the vacant area does not meet the definition of what is considered by the State Department of Fish and Game to be the minimum amount of habitat to support one or a pair of burrowing owl (6.5 acres)." The Department has **never** made this assertion.

In our Staff Report of Burrowing Owl Mitigation (1995), we state that "a minimum of 6.5 acres of foraging habitat (calculated on a 100 m (approx. 300 ft) foraging radius around the burrow) per pair or unpaired resident bird should be acquired or permanently protected" (Staff Report 1995) as a mitigation requirement for project impacts to burrowing owls. This is not to say that we believe that burrowing owls may not be utilizing sites of smaller size (or of larger size). Due to the fragmented nature of the patches of burrowing owl habitat left in the South Bay area, it is likely burrowing owls utilize several small parcels of open space within their range.

RESPONSE: Language in the DEIR addressing the minimum amount of habitat that is necessary to support Burrowing Owls, and clarifying the project's impacts on both the habitat available to the species and potential impacts to individual birds is included in **Section IV. Revisions to the Text of the EIR** found in this Amendment.

As stated in the text revisions, and as reflected in these comments from Fish and Game, there is no widely accepted, scientific estimate as to what constitutes a minimum amount of habitat that will support one or more Burrowing Owls. When Owls must be relocated, the State Department of Fish and Game typically stipulates that a relocation site provide a minimum of six and one-half acres of habitat per bird or pair of birds. While Burrowing Owls have been found living in locations with less natural habitat available, there are no studies on whether such sub-optimal environments are conducive to successful breeding. The loss of 4.5 acres of marginal foraging habitat is not considered a significant loss of habitat impact; however, the EIR does conclude that, without mitigation there would be a significant impact from the project on individual owls, since owls intermittently live on the project site.

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A. DEPARTMENT OF FISH AND GAME, DATED FEBRUARY 25, 1998, continued

COMMENT 2: On Page 85, it is stated that "the development of the project site will have no effect on the breeding success of the burrowing owl." There is not enough information available to make this kind of determination. One of the owls that was observed on the Town and Country site in October, 1997, was leg banded. It turns out that the bird hatched in a nest burrow on the Santa Clara University Campus in the spring of 1997. It is difficult to predict the habits of wild animals, however, we do know that owls have been observed on the Town and Country parcel in the past and we also know that burrowing owls prefer to breed in areas that other burrowing owls have bred in the past. Therefore, it is possible that the juvenile observed in October may attempt to nest on the site. If so, development of the site would effect the breeding success of the owls observed. We make this argument to illustrate that it is best to avoid making these types of sweeping generalizations when conducting impacts analysis on burrowing owls.

RESPONSE 2: As clarified in the text revisions found in Section IV. in this Amendment, the remaining habitat on the project site is poor quality and will deteriorate whether or not this project is approved. The habitat consists of a small patch of vacant ground in the center of a heavily urbanized area. The text revisions also clarify the distinction between potential impacts to the species and their breeding success in the area and the region, and potential impacts to the particular birds that may be still on the property. The loss of this vacant land will not, by itself, significantly impact the success of the species in San Jose or Santa Clara County, but does contribute to the cumulatively significant loss of habitat in the region (see Cumulative Impacts, page 118 of the DEIR).

COMMENT 3: The mitigation measures proposed for reducing impacts to burrowing owls to a level of less than significant (Page 86) are appropriate insofar as they assure there will be no "take" of individual burrowing owls. Pre-construction surveys should be conducted within thirty days of construction and any burrowing owls observed on the site during the nesting season (February 1 to August 31) shall be protected pursuant to sections 3503 and 3503.5 of the California Fish and Game Code and the Federal Migratory Bird Treaty Act. A 250-foot radius buffer will have to be established around any active owl burrow for the duration of the nesting season. No activities will be allowed within the protective buffer. The buffer shall be established with the placement of acceptable fencing.

Mitigation for the loss of burrowing owl foraging and potential breeding habitat should be required as a condition of approval for the project. To delay the determination of mitigation requirements for impacts to burrowing owl **habitat** would not be in accordance with the provisions of CEQA. On Page 86 it is written that, "if resident of breeding owls are located on the site during pre-construction surveys, a site-specific mitigation plan would be prepared." One of the purposes of CEQA is to provide the public with an opportunity to review and comment on the adequacy of various mitigation measures proposed to off-set the project's impacts. Habitat mitigation requirements should be clearly identified in the Final EIR. If the City were to develop an interim measure for burrowing owl habitat protection (until the Burrowing Owl Habitat Conservation Plan is implemented) this type of situation could be avoided.

A. DEPARTMENT OF FISH AND GAME, DATED FEBRUARY 25, 1998, continued

We suggest assessing an impact fee on projects such as this, which contribute to the cumulative loss of burrowing owl habitat in the region. This approach would provide the applicant and the City with an acceptable and reasonable approach to burrowing owl habitat mitigation. The fee could be placed into an account which could later be used to fund management activities to enhance or create burrowing owl habitat on protected open space areas. We urge the City to consider this approach without delay so that the burden of protecting burrowing owls in the San Jose area is distributed fairly among developers. This approach will provide the applicant with a feasible way to lessen the significant impact of the project on burrowing owl habitat and afford the City with the opportunity to avoid making a finding of overriding considerations.

On Page 117 of the Draft EIR, this type of approach is clearly identified as a mitigation option. However, it is stated that "although the City of San Jose has begun a study there is currently no established program in place" for an applicant to contribute financially to burrowing owl habitat protection, enhancement and management. An interim measure, such as an ordinance which identifies a fee schedule based on the number of square feet of the project or the size of the owl habitat area impacted, would assure that all applicants are provided with a mitigation mechanism so that mitigation would be distributed fairly and that enough money will be available to fulfill the components of the future Burrowing Owl Habitat Conservation Plan. We would be pleased to provide you information about similar ordinances elsewhere that have been established to achieve similar goals.

If a fee assessment is not possible at this time, we recommend that impacts to burrowing owl habitat be offset with the protection of similar habitat elsewhere within the South Bay area. We suggest - that a minimum mitigation ratio of 1:1 be applied to burrowing owl habitat impacts. The applicant should be required to protect and enhance five acres of burrowing owl habitat in the South Bay area. If the applicant is unable to find acceptable habitat within the time frame of the project permitting process, we would be willing to accept a security bond as an interim mitigation measure. The security bond would have to be in an amount sufficient to cover the potential cost of having the Department fulfill the mitigation requirement. A Mitigation Agreement with our Department will be required if this mitigation option is chosen.

RESPONSE 3: This comment assumes that the loss of habitat resulting for this project would be significant. The EIR does not conclude that the development of the remaining vacant land on the project site would be a significant loss of habitat, although it does contribute to the cumulatively significant loss of such habitat in the region. The text revisions in this Amendment (**Section IV. Revisions to the Text of the EIR**) clarify the distinction between impacts to birds and impacts to habitat, and explain why the loss of the remaining foraging habitat on this site is not considered significant. CEQA does not require mitigation for cumulative impacts when the project's contribution is considered *de minimus*.

The Department's suggestions regarding how to implement possible mitigation for cumulatively significant impacts are acknowledged, and will be considered by the City Council for inclusion as potential project conditions.

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B. DEPARTMENT OF TOXIC SUBSTANCES CONTROL, DATED FEBRUARY 25, 1998

COMMENT 1: As stated in our August 11, 1997 letter to you, DTSC is a Responsible Agency under CEQA and had planned to use the Environmental Impact Report (EIR) prepared by the City of San Jose to address the potential environmental effects stemming from the cleanup actions specified in the Removal Action Workplan. (RAW). However, since the City of San Jose failed to include DTSC, as a Responsible Agency, in the scoping sessions conducted early in the planning stages, the Draft EIR as proposed is not useful for the purposes of evaluating effects of the RAW. In fact, at this time the RAW is still in the draft stages and although there are a few potential remedies under consideration, a remedy for the soil contamination has not been selected. DTSC formally requests from the City of San Jose an extension of the public comment period in order to allow development of the RAW to the point that a remedy can be selected. At that point, the EIR could be modified to address the environmental effects of the RAW.

RESPONSE 1: No formal scoping meeting for Responsible Agencies was conducted for this project. The applicants' representatives, and consultants responsible for preparing the technical analysis reflected in the DEIR, have been in contact with DTSC since the circulation of the Notice of Preparation. The City believes the conditions found on the site are not uncommon, and the mitigation identified in the DEIR is adequate to address these issues. Implementation of a RAW for the type and amount of contamination found on the site, which is being developed in conjunction with DTSC, would not generate additional significant environmental effects which are not already addressed in the DEIR.

In addition, the mitigation measure identified on page 92 of the DEIR states, "once implemented, the RAW will reduce the levels of contamination within the areas designated for residential uses to acceptable threshold levels as established by local, state, and federal regulatory agencies."

COMMENT 2: If the City of San Jose will not extend the public review and comment period, please consider and respond appropriately to the comments contained in this letter. If the City of San Jose does not address these comments to the satisfaction of DTSC, an alternate CEQA document will be written to address the effects of the RAW exclusively. This course of action will result in higher costs (on the order of \$15,000) to the project proponent, Federal Realty. Staff at DTSC are ready and willing to work closely with the City of San Jose to modify the EIR such that the wasteful exercise of generating another CEQA document can be avoided.

RESPONSE 2: Please refer to Response 1 of this letter. The City acknowledges that Section 15096(e) of the CEQA Guidelines states that if a Responsible Agency believes that a final EIR or Negative Declaration prepared by the Lead Agency is not adequate for use by the Responsible Agency, the Responsible Agency may prepare a subsequent EIR or assume lead Agency status.

B. DEPARTMENT OF TOXIC SUBSTANCES CONTROL, DATED FEBRUARY 25, 1998, continued

COMMENT 3: As stated in DTSC's August 11, 1997 letter, the EIR must account for potential impacts of the cleanup work on earthen structures, air quality, surface and ground water, animal and plant life, land use, natural resources, risk of upset, public resources, energy, utilities, noise, public health and safety, aesthetics, cultural and paleontological resources, traffic, population, housing, recreation, and cumulative effects.

RESPONSE 3: It is the City's understanding that one of the purposes of the development of a RAW is to include measures to ensure that the implementation of the workplan will not generate new significant effects, and that clean up is conducted in a safe and effective manner in accordance with local, state, and federal regulations. As reflected in the responses below, there is no reason to assume that the measures necessary to implement a RAW at this site would have significant impacts different or greater than those identified in the DEIR.

COMMENT 4: The Land Use section should discuss issues related to restricting land use if a deed restriction is put into place. Conceptually, the deed restriction would prevent uncontrolled excavation of contaminated soils. It would prevent uses that would involve sensitive receptors such as day care centers, hospitals, etc. The restriction would require a plan, approved by DTSC, that describes how contaminated soils will be handled in the future. Residential units may be constructed on deed restricted land, but ground-level private patios or yards must be free of contaminants at any depth.

RESPONSE 4 The DEIR identifies environmental impacts from the project as proposed. If DTSC concludes that a deed restriction is necessary, and if that restriction results in a development pattern substantially different than that reflected in the City's approved project design, the property owner would propose suitable revisions consistent with DTSC requirements. The City would consider the modified design and evaluate it for conformance with the approved PD zoning. If the modified proposal had environmental impacts different than those reflected in this EIR, subsequent review would be required under CEQA, including coordination with DTSC and other concerned agencies.

There is no proposal to locate a day care center, hospital, or other sensitive use on the site, as reflected in the Project Description in the DEIR.

COMMENT 5: The Traffic section should discuss issues related to the potential effects of implementing alternative #1, complete removal and disposal of contaminated soil. The estimated amount of soil that would require removal has not been determined. This alternative would involve hauling contaminated soil by truck to the nearest disposal facility. A disposal facility has not been proposed to DTSC and is not known at this time. The EIR should discuss the effects of the level of service due to the implementation of this remedy.

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B. DEPARTMENT OF TOXIC SUBSTANCES CONTROL, DATED FEBRUARY 25, 1998, continued

RESPONSE 5: Even if all of the contaminated soil is removed from the site, the number of truck trips necessary to remove contaminated soil would be significantly less than the number of daily trips that will be generated by this project after development. Since the DEIR evaluates the impacts of full buildout of the project, traffic impacts of the RAW activities would not create significant impacts different or more significant than those addressed in the DEIR.

COMMENT 6: The Air Quality section should state that soil with high levels of arsenic, lead and pesticides exists on the site and should discuss the potential health effects. Indicate that DTSC would require a Health and Safety Plan as part of the RAW which would include monitoring and dust control measures.

This section should also discuss the potential negative impacts to air quality stemming from the use of construction equipment and from the use of trucks hauling contaminated soil for disposal.

RESPONSE 6: The DEIR assumed that DTSC, as stated in this comment, would require that the RAW include appropriate measures to reduce air quality impacts. As reflected in the response to the previous comment about traffic, implementation of the RAW will have fewer air quality impacts related to traffic than will full buildout of the project and, therefore, would not create significant impacts different or more significant than those addressed in the DEIR.

COMMENT 7: This section should discuss the appropriateness of fill material potentially being placed into areas that will be used for foundation support. This section should address changes in the site due to potential excavation of contaminated soils. This section should also discuss issues related to the remedial option of leaving contaminated soils in place. If contaminated soils are left in place, DTSC will require an Operations and Maintenance Plan for long term maintenance and Soils Management Plan for any disturbance of contaminated soil. These discussions should tie into the discussion in the Air section as they relate to dust control.

RESPONSE 7: As reflected in responses to previous comments, the DEIR states that the RAW will need to conform to DTSC requirements. If the soil were to remain on site, it would either be incorporated into building foundations, or would otherwise be treated in a fashion that would conform to relevant State and Federal standards.

COMMENT 8: The discussion of sample results in the "Former Agricultural Uses" section is inaccurate. Perhaps the author was confused by the presentation in the Environmental Site Assessment, which presented sampling data in a chronological fashion. Environmental sampling data should be presented in total, i.e., regardless of the time sampled. There were at least 76 soil samples analyzed. Present the total number of samples analyzed for pesticides, lead, and arsenic. Present the correct concentrations as a range from minimum to maximum. This data should be

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B. DEPARTMENT OF TOXIC SUBSTANCES CONTROL, DATED FEBRUARY 25, 1998, continued

supported by copies of figures presented in the Environmental Site Assessment which show both concentration and location of samples.

RESPONSE 8: The soil sampling information summarized in the DEIR document is based upon the most recent environmental site assessment prepared on the project site. CEQA Guidelines and recent case law direct the analysis in an EIR to evaluate the conditions which exist on the site before the commencement of the project. The information in the DEIR is the most up-to-date available for the project site. In addition, the DEIR contains a reference to previous soil sampling conducted on the site. The text of the EIR has been revised to clarify the ranges in pesticides found in the most recent soil samples and the comparison to previous soil samples. These revisions are included in **Section IV. Revisions to the Text of the Draft EIR** of this document.

Support material for technical information contained in an EIR is frequently included in the Appendices which are also part of the EIR. Figures identifying the location of the soil samples and the concentrations of the materials are found in Appendix E of the DEIR. Page 88 of the DEIR refers the reader of the document to the technical report located in the Appendix.

COMMENT 9: The comparison of site concentrations to the total threshold limit concentration (TTLC) and resulting determination of whether the soil is hazardous material leads the reader to believe that any concentration below the TTLC is not hazardous and therefore does not present a human health risk. While the containment concentration may be below the TTLC, it still may present a significant health risk and by virtue of being toxic is defined as hazardous material. The Site Concentrations should be compared to site-specific background soil concentrations or Preliminary Remedial Goals (PRGS) developed by the U.S. EPA. PRGs are conservative screening concentrations that provide a good benchmark for comparison to potential human health risks.

RESPONSE 9: Total threshold limit concentrations (TTLC) are used by the State of California to define hazardous waste. The text of the DEIR states that the soil would be classified as a hazardous material. The text revisions in this Amendment (**Section IV. Revisions to the Text of the Draft EIR**) clarify the classification of the contaminated soils. A Human Health Screening Evaluation is summarized on page 91 of the DEIR.

COMMENT 10: The EIR presents arsenic concentrations in the "Former Agricultural Uses" section. This is not appropriate, because it leads the reader to believe that arsenic is limited to the currently unpaved area. DTSC believes that the entire area encompassed by the site was once used for agricultural purposes. As the figures in the Environmental Site Assessment show, arsenic was detected in soil at several locations at the site.

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B. DEPARTMENT OF TOXIC SUBSTANCES CONTROL, DATED FEBRUARY 25, 1998, continued

Page 92, Mitigation for Hazardous Material Impacts: This section refers to the "former agricultural area." As previously stated, DTSC believes that the entire site was once used for agricultural purposes.

RESPONSE 10: The entire project site was previously used for agricultural purposes. The "Former Agricultural Uses" section of the DEIR does not limit previous agricultural operations only to the existing vacant parcel. The text revisions in this Amendment (**Section IV. Revisions to the Text of the Draft EIR**) clarify the reference to the former agricultural area to include the entire site.

COMMENT 11: This section refers to the RAW as a mitigation measure. The EIR should address the effects of the RAW (in both implementation and final result). It is unclear how the EIR can address these effects when the RAW has not been developed yet.

RESPONSE 11: As stated in previous comments and responses to them, both the City of San Jose and State law assume that the RAW will include measures to reduce impacts from the contamination on site to a less than significant level. Preparation and conformance with a RAW is, therefore, mitigation for impacts from the contamination. Based on the amount and type of contamination identified as present on this site, it is unlikely that implementation of the RAW itself would have significant adverse impacts different or more significant than those addressed in the DEIR.

COMMENT 12: This section should address the potential effects of the usage of fuel for trucking contaminated soil to a disposal facility.

RESPONSE 12: If the contaminated soil must be removed from the site to a disposal facility, no more than approximately 35 truck trips would be required. The City of San Jose would not consider the fuel necessary to remove the contaminated soil to be "inefficient and unnecessary consumptions of energy" and its consumption is, therefore, not considered a significant impact, requiring mitigation under the CEQA Guidelines [Section 15126(c)].

COMMENT 13: There should be a section addressing the risk of upset. This section would examine the potential effects from an accident during or after implementation of the selected alternative in the RAW. The Health and Safety Plan, Operations and Maintenance Plan and Soils Management Plan required by DTSC would make these impacts less than significant.

RESPONSE 13: The implementation of the RAW to remove or move soil in accordance with DTSC standards, which include the development of a Health and Safety Plan,

B. DEPARTMENT OF TOXIC SUBSTANCES CONTROL, DATED FEBRUARY 25, 1998, continued

Operations and Maintenance Plan, and Soils Management Plan is not anticipated to generate additional significant effects associated with risk of upset.

COMMENT 14: This section should analyze the relative impacts associated with the main areas of contamination and how the various hazardous materials may, when considered together, result in an adverse impact at and around the project site. This includes similar hazardous material removal projects in proximity to the site. The cumulative analysis as currently written limits the focus primarily to traffic impacts and its cumulative effects.

RESPONSE 14: Singularly or collectively the hazardous materials found on the site do not result in significant impacts with the identified mitigation. The City knows of no approved or reasonably foreseeable future projects which, considered in conjunction with the proposed project, would result in cumulatively significant hazardous materials impacts.

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C. STATE DEPARTMENT OF TRANSPORTATION, DATED FEBRUARY 26, 1998

COMMENT 1: Modifications to the existing ramp metering systems, such as ramp widening, may be necessary in order to mitigate the impacts the project. In particular, at the one-lane diagonal on-ramp from Stevens Creek Boulevard to the southbound I-880, the existing ramp meter is located on the lane collector road. The traffic generated by this project will add to the existing queue at the diagonal on-ramp in the afternoon peak period, it appears that a three-lane on-ramp, including an HOV bypass lane will be required.

RESPONSE 1: The EIR identifies mitigation necessary to offset project impacts, but does not address improvements to better accommodate existing and/or background traffic. Widening the diagonal ramp to SB I-880/I-280 from Stevens Creek Boulevard to two lanes, from Monroe to the I-280 interchange, will mitigate impacts from the proposed project. This improvement would also be compatible with Caltrans' plan for three lanes with an HOV bypass on that ramp. As a condition of the project, the two-lane ramp will be required. This ramp improvement goes a long way toward achieving the ultimate design that Caltrans desires; however, Caltrans may wish to build the ultimate design all at once, as opposed to widening the ramp to two lanes, then at some future date widening it to three. If that is the case, the City would recommend that Caltrans coordinate with the developers of the project and the City Department of Public Works to achieve this end.

COMMENT 2: In Volume I, page 32 and Vol. II, Page 14, the report states "the assumed ramp capacity is 2,000 vehicle per hour per lane for the diagonal ramps and 1,800 vehicle per hour per lane for the loop ramps". The LOS of ramps was calculated using V/C ratio alone without any consideration for ramp metering. Please revise the analysis of impacts to freeway segments, interchange ramps and intersections to include the effects of ramp metering on peak period traffic.

RESPONSE 2: Based on the traffic analysis by Barton-Aschman, the project could potentially add traffic to the following metered ramps: I-880 northbound ramp from Stevens Creek (metered in mornings only), I-880 southbound onramp from Stevens Creek (metered in the afternoons only), and I-280 northbound onramp from Winchester Boulevard (metered in the morning and afternoon). A ramp metering analysis has been conducted and shows no adverse impact due to the project. The results of observations, and the project impact, are presented on the table below. The only location where traffic exceeded the storage capacity was at the I-280 onramp from Winchester in the morning. The project would add only four trips to this ramp during the AM peak hour, which represents an insignificant impact. The other ramps are expected to remain within their available storage capacity.

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C. STATE DEPARTMENT OF TRANSPORTATION, DATED FEBRUARY 26, 1998,
continued

Ramp Metering Summary						
Ramp	Time Period	Maximum Storage (cars)	Maximum Queue (cars) ^a	Added by Background (cars) ^b	Added by Project (cars) ^b	Total Queue (cars)
San Carlos to NB 880	AM	50	14	0	0	14
Stevens Creek to NB 880	AM	45	28	2	5	35
Stevens Creek to SB 880	PM	55	16	5	3	24
Winchester to NB 280	AM	58	58+	0	4	58+
Winchester to NB 280	PM	58	53	1	3	57

^a Count conducted on Wed. 1/21/98
^b Cars added to maximum queue calculated by taking average arrival rate per minute and multiplying by two.

COMMENT 3: The Existing Level of Service (LOS) was calculated using V/C ratio. The ratio alone is not sufficient to provide correct traffic conditions. Peak hour speeds also must be looked at before true LOS could be calculated. For instance, upstream of any bottleneck, traffic volumes are lower than the capacity due to stored vehicles. Therefore, relying on volumes alone will not provide true traffic conditions because it will show much higher LOS.

RESPONSE 3: The freeway analysis in the DEIR was conducted using the methodology specified by both the City of San Jose and Santa Clara Valley Transportation Authority (VTA) for traffic studies. These guidelines specify the use of a V/C ratio for the analysis of freeway segments. In addition, the V/C analysis shows LOS F on several freeway segments and indicates that the project would have a significant impact on those segments. The EIR concludes that the project will have a significant unavoidable impact on six freeway segments.

COMMENT 4: In addition, weaving affects are ignored. For instance the northbound Collector Distributor Road on I-880 between I-280 and Stevens Creek Boulevard is currently experiencing daily congestion with LOS F due to traffic weave. This information is not reflected in Table 7. Projects that will increase traffic demand in this project will undoubtedly worsen that weave and therefore must be addressed in the environmental document.

RESPONSE 4: Barton-Aschman conducted traffic counts and analyzed the weave sections on the collector-distributor roads of the I-880/Stevens Creek Boulevard/I-280 interchange. These counts were conducted on Saturday (1/17/98) and Tuesday (1/20/98). A weaving analysis was done using the methodology described in the *Highway Capacity Manual*. The standard weaving methodology is designed to analyze freeway sections where the free flow speed is 65-miles per hour. The weaving sections analyzed are on the collector-distributor roads, where free flow speeds are much lower. Three

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continued

weave sections were analyzed: 1) northbound 280 off-ramp to northbound 880/northbound 880 to San Carlos, 2) Stevens Creek on-ramp to northbound 880/280 to Stevens Creek westbound off-ramp, and 3) Stevens Creek on-ramp to southbound 880/280. Weave sections numbers 1 and 3 are assumed to have a free flow speed of between 35 and 45 miles per hour since they are fed by diagonal ramps. Weave section number 2 is more restricted because it has loop ramps at either end. It is assumed to have a free flow speed of between 25 and 35 miles per hour. The levels of service by speed for these two conditions is on the following table.

The results of the weave section analysis show that all weave sections are estimated to operate at LOS D or better for all scenarios (including the project scenario). Therefore, the project would not have a significant impact on weave section operations. Nevertheless, it has been noticed that back-ups sometimes occur (not daily) in the weave sections of northbound 880 during the PM peak and on Saturday. These back-ups are caused by congestion on Stevens Creek and not by any inherent deficiency in the weave sections or the ramps. In particular, the intersection of Stevens Creek and Monroe causes back-ups in the westbound direction on Stevens Creek that extend beyond the interchange. The Draft EIR states that the project would have a significant impact on the Stevens Creek/Monroe intersection and identifies mitigation to eliminate this impact.

Weave Analysis Summary									
Weave Section	Weekday PM Peak Hour								
	Existing			Background			Cumulative		
	Sw	Snw	LOS	Sw	Snw	LOS	Sw	Snw	LOS
East of I-880	34	36	B	33	35	B	32	34	B
I-880/Stvns. Crk. Int. (east)	25	24	B	25	23	B	23	22	C
West of I-880	40	43	A	39	42	A	38	40	A
Weave Section	Saturday Peak Hour								
	Existing			Background			Cumulative		
	Sw	Snw	LOS	Sw	Snw	LOS	Sw	Snw	LOS
East of I-880	33	35	B	32	34	B	31	32	B
I-880/Stvns. Crk. Int. (east)	23	22	C	23	21	C	22	20	C
West of I-880	40	44	A	39	42	A	39	42	A
Sw = Average running speed of weaving vehicles, mph									
Snw = Average running speed of non-weaving vehicles, mph									
Note: Methodology based on 1994 HCM									

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