

APPENDIX A
NOTICE OF PREPARATION (NOP)
AND RESPONSES TO THE NOP

NOTICE OF PREPARATION
OF A
DRAFT ENVIRONMENTAL IMPACT REPORT
FOR THE
NORTH SAN JOSÉ DEVELOPMENT POLICIES PROJECT

PROJECT APPLICANT: City of San Jose
FILE NO: GP04-T-03, GP04-04-06/07
APN: (See Attached)

As the Lead Agency, the City of San Jose will prepare an Environmental Impact Report (EIR) for the above-referenced Project and would like your views regarding the scope and content of the environmental information to be addressed in the EIR. This EIR may be used by your agency when considering approvals for this project.


The project description, location, and probable environmental effects which will be analyzed in the EIR for the project are attached.

According to State law, the deadline for your response is 30 days after receipt of this notice; however, we would appreciate an earlier response, if possible. Please identify a contact person, and send your response to:

City of San Jose
Attn: Andrew Crabtree
City Hall Annex, Room 400
801 North First Street
San Jose, CA 95110-1795
Phone: (408) 277-4576

The Department of Planning, Building and Code Enforcement of the City of San José will hold a Public Scoping Meeting for the EIR to describe the proposed project and the environmental review process and to obtain your verbal input on the EIR analysis for the proposal. This EIR Public Scoping Meeting is **tentatively** scheduled for **6:00 PM Monday, November 15, 2004**. A notice with the specific time, date and location will be mailed to you within the next few weeks. You are welcome to attend and give us your input on the scope of the EIR so that it addresses all relevant environmental issues.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement



Deputy

Date: October 18, 2004

**NOTICE OF PREPARATION
OF AN ENVIRONMENTAL IMPACT REPORT
FOR THE NORTH SAN JOSÉ
DEVELOPMENT POLICIES PROJECT**

**San José, California
October 2004**

A. Introduction

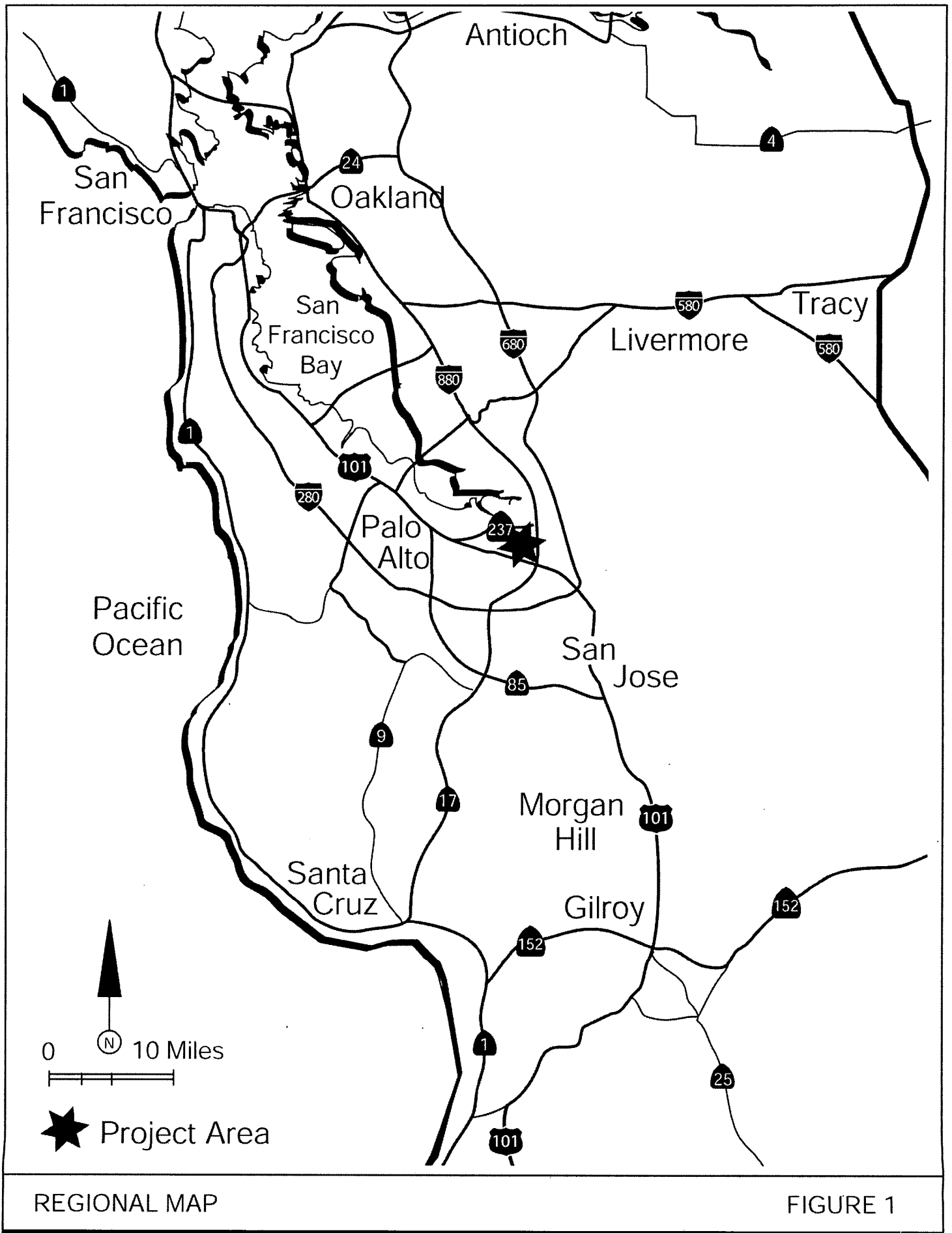
The purpose of an Environmental Impact Report (EIR) is to inform decision makers and the general public of the environmental effects of a proposed project. The EIR process is intended to provide environmental information sufficient to evaluate a proposed project and its potential for significant impacts on the environment; to examine methods of reducing adverse environmental impacts; and to consider alternatives to the project.

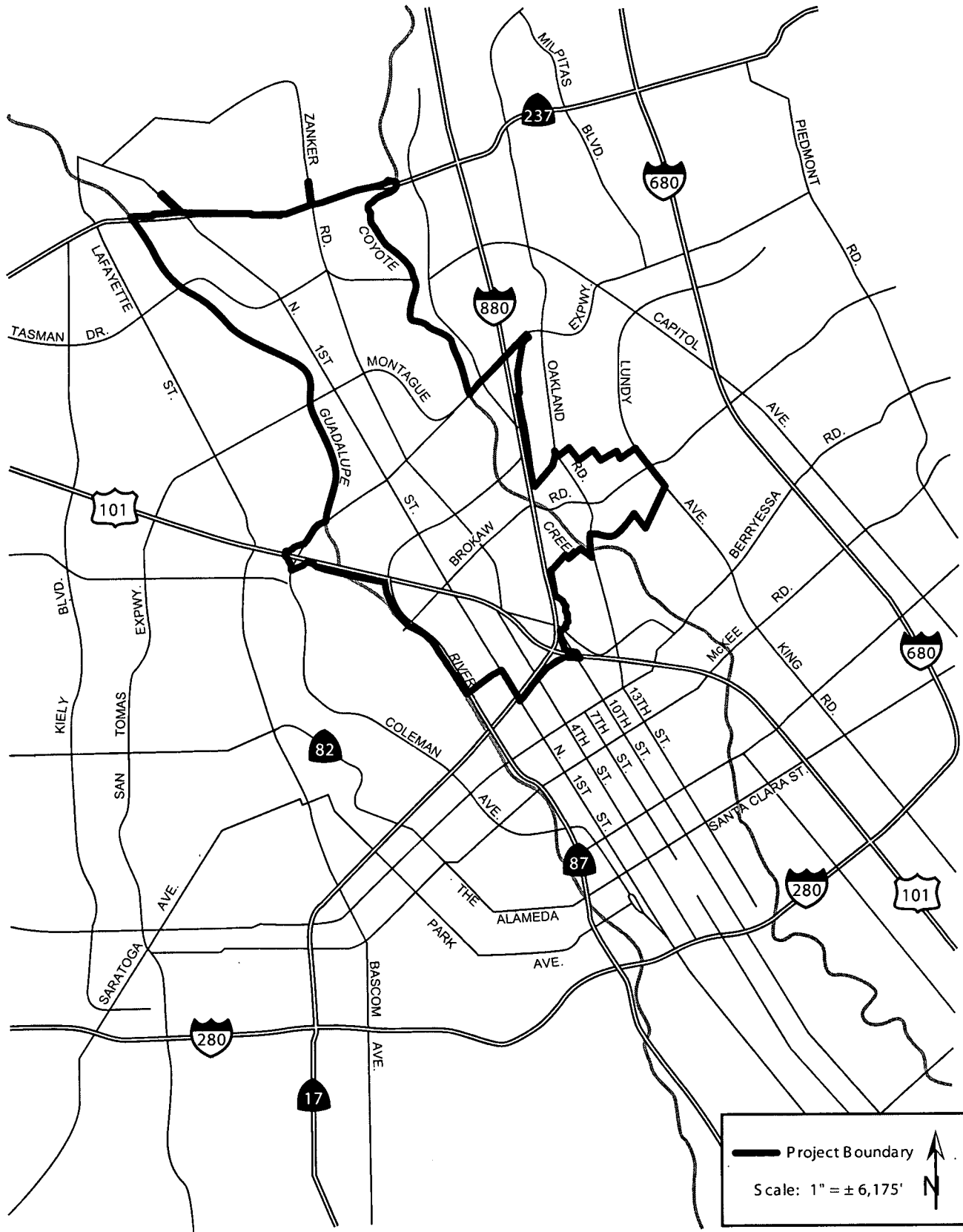
The EIR for the proposed development will be prepared and processed in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended. In accordance with the requirements of CEQA, the EIR will include:

- A summary of the project
- A project description
- A description of the existing environmental setting, potential environmental impacts, and mitigation measures
- Alternatives to the project as proposed
- Environmental consequences, including: (a) any significant environmental effects which cannot be avoided if the project is implemented; (b) any significant irreversible and irretrievable commitments of resources, (c) the growth-inducing impacts of the proposed project, (d) effects found not to be significant, and (e) cumulative impacts.

B. Project Location

The location of the proposed project is within the Rincon de los Esteros Redevelopment Area in North San José, 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 regional project location is shown on Figure 1; the project location within Santa Clara County is shown on Figure 2; Figure 3 shows the specific boundaries of the project area and proposed land uses, including the new Urban Industrial Core Area and properties proposed for potential designation as residential land uses. 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.





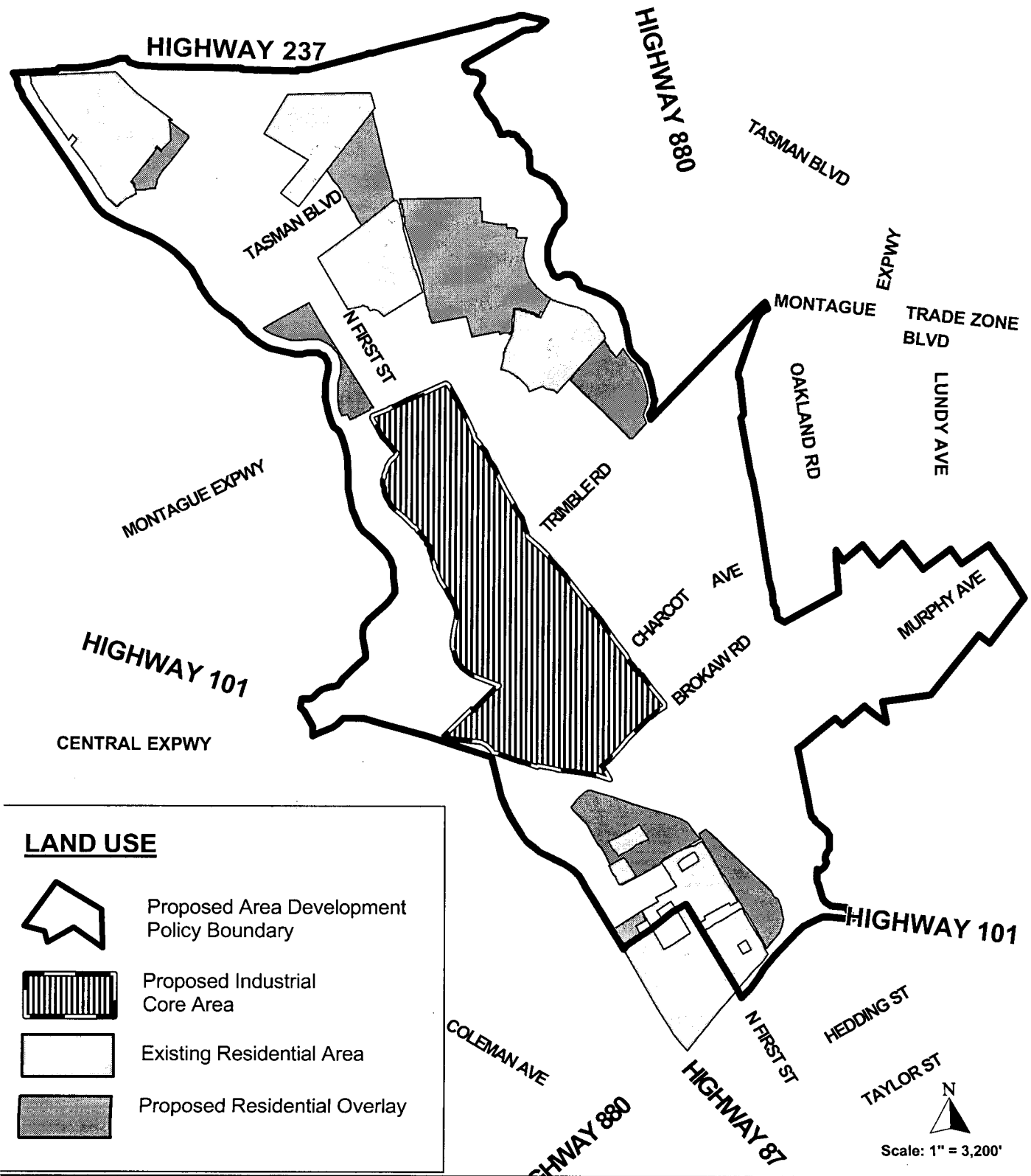
VICINITY MAP

FIGURE 2

NORTH SAN JOSE AREA DEVELOPMENT POLICY UPDATE

PROPOSED GENERAL PLAN CHANGES

GP04-T-03, GP04-04-06A and GP04-04-06B



C. Description of the 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 (Rincon). Under existing policies, development in Rincon has generally been limited 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 some developments 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 provide for additional development capacity and incorporate updated versions of the various existing policy documents pertaining to North San José.

Proposed New Development

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. Of this 26.7 million square feet, 6.7 million represents what would be full buildout of the project area outside the core area under the existing FAR cap policy and 20 million 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 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 would allow a population increase of approximately 56,563 persons. Each of these components is described briefly below.

Additional Industrial Development

Industrial Development Within Core Area

As shown on Figure 3, 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 high-rise 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.

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. Examples of this type of development include the recently approved eBay project, located near the southerly edge of the Core Area, the Equity Office project, located on the southwest corner of North First Street and Skyport Drive; and similar projects in north Santa Clara (west of the Rincon area).

As shown on Figure 3, 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. It is proposed that this EIR will cover the development of sixteen 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

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.

included within the new Policy , The project would 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.

Industrial Development Outside Core Area

All properties outside the Core Area that are not redesignated for residential uses 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. It is estimated that buildout of these properties with these density caps would result in an addition of 6.7 million square feet. The project would add four million square feet of additional transferable development capacity that could be used either inside or outside of the Core Area and would be allocated based upon criteria contained in the proposed policy. The project also includes the conversion of up to 285 acres of existing industrial lands to non-industrial uses.

To summarize, the proposed industrial/R&D development would include the following:

- (1) development resulting from implementation of existing policies for lands outside the Core 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 assigned 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.

Additional Residential Development

The project would also substantially increase the amount of residential development allowed in North San José. The number of new residential units proposed for North San José as part of this project (approximately 24,700) represents a minimum target number of new dwelling units to support the proposed industrial Core Area development. An additional estimated 7,250 new residential units are anticipated to be built on properties already designated for residential use within the project area. It is estimated that this new residential development in total 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 It should be noted that the EIR will not address any specifically proposed residential development but does provide programmatic (General Plan level) clearance for the conversion of industrial lands to residential use.

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

D. Environmental Effects of the Project

The EIR will be 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, will be 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 will be 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, will also be addressed. The project EIR will identify the significant environmental effects anticipated to result from development of the project as proposed. The EIR will include at least the following specific environmental categories related to the proposed development:

1) *Land Use*: The EIR will identify existing land uses in and near the project area, and will specifically identify vacant properties. In addition to general land use categories (industrial, residential, etc.), the existing setting will distinguish between recently built, higher intensity industrial uses and older, less intense developments. Manufacturing uses, especially areas that may use or store substantial quantities of hazardous materials or involve heavy industrial processes, will be identified. The presence of major infrastructure, including transportation, energy, and water facilities, will also be identified.

The EIR will evaluate potential land use constraints created by existing conditions in the project area. Specific impact areas evaluated will include odors, shade and shadow, light and glare, electro-magnetic frequencies (EMF), and visual intrusion. The extent to which the proposed land use changes might impact the viability of existing land uses, particularly the existing industrial uses, will be discussed. Impacts to agriculture and open space will be addressed. Visual impacts, specifically any change in visual character and the possibility of impacts to scenic resources, will be evaluated.

Mitigation for any significant impacts will be identified at the same level of specificity as the project itself. General Plan policies, adopted guidelines, adopted Council policies, ordinances and laws, and infrastructure that are identified in an adopted budget or capitol improvement program will be identified as mitigation, as appropriate.

2) *Transportation*: The EIR will identify both existing and background traffic conditions in the project area, based on the City of San José's and the Santa Clara County Congestion Management Agency's (CMA) methodologies. In addition, a summary of the conditions currently anticipated to occur through the General Plan horizon year will be discussed.

Impacts from the anticipated amount of development will be evaluated. The near term impacts of the first phase of project implementation will be identified, and mitigation evaluated. A far term scenario that includes the anticipated buildout of both the industrial/office/R&D development and the residential development will also be addressed. Anticipated levels of congestion on local roadways, regional roads, and freeways will be characterized in both the near term and far term scenarios. Mitigation measures will be identified as appropriate and may include: roadway widening, intersection expansion/improvement, creation of new roads, freeway widening, freeway interchanges, improvements to transit systems, improvements to pedestrian and bicycle facilities, and implementation of policies designed to influence travel behavior.

3) *Air Quality*: The EIR will include a setting discussion that identifies the most recent air quality data, current regulatory status, and the Environmental Protection Agency's (EPA)

new ambient air quality standards and will evaluate the impacts of the project. The EIR will document existing sources of air pollution in or near the study area, including mobile sources, stationary sources and sources of toxic air pollutants. Sensitive receptors for air pollutants - such as hospitals, convalescent homes and schools near or within the study area will be identified.

The EIR impacts analysis will predict concentrations of carbon monoxide and regional changes in emissions due to the project, based on regional travel data. Impacts related to existing or future toxic air contaminant emissions and proximity to residences will be identified. Construction impacts will be discussed qualitatively. Mitigation measures for long-term and short-term air quality impacts will be addressed, as appropriate.

4) *Noise*: The existing noise environment in the project area will be characterized in the EIR and impacts identified based on an environmental noise assessment. Noise measurements will be made of all major noise generators in the area; impacts from aircraft noise will be evaluated using the airport's most current noise monitoring information. Mitigation measures for any significant noise impacts will be identified, as appropriate.

5) *Biological Resources*: The EIR will quantify the existing habitats in North San José, and will identify sensitive habitats that could be impacted by the proposed development. The EIR will describe the current situation with respect to Burrowing Owls (listing status, remaining population, etc.), and will address the impacts that would occur if the project as proposed is approved. Mitigation to reduce or avoid any significant impacts will be identified, as appropriate.

6) *Cultural Resources*: A cultural resources update will be prepared to reflect the most current knowledge of cultural resources in the North San José area. The EIR will address the impacts that could occur if the project is approved and implemented, and will identify appropriate mitigation measures, as appropriate, in conformance with the standards and guidelines identified in CEQA and the City's General Plan.

7) *Geology and Soils*: The EIR will discuss the geologic and soils conditions in the North San José area. Mitigation will be identified as appropriate and including conformance with design-specific geotechnical reports and the Uniform Building Code.

8) *Hydrology and Water Quality*: The EIR will identify historic, existing, and near term future flooding and drainage conditions in the project area. The description will include a summary of Santa Clara Valley Water District improvements projects presently nearing completion in the project area. Impacts of new development and redevelopment in remaining flood plain areas will be addressed in the EIR. The analysis will identify mitigation measures and development standards for areas with flooding and drainage impacts; these measures may include building elevations, below grade parking, and site blockage.

9) *Hazardous Materials*: The EIR will identify known contamination from hazardous materials within and near the area proposed for residential redevelopment. The likelihood of hazardous materials impacts affecting any of the newly proposed development will be addressed. Mitigation measures, including conformance with laws and regulations, buffers, and restrictions on hazardous materials usage will be discussed as appropriate.

10) *Utilities and Service Systems*: The EIR will describe the status and condition of utility infrastructure in and around North San José. The discussion will summarize the capacity of the systems and their ability to serve the amount of development proposed for North San José, both in the near term and far term scenarios. Utilities and services addressed in this

section will include sanitary sewer lines, water supply, wastewater treatment, stormwater lines, flood control facilities, and sanitary landfill. The EIR will also address the adequacy of electrical and natural gas supplies and transmission infrastructure. This analysis will evaluate the extent to which the future land uses are likely to generate increased demand for the various services, compared to existing land uses.

11) *Energy*: The EIR will address the increased demand for energy anticipated from implementation of the project as proposed, and the extent to which the project could promote wasteful or unnecessary use of energy.

12) *Availability of Public Facilities and Services*: The EIR will identify the availability and capacity of public facilities that will be required to serve the proposed project, including both those public services required by all of the future land uses, such as fire and police, and the new demands created by substantial increases in residential development, on facilities such as schools, parks and recreation, and libraries. The discussion will characterize future demand as specifically as possible, and will identify which services are likely to require the construction of new facilities. Because CEQA does not consider increased cost of services to be an environmental impact, only a need for new facilities would usually be identified as having an impact on the physical environment. The likelihood of such new facilities resulting in new, significant environmental impacts will be identified, based on the information available and consultation with the relevant service providers.

13) *Alternatives to the Project*: The EIR will identify and evaluate project alternatives that might reasonably be assumed to reduce project impacts, especially significant impacts. The No Project Alternative is required by law. Other alternatives that may be discussed could include a Reduced Scale Alternative (either less development and/or a smaller project area), Alternative Land Uses (more or less of one or another of the proposed land uses), and an Alternative Location.

The EIR will identify the degree to which each alternative might reduce one or more of the project's impacts, whether or not the alternative could result in other or increased impacts, the viability of the alternative, and the degree to which the alternative is consistent with the project's goals and objectives.

14) *Cumulative Impacts*: Given the scope and scale of this project, the cumulative impacts discussion will be based on General Plan projections from the approved General Plans of the Cities of San José, Santa Clara, and Milpitas.

15) *Other Impacts*: The EIR will also include other information typically required for an EIR. These other sections include the following: 1) Growth Inducing Impacts; 2) Significant, Unavoidable Impacts; 3) References; and 4) EIR Authors. Relevant technical reports will be provided in a technical appendix.

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STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

PUBLIC UTILITIES COMMISSION

508 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

October 26, 2004

RECEIVED
OCT 21 2004
CITY OF SAN JOSE
PLANNING DEPARTMENT
FILE No.183-43
CCH# 2004102067Andrew Crabtree
City of San Jose
801 North First Street
San Jose, CA 95110-1795

RE: North San Jose Development Policies Project

Dear Mr. Crabtree:

As the state agency responsible for rail safety within California, we recommend that any development projects planned adjacent to or near any rail corridors in the City be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. This includes considering pedestrian circulation patterns/destinations with respect to the Union Pacific Railroad right-of-way and the Valley Transportation Authority.

Safety factors to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and appropriate fencing to limit the access of trespassers onto the railroad right-of-way.

The above-mentioned safety improvements should be considered when approval is sought for the new development. Working with Commission staff early in the conceptual design phase will help improve the safety to motorists and pedestrians in the City.

If you have any questions in this matter, please call me at (415) 703-2795.

Very truly yours,

Kevin Boles
Utilities Engineer
Rail Crossings Engineering Section
Consumer Protection and Safety Division

cc: Patrick Kerr, Union Pacific Railroad

DEPARTMENT OF TRANSPORTATION

DIVISION OF AERONAUTICS - M.S.#40

1120 N STREET

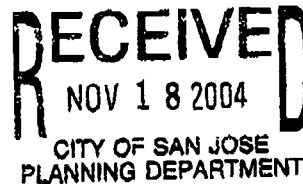
P. O. BOX 942873

SACRAMENTO, CA 94273-0001

PHONE (916) 654-4959

FAX (916) 653-9531

TTY (916) 651-6827

*Flex your power!
Be energy efficient!*

November 9, 2004

Mr. Andrew Crabtree
City of San Jose
City Hall Annex, Room 400
801 North First Street
San Jose, CA 951120-1795

Dear Mr. Crabtree:

Re: City of San Jose's Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the North San Jose Development Policies Project

The California Department of Transportation (Department), Division of Aeronautics, reviewed the above-referenced document with respect to airport-related noise and safety impacts and regional aviation land use planning issues pursuant to the California Environmental Quality Act (CEQA). The Division of Aeronautics has technical expertise in the areas of airport operations safety and airport land use compatibility. We are a funding agency for airport projects and we have permit authority for public use airports and heliports. We offer the following comments for your consideration.

1. The proposal would intensify development within the existing Rincon de Los Esteros Redevelopment Area (Rincon) in North San Jose. 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. According to the NOP, the new development would allow for approximately 83,300 new employees and up to 24,700 new dwelling units with an average density of either 55 or 90 dwelling units per acre.
2. The project area is south of State Route 237, east of the Guadalupe River, north and northwest of Interstate 880 and west of Coyote Creek. The project area is also northeast of and adjacent to the San Jose International-Norman Y. Mineta Airport. Portions of the project site are within the Referral Boundary (see enclosed map) for the San Jose International-Norman Y. Mineta Airport as designated in the Land Use Plan for Areas Surrounding Santa Clara County Airports. The proposal must be submitted to the Santa Clara County Airport Land Use Commission (ALUC) for a consistency determination. The proposal should also be coordinated with airport staff to ensure that the proposal will be compatible with future as well as existing airport operations. Airport-related noise and safety impacts should be thoroughly addressed in the DEIR.
3. San Jose International-Norman Y. Mineta Airport is classified as a "noise problem airport" and is currently operating with a variance from the State Airport Noise Standards. The airport is working to resolve its existing noise impact area. New incompatible uses, such as residential, should be discouraged from locating within the 65 dB CNEL.

Mr. Andrew Crabtree
November 9, 2004
Page 2

4. In accordance with CEQA, Public Resources Code 21096, the Department's Airport Land Use Planning Handbook (Handbook) must be utilized as a resource in the preparation of environmental documents for projects within an airport land use compatibility plan boundaries or if such a plan has not been adopted, within two nautical miles of an airport. The Handbook is a resource that should be applied to all public use airports. The Handbook is published on-line at <http://www.dot.ca.gov/hq/planning/aeronaut/htmlfile/landuse.php>.
5. Please note that following passage of legislation AB 332, the Department is now required to review the specific findings that a local government intends to use when proposing to overrule an ALUC. We specifically consider whether the proposed findings will support what is required in State law, Public Utilities Code Sec. 21670 et seq. The findings must show evidence that the city or county is "...minimizing the public's exposure to excessive noise and safety hazards within areas around public airports..." if the proposed general plan amendment and zone change are approved.
6. Public Utilities Code, Section 21659, "Hazards Near Airports Prohibited" prohibits structural hazards near airports. To ensure compliance with Federal Aviation Regulation, Part 77, "Objects Affecting Navigable Airspace," submission of a Notice of Proposed Construction or Alteration (Form 7460-1) to the Federal Aviation Administration (FAA) may be required. For further technical information, please refer to the FAA's web site at <http://www.faa.gov/ats/ata/ATA400/oeaaa.html>
7. Education Code, Section 17215 requires a school site investigation by the Division of Aeronautics prior to acquisition of land for a proposed school site located within two miles of an airport runway. Our recommendations are submitted to the State Department of Education for use in determining acceptability of the site. This should be a consideration prior to designating residential uses in the vicinity of an airport.
8. Section 11010 of the Business and Professions Code and Sections 1102.6, 1103.4, and 1353 of the Civil Code (<http://www.leginfo.ca.gov/calaw.html>) address buyer notification requirements for lands around airports. Any person who intends to offer land for sale or lease within an *airport influence area* is required to disclose that fact to the person buying the property.
9. Land use practices that attract or sustain hazardous wildlife populations on or near airports can significantly increase the potential for wildlife-aircraft collisions. The Federal Aviation Administration (FAA) recommends that landfills, wastewater treatment facilities, surface mining, wetlands and other uses that have the potential to attract wildlife, be restricted in the vicinity of an airport. FAA Advisory Circular (AC) 150/5200-33A entitled "Hazardous Wildlife Attractants on or Near Airports" addresses these issues and can be accessed at http://www1.faa.gov/arp/150acs.cfm#Airport_Safety. For further technical information, please refer to the FAA's web site at http://wildlife-mitigation.tc.faa.gov/public_html/index.html.

Mr. Andrew Crabtree
November 9, 2004
Page 3

10. Aviation plays a significant role in California's transportation system. This role includes the movement of people and goods within and beyond our state's network of over 250 airports. Aviation contributes nearly 9% of both total state employment (1.7 million jobs) and total state output (\$110.7 billion) annually. These benefits were identified in a recent study, "Aviation in California: Benefits to Our Economy and Way of Life," prepared for the Division of Aeronautics which is available at <http://www.dot.ca.gov/hq/planning/aeronaut/>. Among other things, aviation improves mobility, generates tax revenue, saves lives through emergency response, medical and fire fighting services, annually transports air cargo valued at over \$170 billion and generates over \$14 billion in tourist dollars, which in turn improves our economy and quality-of-life.
11. We strongly feel that the protection of airports from incompatible land use encroachment is vital to California's economic future. San Jose International-Norman Y. Mineta Airport is an economic asset that should be protected through effective airport land use compatibility planning and awareness. Although the need for compatible and safe land uses near airports in California is both a local and a state issue, airport staff, airport land use commissions and airport land use compatibility plans are key to protecting an airport and the people residing and working in the vicinity of an airport. Consideration given to the issue of compatible land uses in the vicinity of an airport should help to relieve future conflicts between airports and their neighbors.

These comments reflect the areas of concern to the Department's Division of Aeronautics with respect to airport-related noise and safety impacts and regional airport land use planning issues. We advise you to contact our district office concerning surface transportation issues.

Thank you for the opportunity to review and comment on this proposal. We look forward to reviewing the DEIR. If you have any questions, please call me at (916) 654-5314.

Sincerely,


SANDY HESNARD
Aviation Environmental Planner

Enclosure

c: Santa Clara County ALUC, San Jose International Airport

Pacific Gas and Electric Company

111 Almaden Boulevard
P.O. Box 15005
San Jose, CA 95115-0005

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CITY OF SAN JOSE
PLANNING DEPARTMENT



November 10, 2004

Department of City Planning
City of San Jose
801 N. First Street, Rm. 400
San Jose, CA 95110
Attn: Andrew Crabtree
Fax: 408-277-3250

RE: Draft Environmental Impact Report

For The North San Jose Development Policies Project

Plan dated October 18, 2004

Location: s/o Hwy 237 (SR 237), e/o Guadalupe Reiver, north and nw of Hwy 880,
and w/o Coyote Creek, San Jose

City File: GP04-T-03, GP04-04-06/07

PG&E File : 40322924-y04-MR-188

Dear Sir/ Madam,

Thank you for the opportunity to review the Draft Environmental Impact Report, for the above project. PG&E has the following comments to offer:

PG&E owns and operates gas and electric facilities which are located within and adjacent to the proposed project. To promote the safe and reliable maintenance and operation of utility facilities, the California Public Utilities Commission (CPUC) has mandated specific clearance requirements between utility facilities and surrounding objects or construction activities. To ensure compliance with these standards, project proponents should coordinate with PG&E early in the development of their project plans. Any proposed development plans should provide for unrestricted utility access and prevent easement encroachments that might impair the safe and reliable maintenance and operation of PG&E's facilities.

The developers will be responsible for the costs associated with the relocation of existing PG&E facilities to accommodate their proposed development. Because facilities relocation's require long lead times and are not always feasible, the developers should be encouraged to consult with PG&E as early in their planning stages as possible.

Pacific Gas and Electric Company

111 Almaden Boulevard
P.O. Box 15005
San Jose, CA 95115-0005



Relocations of PG&E's electric transmission and substation facilities (50,000 volts and above) could also require formal approval from the California Public Utilities Commission. If required, this approval process could take up to two years to complete. Proponents with development plans which could affect such electric transmission facilities should be referred to PG&E for additional information and assistance in the development of their project schedules.

We would also like to note that continued development consistent with City's General Plans will have a cumulative impact on PG&E's gas and electric systems and may require on-site and off-site additions and improvements to the facilities which supply these services. Because utility facilities are operated as an integrated system, the presence of an existing gas or electric transmission or distribution facility does not necessarily mean the facility has capacity to connect new loads.

Expansion of distribution and transmission lines and related facilities is a necessary consequence of growth and development. 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.

We would like to recommend that environmental documents for proposed development projects include adequate evaluation of cumulative impacts to utility systems, the utility facilities needed to serve those developments and any potential environmental issues associated with extending utility service to the proposed project. This will assure the project's compliance with CEQA and reduce potential delays to the project schedule.

We also encourage the Planning Office of the City to include information about the issue of electric and magnetic fields (EMF) in environmental documents. It is PG&E's policy to share information and educate people about the issue of EMF.

Electric and Magnetic Fields (EMF) exist wherever there is electricity--in appliances, homes, schools and offices, and in power lines. There is no scientific consensus on the actual health effects of EMF exposure, but it is an issue of public concern. If you have questions about EMF, please call your local PG&E office. A package of information which includes materials from the California Department of Health Services and other groups will be sent to you upon your request.

Pacific Gas and Electric Company111 Almaden Boulevard
P.O. Box 15005
San Jose, CA 95115-0005

PG&E remains committed to working with City to provide timely, reliable and cost effective gas and electric service to the planned area. We would also appreciate being copied on future correspondence regarding this subject as this project develops.

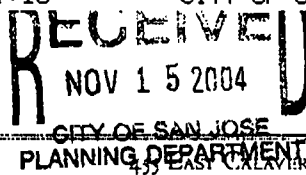
The California Constitution vests in the California Public Utilities Commission (CPUC) exclusive power and sole authority with respect to the regulation of privately owned or investor owned public utilities such as PG&E. This exclusive power extends to all aspects of the location, design, construction, maintenance and operation of public utility facilities. Nevertheless, the CPUC has provisions for regulated utilities to work closely with local governments and give due consideration to their concerns. PG&E must balance our commitment to provide due consideration to local concerns with our obligation to provide the public with a safe, reliable, cost-effective energy supply in compliance with the rules and tariffs of the CPUC.

Should you require any additional information or have any questions, please call me at (408) 282-7401.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alfred Poon".

Alfred Poon
Land Agent
South Coast Area, San Jose

**CITY OF MILPITAS**

435 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479 • www.ci.milpitas.ca.gov

November 15, 2004

Mr. Andrew Crabtree
City of San Jose
City Hall Annex, Room 400
801 North First Street
San Jose, CA 95110-1795

Re: North San Jose Development Policies Project – File # GP04-T-03, GP04-04-06/07

Gear Mr. Crabtree,

Thank you for the opportunity for Milpitas to provide comment on the above-mentioned Development Policies Project. The North San Jose Development Plan boundaries are immediately adjacent to the City of Milpitas and future policies regarding development will affect the City's transportation system as well as numerous regional transportation facilities.

The proposed change in Development Policies to allow an additional 20 million square feet of R&D/Office (and 83,300 new employees) and 24,700 dwelling units (with 56,563 new residents) will cause significant transportation related impacts within North San Jose, the City of Milpitas and numerous regional transportation facilities. The City of Milpitas supports compact dense development adjacent to transit stations and along transit corridors. However, traffic related impacts from such development should be clearly identified and mitigated.

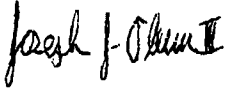
Specifically, the four major east/west corridors in Milpitas will require a detailed analysis under short-term (year 2010) and long-term (year 2030) conditions. These corridors include:

- Dixon Landing Road
- Calaveras Boulevard/State Route 237
- Tasman Drive/Great Mall Parkway
- Montague Expressway

It should also be noted that the Calaveras Boulevard widening and operational improvements from Milpitas Boulevard to Interstate 880 is ranked as the highest priority in the VTA Draft VTP 2030 Local Streets and County Roads Element. Improvement projects along Montague Expressway and Dixon Landing Road are also ranked in the top 15 projects. All major intersections along these corridors should be analyzed for project related impacts and mitigation measures proposed where impacts are identified.

Please feel free to contact me at (408) 586-3290 or Joliva@ci.milpitas.ca.gov if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph J. Oliva III".

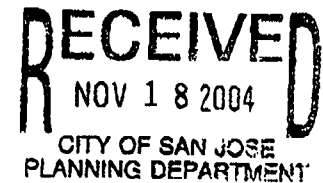
Joseph J. Oliva III
Principal Transportation Planner
City of Milpitas, CA

cc: Transportation Coordinating Committee



November 16, 2004

City of San Jose
Attn: Andrew Crabtree
City Hall Annex, Room 400
801 North First Street
San Jose, CA 95110-1795



RE: Notice of Preparation; Scope of Draft EIR for North San Jose Development Policies Project

Thank you for the opportunity to provide input on the scope of the Draft EIR for the intensification of North San Jose. The proposed project is of regional significance and the City of Sunnyvale is concerned that intensification of employment uses and housing of the proposed magnitude will include significant cumulative and growth inducing impacts on neighboring communities, including Sunnyvale. The City requests that the Draft EIR include analysis of potential impacts on regionally significant roadways and intersections within the neighboring communities. Of primary concern to Sunnyvale are the freeway interchanges for 237, 101, and 85 and Lawrence Expressway within our city boundaries. Please have your traffic consultants confer with our Transportation and Traffic Division staff in preparation of the analysis.

The City of Sunnyvale also has specific concerns pertaining to long-term supply of water and energy to serve the area. In addition to reviewing impacts of general demand and wasteful usage as discussed in the NOP, means of including higher levels of efficiency and conservation should be considered in the project's analysis. The City of Sunnyvale recommends evaluation of integrating green building and sustainable design techniques, such as the Leadership in Energy and Environmental Design (LEED) program of the United States Green Building Council, by the Draft EIR as either mitigation or as part of the project description's regulatory zoning standards. For comparison, the City of Sunnyvale recently adopted the Moffett Park Specific Plan and included both incentives and development standards for providing LEED Silver rated buildings in private development when exceeding the standard FAR limitations.

We look forward to reviewing the Draft EIR when it is made available for public comment.

Sincerely,

Kelly Diekmann,
Associate Planner
City of Sunnyvale
kdiekmann@ci.sunnyvale.ca.us
408-730-7659
cc: Planning Officer

Santa Clara Valley
Water District**RECEIVED**
NOV 22 2004
CITY OF SAN JOSE
PLANNING DEPARTMENT5750 ALMADEN EXPWY
SAN JOSE, CA 95118-3686
TELEPHONE (408) 265-2600
FACIMILE (408) 266-0271
www.valleywater.org
AN EQUAL OPPORTUNITY EMPLOYERFile: 25054
Guadalupe River

X-Fac: Coyote Creek

November 17, 2004

Mr. Andrew Crabtree
Planning, Building, and Code Enforcement
City of San Jose
City Hall Annex, Room 400
801 North First Street
San Jose, CA 95110-1795

Subject: Notice of Preparation of a Draft Environmental Impact Report for the North San Jose
Development Policies Project

Dear Mr. Crabtree:

The Santa Clara Valley Water District (District) has reviewed the Notice of Preparation of a Draft Environmental Impact Report (DEIR) for the North San Jose Development Policies Project dated October 18, 2004, and received by the District on October 21, 2004.

The proposed area development policy boundary is roughly bounded on the east by Coyote Creek and on the west by the Guadalupe River, which are both District facilities. The majority of the area drains to the Guadalupe River, though portions drain to Coyote Creek.

Based on the current Federal Insurance Rate Maps (FIRM) and District records, a significant portion of the project area is subject to flooding. The District is currently completing flood control improvements along the Guadalupe River from Highway 880 to Alviso and in downtown San Jose, which are scheduled for completion at the end of the year. Upon completion of the flood control improvements, the FIRM maps will be revised to reflect the protection provided by the flood control improvements, which will remove the area from the special flood hazard zones. Though the flood control projects will protect the area from significant flooding from the river, localized flooding of the streets and low lying areas may still occur due to the existing topography, storm drain capacity, and operational constraints of the City of San Jose (City) storm water pump stations. Also, until the FIRM maps are revised, new and redevelopment projects within special flood hazard zones will still need to be designed and built in accordance with the requirements for building within a special flood hazard zone.

Development of the project should not alter the Guadalupe River and Coyote Creek watershed boundaries within the site, i.e., drainage from one watershed should not be directed to another. Development of the area should not require either increasing pumping capacity of the existing

Mr. Andrew Crabtree
Page 2
November 17, 2004

pump stations, require additional pump stations, or alter the agreed-upon operation of the existing pump stations. The DEIR should include a full discussion of the existing and future flooding conditions of the area, including both riverine flooding and local drainage flooding.

The DEIR should include a discussion of the impacts of new development and redevelopment on storm water quality, including compliance with new C.3 provisions of the NPDES storm water permit.

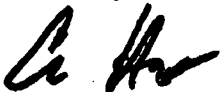
The biological resources section of the document should address the impacts (noise, lighting, encroachment into the riparian corridor, etc.) of new and redevelopment on the riparian habitat and appropriate mitigation measures including conformance with the City's Riparian Corridor Policy should be identified.

To protect groundwater quality and in accordance with District Ordinance 90-1, all existing wells affected by new or redevelopment need to be identified and properly registered with the District, and either be maintained or destroyed in accordance with the District's standards. Any new wells proposed, including monitoring wells, require a permit from the District prior to construction. Property owners or their representative should contact the District Wells and Water Production Unit at (408) 265-2607, extension 2660, for more information.

Please submit a copy of the DEIR when available for our review and comment. Reference District File No. 25054 on further correspondence regarding this project.

If you have any questions or need further information, you can reach me at (408) 265-2607, extension 2322.

Sincerely,



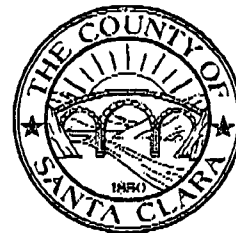
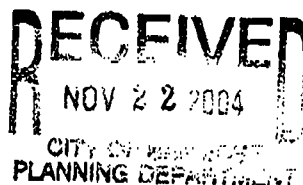
Colleen Haggerty, P.E.
Assistant Civil Engineer
Community Projects Review Unit

cc: S. Tippets, V. Stephens, D. Chesterman, M. Klemencic, C. Haggerty, File (2)
ch:lm
1117b-l.doc

County of Santa Clara

Roads and Airports Department
Land Development and Permits

101 Skyport Drive
San Jose, California 95110-1302
(408) 573-2460 FAX (408) 441-0275



November 17, 2004

Mr. Andrew Crabtree
Project Manager
City of San Jose
Department of Planning, Building and Code Enforcement
801 North First Street
San Jose Ca 95110-1795

City Files: GP04-04-06(APN: 09713054), GP04-04-07(APN: 09715026)
GP04-04-08
GP04-T-03

Dear Mr. Crabtree,

Your transmittals dated October 28, 2004 and received by our office on November 1, 2004 were reviewed. The following are the comments:

1. We are unclear on details of the proposed traffic impact fee, or the basis of the identified improvements. The two Montague projects were identified by joint City-County study in 1999 and validated by the Expressway Planning Study in 2003, but we believe this proposal increases densities and travel demand beyond what was included in Study modeling. No traffic info is provided in the application to be able to tell.
2. We support San Jose's plan to collect impact fees to mitigate traffic impact fees to mitigate traffic impacts but would like to better understand the relationship between impacts and proposed mitigations; and we would like to better understand the proposal for collection and administration of the fees.
3. Please include in the analysis of the Traffic Impact Report (TIR): Montague, San Tomas and Central Expressways and the mitigations required as a result of the General Plan Text Amendment GP04-T-03. The TIR needs to also include planned developments in the adjacent cities, in regards to the impact to the Expressways. For example, for Montague Expressway the proposed planned developments in Milpitas and Santa Clara cities should be considered and included in the TIR analysis.
4. The application GP04-04-08 does not have sufficient information on what the amendment is about, therefore our office cannot comment on it at this time.
5. Although San Tomas and Central Expressways are not within the North San Jose Plan

Amendment, these two expressways will be impacted due to the increase in development, as compared with the original North San Jose Area Development Policy.

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

Sincerely,


Raluca Ntescu
Project Engineer

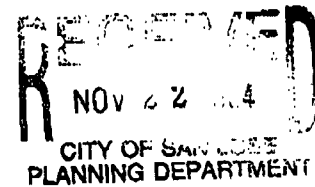
Cc: DEC, SK, RC, WRL, File



CITY OF MOUNTAIN VIEW

November 18, 2004

Andrew Crabtree, Project Manager
City of San Jose
801 N. First Street
San Jose, CA 95110



Re: Notice of Preparation of the EIR North San Jose Development Policies Project

Dear Mr. Crabtree:

Thank you for the opportunity to provide comments on the scope and content of the Environmental Impact Report (EIR) for the North San Jose Development Policies Project. The City of Mountain View is concerned about the impacts of traffic on Highway 101 and Hwy 237 due to the proposed intensification of land uses in the North San Jose area. We would also like to ensure that the traffic impact analysis for the project is conducted in accordance with Congestion Management Agency (CMA) standards. We would appreciate the opportunity to comment on the Draft EIR and would like a copy to be mailed to us as soon as it is ready.

We hope to work collaboratively with you through this process to ensure that regional traffic growth is not impacted. Please contact me if you have any questions or comments. I can be reached at (650) 903-6452 or aarti.shrivastava@ci.mtnview.ca.us. Thank you.

Yours sincerely

A handwritten signature in cursive script, appearing to read "Aarti Shrivastava".

Aarti Shrivastava, AICP
Principal Planner
Planning Division

CC: Whitney McNair, Planning Manager
Dennis Belluomini, Traffic Engineer

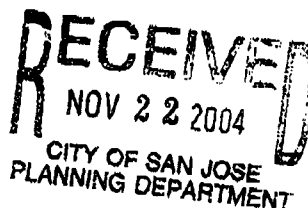
DEPARTMENT OF TRANSPORTATION

P. O. BOX 23660
OAKLAND, CA 94623-0660
(510) 286-5505
(800) 735-2929 TTY



*Flex your power!
Be energy efficient!*

November 18, 2004



SCL-GEN-VAR
SCL000174
SCH2004102067

Mr. Andrew Crabtree
City of San José
801 N. First Street
San José, CA 95110-1795

Dear Mr. Crabtree:

North San José Development Policies Project, Notice of Preparation (NOP)

Thank you for including the California Department of Transportation in the environmental review process for the proposed project. We have reviewed the NOP for the modification of relevant plans and policies to encourage a greater intensity of development within the Rincon de los Esteros Redevelopment Area and have the following comments to offer.

Our primary concern with the project is the potentially significant impact it may have to traffic volume and congestion. In order to address our concerns regarding the proposed development, we recommend a traffic impact analysis be prepared. The traffic impact analysis should include, but not be limited to the following:

1. Information on the project's traffic impacts in terms of trip generation, distribution, and assignment. The assumptions and methodologies used in compiling this information should be addressed.
2. Current Average Daily Traffic (ADT), AM, and PM peak hour volumes on all significantly affected streets, highway segments, intersections and ramps.
3. Schematic illustration of the traffic conditions for: 1) existing, 2) existing plus master plan, and 3) cumulative for the intersections in the master plan area.
4. Calculation of cumulative traffic volumes should consider all traffic-generating developments, both existing and future, that would affect the State Highway facilities being evaluated. The analysis should include the future 20 year traffic impacts with recommended mitigation as appropriate.

Mr. Andrew Crabtree
November 18, 2004
Page 2

5. Mitigation measures should consider highway and non-highway improvements and services. Special attention should be given to the development of alternate solutions to circulation problems that do not rely on increased highway construction.
6. All mitigation measures proposed should be fully discussed, including financing, scheduling, implementation responsibilities, and lead agency monitoring.

We recommend you utilize Caltrans' *"Guide for the Preparation of Traffic Impact Studies"* which can be accessed from the following webpage:

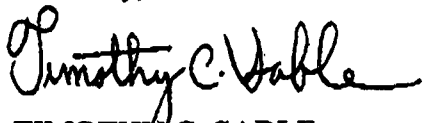
<http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf>

Please be advised that any work or traffic control within the State ROW will require an encroachment permit from the Department. To apply for an encroachment permit, submit a completed encroachment permit application, environmental documentation, and five (5) sets of plans (in metric units) which clearly indicate State ROW to the following address:

Mr. Sean Nozzari, District Office Chief
Office of Permits
California Department of Transportation, District 04
P. O. Box 23660
Oakland, Ca 94623-0660

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

Sincerely,



TIMOTHY C. SABLE
District Branch Chief
IGR/CEQA

c: Scott Morgan, State Clearinghouse



Post-it® Fax Note		7671	Date	11/19/04	# of pages	3
To	WILL		From	CRABTREE		
Co./Dept.			Co.	CSD		
Phone #			Phone #			
Fax #	248-9641		Fax #			

November 19, 2004

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

Attention: Andrew Crabtree

Subject: City File No. GP04-T-03 / North San Jose Development Policies

Dear Mr. Crabtree:

We appreciate the opportunity to have had early discussions with the City of San Jose on the North San Jose development policy, and we look forward to a continued close working relationship on this project. The meetings held between VTA and City staffs' have been both informative and valuable in identifying issues, and discussing options and scenarios as to the opportunities and challenges presented by this possible development.

Santa Clara Valley Transportation Authority (VTA) staff has reviewed the NOP for a Draft EIR to allow greater intensity of residential and industrial development in North San Jose. VTA is fully supportive of San Jose's efforts to modify its North San Jose development policies to encourage a greater intensity of development within the Rincon de los Esteros Redevelopment Area that is served by the Guadalupe LRT and the Tasman/Capitol LRT lines, VTA bus lines, and by VTA and private shuttle lines. This also includes our strong support for intensifying development in direct proximity to LRT stations, and for taking full advantage of the opportunities this intensification and diversification of development offers for creating vibrant, pedestrian-oriented communities focusing on light rail station areas as centers of activity within the community.

We specifically request that the North San Jose Development Policy EIR include an evaluation of:

- How parking policies will encourage transit and alternative modes of travel
- How the development policy will affect the existing transit system
- How the development policy will promote Transportation Demand Management (TDM) measures such as facilities for bicycles, preferential parking locations for carpoolers, and developer funded shuttles

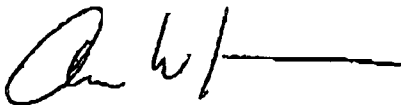
- How the development policy promotes continued development of pedestrian and bicycle networks within and connecting to the development area, including connections with transit stations and bus/shuttle stops
- How the development policy will provide funding for providing transportation improvements, including roadway, transit, pedestrian and bicycle improvements.
- How the relationship between the development policy and the North San Jose Deficiency Plan will be coordinated

The project description provided with the NOP was very general. We suggest refinement of the project description to clarify how the development policy will guide the design of individual projects to ensure that the transportation system and land uses are fully integrated, and coordinated with existing developments as the area is built out. The City of San Jose has endorsed the Community Design and Transportation (CDT) Program and its Manual of Best Practices for Integrating Transportation and Land Use, and we encourage use of the CDT Manual in addressing this issue.

Lastly, this project will require the preparation of a Transportation Impact Analysis (TIA) report conforming to VTA TIA Guidelines.

Thank you for the opportunity to review this NOP. We look forward for commenting on the draft EIR. If you have any questions, please contact Roy Molseed at (408) 321-5784 or roy.molseed@vta.org.

Sincerely,



Ann Jamison
Deputy Director, Congestion Management Planning and Programming

RM:kh

cc: Ebrahim Sohrabi, San Jose Public Works Department