

**FIRST AMENDMENT TO THE
DRAFT SEIR**

FOR THE

**REVISION OF THE
EVERGREEN DEVELOPMENT POLICY**

CITY OF SAN JOSE

NOVEMBER 2008

PREFACE

This document, together with the Draft Supplemental Environmental Impact Report (Draft EIR) for the Revision of the Evergreen Development Policy, constitutes the Final Environmental Impact Report (Final EIR) for the proposed project. The DSEIR was circulated to affected public agencies and interested parties for a 45-day review period. The California Environmental Quality Act (CEQA) Guidelines (Section 15132) specify that a Final EIR shall consist of the following:

- The Draft EIR or a revision of the draft;
- Comments and recommendations received on the Draft EIR either verbatim or in a summary;
- A list of persons, organizations, and public agencies commenting on the Draft EIR;
- The responses of the Lead Agency to the significant environmental points raised in the review and consultation process; and
- Any other information added by the Lead Agency.

In conformance with the CEQA Guidelines, the Final EIR provides objective information regarding the environmental consequences of the proposed project. The Final EIR also examines mitigation measures and alternatives to the project intended to reduce or eliminate significant environmental impacts. The Final EIR 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 Final EIR does not control the agency's ultimate discretion on the project, the agency must respond to each significant effect identified in the Draft EIR by making written findings for each of those significant effects. According to the State Public Resources Code (Section 21081), 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 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 provision of employment opportunities for 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.

In accordance with CEQA Guidelines Section 15088, this document includes written responses to comments received from persons who reviewed the Draft SEIR. The Final SEIR will be made available to the public 10 days prior to the EIR certification hearing.

All documents referenced in this SEIR are available for public review in the office of the Department of City Planning, Building, and Code Enforcement, located at 200 E. Santa Clara St., 3rd Floor Tower, San Jose, California, on weekdays during normal business hours.

TABLE OF CONTENTS

| | <u>Page</u> |
|--|-------------|
| SECTION 1.0 LIST OF AGENCIES, ORGANIZATIONS, AND INDIVIDUALS WHO RECEIVED THE DRAFT SEIR | 1 |
| SECTION 2.0 LIST OF AGENCIES AND INDIVIDUALS COMMENTING ON THE DRAFT SEIR..... | 3 |
| SECTION 3.0 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT SEIR..... | 4 |
| SECTION 4.0 REVISIONS TO THE TEXT OF THE DRAFT SEIR | 21 |

Appendices

| | |
|------------|--|
| APPENDIX A | REVISED EVERGREEN-EAST HILLS DEVELOPMENT POLICY (REVISION TO THE EVERGREEN DEVELOPMENT POLICY) |
| APPENDIX B | COMMENT LETTERS |

SECTION 1.0 LIST OF AGENCIES AND INDIVIDUALS WHO RECEIVED THE DRAFT SEIR

Copies of the Draft SEIR were sent to the following agencies, organizations, businesses, and individuals:

State of California

Office of Planning & Research, State Clearinghouse

County and Regional Agencies

Santa Clara County, Roads and Airports

Santa Clara County, Parks and Recreation

Airport Land Use Commissions (Santa Clara County Planning)

City of San Jose

Planning Department

Planning Commission

City Council

Main Library

Hillview Branch Library

Alum Rock Branch Library

Tully Branch Library

Seventrees Branch Library

The Notice of Availability of the SEIR was sent to the following agencies, organizations, businesses, and individuals:

United States Government

Department of the Navy

Onizuka AFS

State of California

Air Resources Board

California Highway Patrol

California Housing and Community Development

California Region Water Control Board

California Resources Agency

Caltrans, District 4

Department of Conservation

Department of Fish and Game, Region 3

Department of Parks and Recreation

Department of Toxic Substances Control

Department of Water Resources

Integrated Waste Management Board

Native American Heritage Commission

Public Utilities Commission

State Water Control Board

County and Regional Agencies

Bay Area Air Quality Management District
County of Santa Clara, Local Agency Formation Commission
County of Santa Clara, Planning Office
Regional Water Quality Control Board, Region 2
Santa Clara County Department of Roads and Airports
Santa Clara Unified School District
Santa Clara Valley Transportation Authority, Congestion Management Program
Santa Clara Valley Transportation Authority, Environmental Planning Program
Santa Clara Valley Water District

Local Governments

City of Cupertino
City of Los Altos
City of Mountain View
City of San José
City of Santa Clara

School Districts

Cupertino School District
Fremont Union High School District
Sunnyvale Elementary School District
Santa Clara Unified School District

Organizations, Individuals and Companies

ATT/TCI Cable
California Water Service Company
Hetch Hetchy Water & Power
Larry Alba
Pacific Bell
Pacific Gas & Electric
NASA Ames Research Center
Specialty Solid Waste & Recycling

**SECTION 2.0 LIST OF AGENCIES AND INDIVIDUALS
COMMENTING ON THE DRAFT SEIR**

Seven written comments on the Draft SEIR were received during the public review period. A copy of each comment letter/email is contained in Appendix B. The list of comments received, the date they were received, and the page on which the response(s) to the comment begins, is shown below.

| | Comment and Response <u>Begin on Page</u> |
|---|--|
| 3.1 FEDERAL AND STATE AGENCIES | 4 |
| 3.1.1 State of California, Department of Transportation..... | 4 |
| 3.2 COUNTY AND REGIONAL AGENCIES..... | 5 |
| 3.2.1 Santa Clara Valley Transportation Authority (dated 10/14/08) | 5 |
| 3.2.2 County of Santa Clara Roads and Airports Department, Land Department, Survey and Property (dated 6/20/08)..... | 8 |
| LOCAL GOVERNMENTS (no comments received) | |
| 3.3 ORGANIZATIONS, BUSINESSES, AND INDIVIDUALS | 10 |
| 3.3.1 Pacific Gas & Electric, Land Services (dated October 13, 2008) | 10 |
| 3.3.2 Kari Peterson (dated 10/9/08)..... | 12 |
| 3.3.3 District 8 Community Round Table Steering Committee (Ms. Bonnie Mace) (2 email letters, dated 10/7/08)..... | 13 |

SECTION 3.0 RESPONSES TO COMMENTS ON THE DRAFT SEIR

3.1.1 RESPONSES TO COMMENTS FROM THE CALIFORNIA DEPARTMENT OF TRANSPORTATION, DATED OCTOBER 14, 2008

Comment 3.1.1-1 Thank you for continuing to include the California Department of Transportation in the environmental review process for the proposed project. We have reviewed the DSEIR and have the following comments to offer.

On August 21, 2008 the Department submitted the following comments (copy attached) which have not been incorporated into the document:

Freeway Traffic Systems

US-101 Corridor

1. Currently, the following on-ramps are metered on northbound (NB) and southbound (SB) US-101 during traffic peak periods.
 - NB US-101/Story Rd. – SB I-280 Collector On-ramp.
 - NM US-101/Tully Rd. Loop and Diagonal On-ramp.
 - NM US-101/Capitol Expressway-Yerba Buena Rd. Diagonal and Collector On-ramp.
 - NB US-101/Hellyer Ave. Loop On-ramp.
 - SB US-101/Tully Rd. Loop and diagonal On-ramp.
 - SB US-101/Capitol Expressway Collector On-ramp.
 - SB Us-101/Hellyer Ave. Loop On-ramp.

2. The proposed East Hills Development Policy and associated developments will increase the usage of nearby on-ramps during traffic peak periods. The storage capacities at the on-ramps may need mitigation measures, such as widening, to meet storage demand and local street storage of queued vehicles for future ramp metering operations.”

These are being reiterated for your consideration and inclusion.

Response 3.1.1-1 The portion of the EEHVS permitted growth that would add traffic to the metered on-ramps would be the 500 residential units. The commercial and office development actually would tend to decrease traffic at the metered on-ramps by adding job growth to the Evergreen area. Also, the EEHVS continues to include extensive job growth on the campus industrial sites. This job growth would reduce the need for Evergreen residents to commute to other areas. Thus, some reduction of on-ramp usage could be expected during the morning commute. This reduction coupled with the modest allowable increase in dwelling units would result in very little change at the metered on-ramps. Also, the City of San Jose in conjunction with Caltrans and the Valley Transportation Authority (VTA) have developed a comprehensive improvement plan for US 101 from I-280 to Yerba Buena Road. This plan would increase storage at the ramp meters in addition to several other improvements. The plan involves rebuilding the interchanges, so it cannot be undertaken by any one development, nor can it be implemented in a piece-meal fashion. VTA, in conjunction with the City of San Jose, is developing a funding plan for the improvements. The City of San Jose is implementing a traffic impact fee for development in the Evergreen area. The fee will collect fair share contributions toward the cost of the freeway and interchange improvement plan.

3.1.2 RESPONSES TO COMMENTS FROM THE CALIFORNIA DEPARTMENT OF TRANSPORTATION, DATED NOVEMBER 3, 2008

Comment 3.1.2-1 Thank you for continuing to include the California Department of Transportation in the environmental review process for the proposed project. We have reviewed the DSEIR and (TIA-TA, received October 6, 2008) and have the following comments to offer.

Highway Operations

Mitigation Measures for Project Freeway Impacts, page 42: Widening on-ramps to provide additional storage for ramp metering could also be implemented as mitigation for this project and is not as extensive as adding a freeway lane. This additional storage would allow the ramp meters to better manage the freeway operations and reduce the impacts from this project. In addition, the US-101 Corridor Project from Interstate (I)-280/I-680 interchange (IC) to Yerba Buena IC is not a fully funded project. Fair share mitigation fees could be used to fund this project. Fair share fees should be collected to be used for mitigation of this development's impacts to the State freeway system.

Response 3.1.2-1 Widening on-ramps to include additional storage is part of the US-101 Corridor Project, which would rebuild the Tully Road, Capitol Expressway, and Yerba Buena interchanges. The project would be required to make a fair share contribution toward the cost of these improvements through the proposed Evergreen-East Hills traffic impact fee.

3.2.1 RESPONSES TO COMMENTS FROM THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY, DATED OCTOBER 14, 2008

Comment 3.2.1-1 Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Draft Supplemental EIR for Revisions to the Evergreen Development Policy. The revisions allow for future development of 500 housing units, 500,000 square feet of commercial space, and 75,000 square feet of office space. We have the following comments.

Intersection LOS

Section 2.1.1.2 states that CMP standard is used for CMP intersections. However, in Table 2.1-3 existing LOS for PM peak for CMP intersections 13, 14 and 21 do not match with the 2006 VTA CMP Monitoring and Conformance Report.

Response 3.2.1-1 Because the Draft SEIR tiered off of the original EEHVS EIR, the existing and background traffic scenarios were not changed. The original EIR was based on the 2004 CMP Monitoring and Conformance Report. An updated analysis of CMP intersections, based on traffic volumes contained in the 2006 CMP Monitoring Report has been completed and results are included in Section 4.0, Revisions to the Text of the Draft EIR. The updated analysis indicates that the proposed project would result in significant impacts to the following four CMP intersections: 1) Capitol Expressway/Silver Creek Road (AM and PM); 2) Capitol Expressway/Aborn Road (PM); 3) Capitol Expressway/Quimby Road (AM and PM); and 4) Capitol Expressway and Story Road (PM). Mitigation measures have been identified and are proposed by the project to reduce three of the four impacts to a less-than-significant level (refer to Section 4.0 of this document). The costs for the required improvements are included in the proposed Evergreen traffic impact fee, so the mitigation measures would be implemented. Since mitigation measures have been identified and the City proposes to implement the mitigation, these impacts do not constitute new information that would require recirculation of the Draft SEIR. The intersection of Capitol Expressway/Story Road, the project would result in the same unavoidable impact that was previously described in both the Draft SEIR and the original EEHVS EIR. It should be noted that significant impacts previously identified

(in the Draft SEIR) at two CMP intersections, U.S. 101/Yerba Buena Road (East), and McLaughlin Avenue/Tully Road, were found to be less than significant, based upon the updated level of service calculations.

Comment 3.2.1-2 Establishment of Traffic Impact Fee Program

Section 1.6 of the SEIR states that this project is proposing the Establishment of Traffic Impact Fee Program. Since the development would cause significant increases in traffic volumes on nine directional freeway segments, VTA recommends the Traffic Impact fee program to pay a fair share contribution towards improvements identified at US 101/Capitol Expwy improvements projects and other freeway improvements programs such as ramp metering, widening of HOV by-pass lanes.

Response 3.2.1 -2 The proposed traffic impact fee for the Evergreen area includes a fair share contribution toward the costs of planning freeway and interchange improvements.

Comment 3.2.1-3 Mitigation Measures – Bus Stop Improvements

Section 2.1 of the SEIR does not mention bus stop improvements as a potential mitigation measure for the transportation impacts identified in the SEIR. Section 2.3 of the SEIR (specifically Section 2.3.3.4) identifies new bus stops as a potential mitigation measure for air quality impacts by stating that “New bus stops shall be constructed at convenient locations with pedestrian access to the project sites.” VTA supports the inclusion of bus stop improvements as a potential mitigation measure that should be required as a condition of approval of specific development projects in the EEH Development Policy Area.

Currently, VTA operates 12 bus routes in the EEH Development Policy Area: Lines 12, 22, 25, 26, 31, 39, 43, 70, 71, 77, 103, and 522. There are a total of 181 bus stops in the EEH area at present. Of these stops, 96 have average daily boarding of 20 or higher, 38 have average daily boarding of 100 or higher, and 9 have average daily boarding’s of 500 or higher (including several locations at the Eastridge Transit Center).

VTA strives to improve the infrastructure at and near bus stops, including bus pads, lighting, sidewalks, shelter pads, benches and shelters, as budgets permit and as developments occur. VTA suggests that the discussion of mitigation measures in the SEIR be amended to include improvements at existing bus stops such as those described above. We suggest that these be required as a condition of approval of specific development projects in the EEH Development Policy Area, and that the SEIR reference coordination between the City of San Jose and VTA on specific improvements as developments are proposed.

Response 3.2.1-3 The recommended improvements to existing bus stops have been included in the potential mitigation measures, and the text of the Draft SEIR (Section 2.3.3.4) has been revised accordingly in Section 4 of this document. It should be noted that developers will be responsible for frontage improvements with individual project approvals.

Comment 3.2.1-4 Mitigation Measures – Transportation Demand Management

Section 2.3.4 of the SEIR mentions several Transportation Demand Management (TDM) measures as mitigation that would apply to development allowed by the proposed Evergreen Development Policy revision. Among the measures discussed are bicycle amenities, shuttle bus service, ride-matching programs and guaranteed ride home programs. VTA suggests that a more extensive list of TDM measures be included in the SEIR and be included as mitigation measures for the development allowed by the policy revision. Effective TDM programs include:

- Parking Cash-Out
- Direct or Indirect Payments for Taking Alternate Modes

- Transit Fare Incentives such as Eco Pass and Commuter Checks
- Employee Carpool Matching
- Vanpool Program
- Preferentially Located Carpool Parking
- Bicycle Lockers and Bicycle Racks
- Showers and Clothes Lockers for Bicycle Commuters
- On-site or Walk-Accessible Employee Services (day-care, dry-cleaning, fitness, banking, convenience store)
- On-site or Walk-Accessible Restaurants
- Guaranteed Ride Home Program
- Car sharing

VTA also recommends providing preferentially located electric vehicle parking with charging stations. Providing charging stations for these vehicles at work and shopping locations allows for more frequent and convenient use of these clean air vehicles.

Response 3.2.1-4 Future development allowed by the EDP revision would be required to implement one or more of the following TDM measures:

- Direct or Indirect Payments for Taking Alternate Modes
- Transit Fare Incentives such as Eco Pass and Commuter Checks
- Employee Carpool Matching
- Vanpool Program
- Preferentially Located Carpool Parking
- Bicycle Lockers and Bicycle Racks
- Showers and Clothes Lockers for Bicycle Commuters
- On-site or Walk-Accessible Employee Services (day-care, dry-cleaning, fitness, banking, convenience store)
- On-site or Walk-Accessible Restaurants
- Guaranteed Ride Home Program
- Car sharing
- Provision of preferentially located electric vehicle parking with charging stations at work and shopping locations
- New bus stops
- Improvements to existing bus stops
- All buildings shall include outdoor electrical outlets to encourage the use of electric landscape maintenance equipment
- All fireplaces installed in residences shall comply with San Jose Ordinance #26133
- For non-residential development, shuttle bus service, where feasible, shall be provided to regional transit centers
- For non-residential development, feasible and reasonable TDM measures such as ride-matching programs or guaranteed ride home programs shall be implemented

The above TDM measures recommended by VTA have been added as potential mitigation measures, and the text of the Draft SEIR (Section 2.3.3.4) has been revised accordingly in Section 4 of this document.

3.2.2 RESPONSES TO COMMENTS FROM THE COUNTY OF SANTA CLARA, ROADS AND AIRPORTS, DATED OCTOBER 8, 2008

Comment 3.2.2-1 Your August 22, 2008 letter along with the attachments for the subject project have been reviewed. Our comments are as follows:

Page VI: Capitol Expressway/Story Road. The SEIR shows this intersection operating at Level of Service (LOS) D for AM and E for PM, therefore LOS for background conditions would be worse. Similar discrepancy occurs at the intersection of Capitol Expressway and Tully Road. Also the LOS does not reflect the severe congestion in PM on Freeway 680 resulting from back up on Capitol Expressway.

Response 3.2.2-1 The intersection of Capitol/Story is shown to improve under background conditions because there are developer-funded improvements that will be built as a condition of approval for these developments. These improvements are listed in Table 2.1-5 on page 22 of the Draft SEIR. They consist of a third eastbound through lane on Story Road and a second westbound-to-southbound left turn lane from Story Road to Capitol Expressway.

The background improvements also include the planned light rail transit (LRT) extension from the Alum Rock Station, along Capitol Expressway, to Nieman Boulevard. At the intersection of Capitol Expressway/ Tully Road, the LRT construction would change the existing lane configuration. According to the level of service calculations (using 2000 Highway Capacity Manual methodology), the changed lane configuration would result in different critical movements at the intersection, with a corresponding slight improvement in average delay during the AM peak hour. During the PM peak hour, the delay would get slightly worse.

Regarding the freeway analysis, the traffic report uses data from the 2006 CMP Monitoring and Conformance Report published by VTA. This report shows LOS D for southbound I-680 at Capitol Expressway in the PM peak hour. Therefore, the VTA report does not reflect severe congestion on this freeway segment.

Comment 3.2.2-2 The SEIR states that the proposed improvement at Capitol and Story, Capitol and Tully, Capitol and Nieman will not be accomplished due to undesirable conflicts with other modes of travel (pedestrian and biological conflict).

It further concludes improvements will not be implemented, by using “A statement of overriding consideration would be required”.

Roads and Airports Department disagree with this conclusion.

Response 3.2.2-2 Regarding the intersection of Capitol & Story, the mitigation that would be needed to bring the intersection into compliance with the City’s LOS D standard is a grade separated interchange. No other improvements would be feasible because of right-of-way constraints and the traffic analysis assumes completion of the planned light rail extension through the Capitol/Story intersection. This mitigation measure was described in the original EEHVS EIR. On page 36 the Draft SEIR makes the following statement about the feasibility of an interchange at Capitol/Story:

“Mitigation for this impact would consist of constructing a grade separation at this location. This mitigation was studied as part of the Capitol Corridor LRT Project and was determined to be

infeasible due to substantial right-of-way and relocation impacts. [Source: Capitol Corridor Final EIR, VTA, 2005.]”

The intersection of Capitol/Tully was shown in the DSEIR to have no project impact. Therefore no mitigation is required and no statement of overriding consideration would be necessary for that intersection.

The Evergreen Development Policy (EDP) policy revision proposes to exempt the mitigation of any level of service degradation that would not be considered a significant impact under the Citywide Level of Service Policy when such mitigation also creates conflicts with pedestrians or has unacceptable biological impacts. For example, going from a Level of Service A to a B under the existing Evergreen Development Policy would be a significant impact but would not be a significant impact anywhere else in the city. Given that certain improvements, such as double-right turn lanes, create additional opportunities for pedestrian movements to conflict with vehicles, those improvements are not desired unless considered absolutely necessary to relieve congestion. The Evergreen Development Policy criteria is very stringent and as it exists currently, and mitigations would be required that would create conflicts when the level of traffic congestion itself does not warrant the improvements. The Planning Commission and City Council will be able to decide whether to accept this aspect of the policy revision. If the Planning Commission or City Council chooses not to accept this aspect of the proposed policy revision entirely, the following intersections would need to construct the following mitigations identified but not proposed currently in the SEIR:

- Capitol Expressway/Nieman Boulevard (LOS change from C to D) - Adding a second westbound right-turn lane. This could be constructed within the existing right-of-way.
- San Felipe /Yerba Buena (LOS change from A to B) - Adding an exclusive southbound right-turn lane. This could be constructed within the existing right-of- way.
- San Felipe Road/Delta Road (LOS change from B to C) - Adding a second westbound left-turn lane or adding a second southbound left-turn lane. Either of these improvements could be constructed within the existing right-of-way.

If the Planning Commission or City Council chooses not to accept the proposed exemption in the policy revision specifically related to mitigations that also have undesired impacts on biological resources when the level of service degradation does not meet the citywide level of service significance criteria, the Evergreen Commons/Tully intersection (A to B LOS change) would require a bridge widening to mitigate the impact, and the bridge widening would need further study.

The policy decision for the Planning Commission and the City Council is whether to consider a level of service degradation that meets the Citywide LOS standards acceptable when the corresponding mitigations also pose pedestrian conflicts and impacts on biological resources.

Comment 3.2.2-3 The pedestrian conflict can be mitigated by moving the crosswalk to the other side of the intersection to avoid having pedestrians crossing two right turn lanes at Capitol Expressway and Nieman Boulevard. Similar mitigation of pedestrian conflict with right turn lane addition at other intersections. As to biological concern, a certified biologist should be hired to provide recommendation.

Response 3.2.2-3 At the intersection of Capitol/Nieman, the level of service is shown to degrade from LOS C to LOS D during the AM peak hour with the project. The LOS already would be D during the PM peak hour with no further degradation in letter grade due to the project. LOS D is considered acceptable in the City of San Jose. This is shown as an impact because the current Evergreen LOS Policy does not allow a degradation in LOS letter grade at any signalized intersection. As part of the proposed EDP revision, the policy is proposed to be changed in cases where mitigation of the degradation would have other negative effects, and the project LOS remains within the City’s standard of LOS D. To maintain LOS C during the AM peak hour would require a second right turn lane from Nieman to Capitol Expressway. This would result in longer pedestrian crossing times for pedestrians crossing Nieman because the street would be one lane wider. The additional pedestrian crossing time is considered a negative effect on pedestrian circulation that outweighs any vehicular LOS benefits. Refer also to Response 3.2.2-2, above, regarding the proposed EDP revision and SEIR analysis.

Comment 3.2.2-4 The SEIR discusses impact collection fee, but is not clear if any of this impact fee will be used to mitigate traffic impact on Capitol Expressway. Please clarify this issue.

Response 3.2.2-4 The proposed traffic impact fee would be used to construct all proposed mitigation measures including those on Capitol Expressway. The proposed mitigation measures on Capitol Expressway are at the intersection with Quimby Road, Aborn Road, and Silver Creek Road. The required improvements are described on page 36 of the Draft SEIR and in the updated CMP analysis, described in Section 4.0 of this document.

3.3.1 RESPONSES TO COMMENTS FROM PACIFIC GAS & ELECTRIC, DATED OCTOBER 13, 2008

Comment 3.3.1-1 Thank you for the opportunity to comment on the Notice of Availability of a Draft Supplemental Environmental Impact Report (SEIR) for the Revision of The Evergreen Development. Information provided in the NOP of the SEIR did not specifically indicate the direct impacts on our gas and electric facilities. However, since PG&E has an obligation to provide the public with a reliable and safe energy supply as mandated by the California Public Utilities Commission (CPUC) and to comply with the guidelines outlined in General Orders 95 and 112, PG&E should be consulted during the development of the plan to ensure that the capacity, operational and maintenance requirements for its gas and electric facilities are taken into consideration prior to approval of the final plan.

Early involvement will allow us to assess cumulative impacts to our systems and to identify facilities that may need to be installed, relocated and or realigned as a result of the proposed general plan revision. Because engineering and construction of our facilities may require long lead times, we encourage you to consult with us during the initial stages of your planning process. We would like to note that expansion of utility facilities is a necessary consequence of growth and development. As development occurs, the cumulative impacts of new energy load growth use up available capacity in the utility system. In addition to adding new distribution feeders, the range of electric system improvements needed to accommodate growth may include upgrading existing substations and building new substations and interconnecting transmission line. Comparable upgrades or additions would be required for our gas system as well. Environmental impacts associated with new and or relocated gas or electric facilities as a result of the proposed project should be fully addressed in the Final EIR and, if appropriate, mitigation measures to minimize or eliminate such impacts should be incorporated into the document as well.

Response 3.3.1-1 As described in the original EEHVS DEIR (page 278), construction of the proposed development would result in an increase in the demand for electric and natural service in the Evergreen • East Hills Area, compared with existing conditions. The residential and commercial development proposed is not expected to have unusual or excessive energy demands. Given the location of the area within the City’s Urban Service Area, and the fact that electric and natural gas service is currently provided to the area, the provision and expansion of service for the proposed EDP revision development would not present a significant impact. At this time the exact locations of future development projects is unknown. At the time individual projects are proposed, PG&E will be consulted to determine whether any new or upgraded facilities are needed to serve that development.

Comment 3.3.1-2 To promote the safe and reliable maintenance and operation of these 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.

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

Response 3.3.1-2 As described in Response 3.3.1-1, above, developers and the City will consult with PG&E at the time specific development projects are proposed, to determine if there are any special conditions or improvements required to serve that development.

Comment 3.3.1-3 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 your 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.

Response 3.3.1-3 At this time the exact locations of future development projects are unknown. At the time individual projects are proposed, PG&E will be consulted to determine whether any new or upgraded facilities are needed to serve that development.

Comment 3.3.1-4 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.

Response 3.3.1-4 Refer to Response 3.3.1-3.

Comment 3.3.1-5 We encourage the City to include information about the issue of electric and magnetic fields (EMF) in the EIR. It is PG&E's policy to share information and educate people about the issue of EMF. EMFs are invisible fields of force created by electric voltage (electric fields) and by electric current (magnetic fields). Wherever there is a flow of electricity, both electric and magnetic fields are created; 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. PG&E relies on organizations and health agencies such as the California Department of Health Services, U.S. Environmental Protection Agency and the Electric Power Research Institute to review research on EMF and provide a foundation for developing policies. Because there is concern about the possible health effects of exposure to EMF, we support and fund medical, scientific, and industry research on EMF. It is PG&E policy to consider EMF in the design, planning and construction of new and upgraded facilities.

PG&E remains committed to working with the City to provide timely, reliable and cost effective gas and electric service to Brentwood (?) area. We would also request that we be copied on future correspondence regarding this subject as this project develops and that we be placed on the list to review the DEIR and FEIR.

Response 3.3.1-5 As described on page 10 of the SEIR, the proposed revision to the EDP is limited to the subject of traffic capacity, and the SEIR focuses on impacts of traffic, and traffic-generated noise and air quality. The specific location of future development is not known at this time and, therefore, it is unknown whether any development would be exposed to EMF. Subsequent analysis under CEQA will be required for all non-traffic topics at the time the City receives a specific development proposal and EMF will be addressed, if it is an issue for that particular development site.

3.3.2 RESPONSES TO COMMENTS FROM KARI PETERSON, RECEIVED OCTOBER 9, 2008

Comment 3.3.2-1 If Capitol/Yerba Buena 101 is not improved no additional homes should be approved. These on/off ramps back up miles every day, not just weekdays, and not just during the 2 hour peak times referenced. Traffic is extremely heavy from 6-10am and from 2-8pm. Please take note in consideration of the quality of life and safety of Evergreen residents.

Response 3.3.2-1 The project's impact to the 101/Capitol/Yerba Buena interchange is expected to be minimal (please see Response 3.1.1-1). The City of San Jose, in conjunction with Caltrans and the VTA, is pursuing a project to upgrade the interchange as part of a larger US 101 improvement project from I-280 to Yerba Buena Road. Planned interchange improvements include rebuilding the Capitol interchange to a partial cloverleaf design and separating the Capitol interchange from the Yerba Buena interchange. These changes are expected to significantly reduce congestion and wait

times at the ramp meters. The project would contribute to the cost of the interchange upgrade through the proposed Evergreen traffic impact fee.

3.3.3 RESPONSES TO COMMENTS FROM THE DISTRICT 8 COMMUNITY ROUND TABLE STEERING COMMITTEE (D8CRTSC), RECEIVED OCTOBER 7, 2008

Comment 3.3.3-1 On behalf of the District 8 Community Round Table Steering Committee, here are our formal public comments. The D8CRTSC recommends that the Supplemental Environmental Impact Report for the Evergreen-East Hills Development Policy should make the following revisions:

The SEIR needs to include weekend traffic analysis, which was absent from the original calculations. According to page 16 of the Draft SEIR, the traffic analysis only included AM (7-9:00) and PM (4-6:00) peak traffic on an average weekday. In order to gather a full assessment of potential traffic impacts at intersections in the project area, it would be useful to include weekends as well as weekdays.

Response 3.3.3-1 As noted on page 23 of the Draft SEIR, a comment was received on the DEIR for the EEHVS Project (EEHVS DEIR First Amendment, Comment 22-J) requesting analysis of weekend daytime (Saturday and Sunday, 10:00 AM to 8:00 PM) traffic. In response to the comment, weekend traffic counts were conducted at key signalized intersections near significant retail development. Based on those counts, peak weekend levels of service were determined to be comparable to those occurring during weekday peaks. Since this document covers the same intersections and there have not been any substantial changes in existing conditions in the area, it was concluded that weekday peak traffic was comparable to weekend daytime traffic and a separate weekend analysis was not completed.

Comment 3.3.3-2 The SEIR needs to include traffic analysis concerning the streets located at the entrance and exit to all elementary, middle and high schools in the project area during peak morning and afternoon hours. Streets adjacent to several schools are already adversely impacted by traffic during weekday morning and afternoon peak hours.

Response 3.3.3-2 The SEIR traffic analysis analyzed the effects of AM and PM peak hour project traffic at 99 signalized intersections in the EDP area. These intersections are located on the primary travel routes to virtually every school in the EDP area, as shown on Figure F1, which shows the location of study intersections and elementary, middle, and high schools. Figure F1 is included in Section 4, **Revisions to the Text of the Draft SEIR**. The traffic analysis and project does take into account the locations of schools and the City's policy of promoting safe access for all travel modes, especially in proximity to schools. In fact, potential conflicts of identified intersection improvements and maintenance of safe pedestrian and bicycle access is one of the reasons three intersections affected by EDP policy impacts are proposed for exemption from requiring mitigation.

Comment 3.3.3-3 The mitigation measures detailed in the SEIR are insufficient to deal with the traffic problems in the project area, especially since six busy intersections are exempt from any proposed mitigation due to "background conditions" or other reasons: Capitol and Story, White and Stevens, Evergreen Commons and Tully, Capitol and Nieman, San Felipe and Yerba Buena, and San Felipe and Delta. Two of these intersections (Capitol Expressway and Story, White and Stevens) are exempted due to "significant unavoidable impacts", and they will require a "statement of overriding considerations". Four of these intersections are exempt due to special circumstances.

Response 3.3.3-3 The Evergreen Development Policy (EDP) revision proposes to modify the EDP level of service impact criteria. The policy modification would exempt the mitigation of any level of service degradation that would not be considered a significant impact under the Citywide Level of Service Policy when such mitigation also creates conflicts with pedestrians or has unacceptable biological impacts. For example, going from a Level of Service A to a B under the existing Evergreen Development Policy would be a significant impact but would not be a significant impact anywhere else in the city. Given that certain improvements, such as double-right turn lanes, create additional opportunities for pedestrian movements to conflict with vehicles, those improvements are not desired unless considered absolutely necessary to relieve congestion. The Evergreen Development Policy criteria is very stringent and as it exists currently, mitigation measures would be required that would create conflicts when the level of traffic congestion itself does not warrant the improvements. The Planning Commission and City Council will be able to decide whether to accept this aspect of the policy revision. If the Planning Commission or City Council chooses not to accept this aspect of the proposed policy revision entirely, the following intersections would need to construct the following mitigation measures identified but not proposed currently in the SEIR:

- Capitol Expressway/Nieman Boulevard (LOS change from C to D) - Adding a second westbound right-turn lane. This could be constructed within the existing right-of-way.
- San Felipe /Yerba Buena (LOS change from A to B) - Adding an exclusive southbound right-turn lane. This could be constructed within the existing right-of-way.
- San Felipe Road/Delta Road (LOS change from B to C) - Adding a second westbound left-turn lane or adding a second southbound left-turn lane. Either of these improvements could be constructed within the existing right-of-way.

If the Planning Commission or City Council chooses not to accept the proposed exemption in the policy revision specifically related to mitigation measures that also have undesired impacts on biological resources, when the level of service degradation does not meet the citywide level of service significance criteria, the Evergreen Commons/Tully intersection (A to B LOS change) would require a bridge widening to mitigate the impact, and the bridge widening would need further study.

The policy decision for the Planning Commission and the City Council is whether to consider a level of service degradation that meets the Citywide LOS standards acceptable when the corresponding mitigation measures also pose pedestrian conflicts and impacts on biological resources.

The identified mitigation for the level of service impact at the intersection of White Road and Stevens Road is to add a second westbound left-turn lane; however a westbound left-turn lane is not feasible, because it requires the demolition of four single-family residences in order to implement. Therefore, the impact at White Road and Stevens Lane would not utilize the proposed exemption included in the policy revision; rather, the mitigation is not feasible because it requires the demolition of four single-family residences. This is why this is identified in the SEIR as a significant unavoidable impact.

Comment 3.3.3-4 The D8CRTSC strongly opposes exemptions based on "background conditions", since it assumes that "project impact at these intersections would be less than significant" (page 44, Draft SEIR). This creates a situation in which a "statement of overriding considerations" is not required, and this leads to the false assumption that there is no significant impact. In fact, there would be a "significant impact" at these four intersections, and the D8CRTSC

recommends that the "significant unavoidable impact" label should be used in these situations rather than creating a new label that is misleading.

Response 3.3.3-4 The policy revision is proposed to change the EDP significance criteria as detailed in Response 3.3.3-3, above. If the policy revision were approved with the exemption provision, a level of degradation that didn't meet the citywide criteria for significance and had a corresponding mitigation that created pedestrian conflicts or undesirable biological impacts would not be considered a significant impact.

Comment 3.3.3-5 The land use distribution model in the SEIR is based on a presumed distribution of units in various sub-areas. The D8CRTSC is concerned about the following issues in regards to these analytical assumptions:

- Is the City going to grant traffic allocations to meet this distribution?
- If not, why not?
- What is the algorithm for distributing the allocations?
- Will the City distribute the allocations in order to spread out the impact?
- Are the analytical assumptions based on particular projects? If so, this is not acceptable since this is supposed to be a policy document and not a project document.
- The basic problem with these analytical assumptions is that having specific numbers of unit allocations can appear to developers as if these are the recommended allocations for the future. Hence, the EEHDP should clearly state that these are only "assumptions" and are not meant to be potential entitlements of any sort.

If you have any questions about these recommendations, please contact Bonnie Mace.

Response 3.3.3-5 The SEIR traffic distribution was determined by evaluating the City's General Plan, vacant land availability, and development proposals and inquiries. The environmental clearance assumes the traffic distribution that has been analyzed and if development proposals deviate from the assumed traffic distribution, then a supplemental traffic analysis will be required to determine if the project is creating additional traffic impacts that were not previously identified. The traffic analysis distribution was made only to form a set of assumptions for traffic analysis purposes; it is not a mechanism for providing development entitlements. Any proposed project would still need to be consistent with the City's General Plan, policies, design guidelines, and ordinances.

LETTER 2 - RESPONSES TO COMMENTS FROM THE DISTRICT 8 COMMUNITY ROUND TABLE STEERING COMMITTEE (D8CRTSC) ON THE POLICY, RECEIVED OCTOBER 7, 2008

Comment 3.3.3-6 On behalf of the District 8 Community Round Table Steering Committee (D8CRTSC), here are our formal public comments. The D8CRTSC recommends the following revisions to the Draft EEHDP:

Project Caps for Larger and Smaller Projects: The D8CRTSC has consistently opposed any development over 35 units coming from the 500 unit pool. Furthermore, the D8CRTSC recommends that the majority of units should be designated for smaller development projects of 10 units or less. This would give priority to the "mom and pop" parcels rather than to the larger developer. Several community meetings have shown that the Evergreen-East Hills public supports this concept. The goal is to have development of smaller parcels spread equitably and relatively evenly throughout the entire policy area. Therefore, the hierarchy of priority should be the following: the majority of pool

allocations should be for projects of 1-10 units. Next in line for priority would be projects containing 11-35 units. The lowest priority would be for projects containing more than 35 units.

Response 3.3.3-6 The comment is noted and will be considered by the City Council in their deliberations about the project. The proposed Policy has been revised to require that minimum of 70% of the total residential pool be reserved for small projects, which are projects of 35 units or fewer. Up to 30% of the residential pool can be used for large residential projects, which are projects of greater than 35 units in size. A copy of the revised policy is attached as Appendix A of this First Amendment to the SEIR. This question does not raise any comments or questions regarding the SEIR and, therefore, no further response is required.

Comment 3.3.3-7 Existing Allocations: Appendix J of the proposed EEHDP shows that there are currently existing allocations that have not yet received entitlements in the policy area. The D8CRTSC recommends that for existing sites with allocations, any project seeking to increase these allocations should be counted in full against the 500 unit pool. This means that if a site with 10 allocations wants to build 20 units, then the project is considered to be a new 20 unit application against the 500 unit pool. This would fold the background allocations into the new project, rather than counting the background allocations separately. Two related questions on this topic are: how many traffic allocations currently exist in the EEHDP area? Are allocations tied to a single parcel, or can they be moved to other sites?

Response 3.3.3-7 A total of 446 units are unconstructed residential allocations under the existing Evergreen Development Policy. Allocations are tied to a single parcel and cannot be moved to other sites, unless properties immediately adjacent to each other are rezoned to a Planned Development Zoning District. A Planned Development zoning could enable the specific allocation to be transferred to a parcel immediately adjacent to parcel with assigned allocation. This shifting of allocations to adjacent parcels is allowed because the allocations are in the immediate vicinity of the parcel they are assigned to and the Planned Development rezoning connects the parcels sharing the allocations through an entitlement. Moving allocations to other sites that are not immediately adjacent to parcels with allocation is not allowed. The intent of City Council direction in updating this Area Development Policy was to include an additional 500 units of residential capacity to the existing development policy. The comment's request to count units that have allocation as units in the 500 unit pool is contrary to the City Council direction. This question does not raise any comments or questions regarding the SEIR and, therefore, no further response is required.

Comment 3.3.3-8 Anti-Clustering Criteria: The D8CRTSC supports anti-clustering criteria, as detailed on page 24 of the proposed EEHDP. The D8CRTSC recommends tightening the criteria by addressing the issue of parcels with phased development in which one part of the development has occurred prior to the revision of the EEHDP. For example, what if part of the parcel has developed units prior to the EEHDP revision based on preexisting allocations, but then after the EEHDP revision the developer seeks to add new traffic allocations to the remainder of the parcel? In this case, the D8CRTSC recommends that the original and future allocations should be counted together rather than separately towards the 500 unit pool in order to avoid clustering. Thus, two phases of the same project (although developed pre and post EEHDP revision) count as a single project in terms of the unit pool.

Response 3.3.3-8 A definition of Small and Large projects has been added to the proposed Policy revision, which is attached as Appendix A. In the event that a parcel already has existing allocation and proposes additional units from the residential pool. Only the number of units requested from the pool should be considered towards the large or small criteria in the policy. This question

does not raise any comments or questions regarding the SEIR and, therefore, no further response is required.

Comment 3.3.3-9 Project Criteria for Small Developments (1-10 units): The D8CRTSC recommends that the EEHDP should have a clear definition of how to prioritize projects between 1-10 units. Currently, there are no proposed criteria for small developments. The D8CRTSC opposes "first come, first served", and we would prefer to see projects chosen on the basis of their value to the neighborhood and larger community. The D8CRTSC is particularly concerned about the cumulative impact of several small projects in a single geographic area, and we recommend that Staff develop criteria to avoid having too many units in a small subregion of the EEHDP area.

Response 3.3.3-9 The proposed Policy, which is attached as Appendix A, has been revised to give special consideration to projects that meet congestion reduction goals in the event that the City receives applications that exceed the 500 unit pool. Any development that deviates from the traffic distribution assumptions analyzed in the SEIR may need to provide an additional traffic report and to complete additional environmental clearance for traffic.

Comment 3.3.3-10 Dispersion of Units: The D8CRTSC recommends that the EEHDP should focus on dispersing units equitably throughout the entire project area. The D8CRTSC opposes the overconcentration of units in one or two subregions of the policy area.

Response 3.3.3-10 Any development that deviates from the traffic distribution assumptions analyzed in the SEIR may be feasible but will need to provide an additional traffic report and to complete additional environmental clearance for traffic.

The SEIR traffic distribution was determined by evaluating the City's General Plan Land Use/Transportation Diagram, availability of vacant and underutilized parcels, and known requests for development. The environmental clearance assumes the traffic distribution that has been analyzed and if development proposals deviate from the assumed traffic distribution, then a supplemental traffic analysis will be required to determine if the project is creating additional traffic impacts that were not previously identified. The traffic analysis distribution was made only to form a set of assumptions for traffic analysis purposes; the traffic distribution does not entitle properties to develop. Revisions to the proposed Policy, attached in Appendix A, clarify this issue.

Comment 3.3.3-11 Remainder Units: What happens to remainder units in this 500 unit pool? The D8CRTSC recommends that any remainder units in larger project categories revert to the smaller project pool. In other words, if there are 34 units remaining in the large project (+35) pool, then these 34 units revert to the smaller project pool.

Response 3.3.3-11 As revised, the proposed policy does not require that the 30% of the pool allowed for large residential projects of 35 units or more be used exclusively for large projects. In other words, the 30% is not reserved exclusively for large projects. If there are any remaining units not used by large projects, small projects can utilize the remainder.

Comment 3.3.3-12 Mitigation Measures: The mitigation measures detailed in the proposed EEHDP are insufficient to deal with the traffic problems in the project area, especially since six busy intersections are exempt from any proposed mitigation due to "background conditions" or other reasons: Capitol and Story, White and Stevens, Evergreen Commons and Tully, Capitol and Nieman, San Felipe and Yerba Buena, and San Felipe and Delta. Two of these intersections (Capitol and Story, White and Stevens) are exempted due to "significant unavoidable impacts" and they will

require a "statement of overriding considerations." Four of these intersections are exempt due to special circumstances: "if the proposed mitigation has undesired conflicts with other modes of travel or has unacceptable biological impacts, then the impacts will be considered acceptable and the intersection is exempt from constructing the proposed mitigation".

Response 3.3.3-12 The proposed policy change would allow exemptions to providing mitigation for intersections that maintain a Level of Service of D or better, where the proposed mitigation creates an unacceptable biological impact or creates conflicts with pedestrians.

Comment 3.3.3-13 "Background Conditions" Exemption: The D8CRTSC strongly opposes exemptions based on "background conditions," since it assumes that project impact at these intersections would be less than significant. This creates a situation in which a "statement of overriding considerations" is not required, and this leads to the false assumption that there is no significant impact or that impact is "acceptable." In fact, there would be a "significant impact" at these four intersections, and the D8CRTSC recommends that the "significant unavoidable impact" label should be used in these situations rather than creating a new label that is misleading and inaccurate.

Response 3.3.3-13 The policy is not proposing exemptions based on background conditions. Background conditions are typically used as the baseline against which a project's traffic impacts are evaluated. As described on Page 24 of the DSEIR, "Background conditions are the traffic conditions that take into account the build out of already approved trips through the Original Evergreen Development Policy, existing buildings, and projects with existing entitlements. A significant impact can be satisfactorily mitigated when measures are implemented that would restore intersection level of service to background conditions or better."

The Evergreen Development Policy (EDP) policy revision proposes to exempt the mitigation of any level of service degradation that would not be considered a significant impact under the Citywide Level of Service Policy when such mitigation also creates conflicts with pedestrians or has unacceptable biological impacts. For example, going from a Level of Service A to a B under the existing Evergreen Development Policy would be a significant impact but would not be a significant impact anywhere else in the city. Given that certain improvements, such as double-right turn lanes, create additional opportunities for pedestrian movements to conflict with vehicles, those improvements are not desired unless considered absolutely necessary to relieve congestion. The Evergreen Development Policy criteria is very stringent and as it exists currently, and mitigations would be required that would create conflicts when the level of traffic congestion itself does not warrant the improvements. The Planning Commission and City Council will be able to decide whether to accept this aspect of the policy revision. If the Planning Commission or City Council chooses not to accept this aspect of the proposed policy revision entirely, four intersections would need to construct the mitigations identified in the SEIR and in Comment 3.2.2-2 of this First Amendment.

The mitigation improvements of the intersections utilizing the proposed exemption are physically feasible but not desirable given that they pose conflicts with pedestrians or create unacceptable impacts on biological resources. Therefore, the impacts for intersections utilizing this exemption can not be labeled as "significant unavoidable." The policy decision for the Planning Commission and the City Council is whether to consider a level of service degradation that meets the Citywide LOS standards acceptable when the corresponding mitigations also pose pedestrian conflicts and impacts on biological resources.

Comment 3.3.3-14 Analytical Assumptions: The land use distribution model is based on a presumed distribution of units in various sub-areas. The D8CRTSC is concerned about the following issues in regards to these analytical assumptions:

- Is the City going to grant traffic allocations to meet this distribution?
- If not, why not?
- What is the algorithm for distributing the allocations?
- Will the City distribute the allocations in order to spread out the impact?
- What is the probability that this distribution of units will be met?
- Are the analytical assumptions based on potential projects?

The basic problem with these analytical assumptions is that having specific numbers of unit allocations can appear to developers as if these are the recommended allocations for the future. Hence, the EEHDP should make it very clear that these are only "assumptions" and not potential entitlements of any sort.

Response 3.3.3-14 The SEIR traffic distribution was determined by evaluating the City's General Plan Land Use/Transportation Diagram, availability of vacant and underutilized parcels, and known requests for development. The environmental clearance assumes the traffic distribution that has been analyzed and if development proposals deviate from the assumed traffic distribution, then a supplemental traffic analysis will be required to determine if the project is creating additional traffic impacts that were not previously identified. The traffic analysis distribution was made only to form a set of assumptions for traffic analysis purposes; the traffic distribution does not in itself entitle properties to develop. Revisions to the proposed Policy, attached in Appendix A, clarify this issue.

Any proposed project would still need to be consistent with the City's General Plan, policies, design guidelines, and ordinances. In no case can more than the development pool amounts (500 residential units, 5000,000 square feet of retail, and 75,000 square feet of office) be developed unless an Amendment to the Policy is approved. The Policy specifies under what circumstances an Amendment to the Policy could be considered.

Comment 3.3.3-15 Park Funds: Projects over 10 units should contribute to a fund for parks or park amenities in the EEHDP area. This would provide a steady source of funds for parks.

Response 3.3.3-15 Any residential projects in the policy area would need to adhere to the City's Parkland Dedication Ordinance.

Comment 3.3.3-16 Development Pool: In terms of the third exemption on page 16 ("the development causing the impact is within the scope of the development pool"), what does this mean? Aren't all traffic allocations and hence all development coming from the development pool? This exemption seems like an escape clause that implies no mitigation is required.

Response 3.3.3-16 The above language stating that the development causing the impact must have drawn its capacity from the Policy-identified development "pool" is to clarify that the proposed mitigation exemption only applies to development that draws from the pool and is not a permanent exemption to the Evergreen-East Hills Development Policy. This is in the future event that development beyond 500 units, 500,000 square feet of retail, and 75,000 square feet of office is considered through an Amendment to the Evergreen-East Hills Development Policy.

Comment 3.3.3-17 Pedestrian Conflicts: On page 16, there is a discussion of exemptions due to "pedestrian conflicts" at Capitol and Nieman, San Felipe and Yerba Buena, and San Felipe and Delta.

Instead of unilaterally dismissing additional lanes as unnecessary, the D8CRTSC recommends the City study how to mitigate the pedestrian conflict if the proposed lanes were added.

Response 3.3.3-17 The potential improvements are not considered worthwhile when measured against pedestrian conflict and the amount of congestion relief provided by the improvement, for this reason, the Policy exemption is proposed. Adding more traffic turning lanes that a pedestrian must cross, particularly right turn lanes which many drivers consider free rights and do not stop, is in itself considered a conflict with pedestrians and must be weighed against the actual congestion relief that the lanes provide. Since the LOS of the exempted intersections is still LOS D or better, which is considered an acceptable LOS in other areas of the City utilizing the Citywide Level of Service Policy.

Comment 3.3.3-18 Green Building and Riparian Sensitivity: On page 25, it states that developers building 11-35 units can choose from among four options: riparian sensitivity, green building, diverse housing types, or community meeting room space. The D8CRTSC recommends that developers should be required to adhere both to green building and riparian sensitivity. This should not be an "either/or" criterion for development. The green building standard must be mandatory for all development over 10 units, and the riparian policy should also be upheld. Green building and riparian policy must also be upheld for commercial projects.

If you have any questions about these recommendations, please contact Bonnie Mace.

Response 3.3.3-18 This criteria has been removed from the Policy, because the City has approved a citywide green building policy which shall be uniformly applied throughout all areas of the City. A copy of the proposed revised Policy is attached in Appendix A of this First Amendment to the SEIR.

SECTION 4.0 REVISIONS TO THE TEXT OF THE DRAFT SEIR

This section contains revisions to the text of the Draft SEIR. Text additions are underlined. Text deletions show the original text with a ~~strikeout~~ running through the part of the text to be deleted.

Page v-ix The text of the Summary is revised as follows:

| ENVIRONMENTAL IMPACTS | MITIGATION AND AVOIDANCE MEASURES |
|---|---|
| Traffic Impacts | |
| <p>US 101 and Yerba Buena Road (East) This intersection would operate at LOS C during the PM peak hour under background conditions, and the added project trips would cause the level of service to degrade to LOS D. Based on the Evergreen Development Policy, this constitutes a significant project impact.</p> <p>Capitol Expressway and Silver Creek Road This intersection would operate at an unacceptable LOS E during the AM and PM peak hours under background conditions, and the proposed residential would add one or more trips to the intersection. Based on the Evergreen Development Policy, this constitutes a significant project impact.</p> | <p>The level of service impact could be mitigated by converting a westbound through lane into a shared through/right turn lane. Improvements to the US 101/Yerba Buena Road interchange were addressed in the previously certified FEIR. (Less than Significant Impact with Mitigation)</p> <p>This impact would be mitigated to a less-than-significant level through the implementation of either of the following two mitigation alternatives, both of which are proposed by the project. The Policy will insure implementation of one of the alternatives, but not both: 1) convert the HOV lanes on Capitol Expressway between U.S. 101 and Nieman Boulevard to “mixed-flow” lanes, which would improve the intersection’s operations to an acceptable level (LOS D); OR 2) construct a third left-turn lane on the westbound Silver Creek Road approach to southbound Capitol. (Less than Significant Impact with Mitigation)</p> |

| ENVIRONMENTAL IMPACTS | MITIGATION AND AVOIDANCE MEASURES |
|---|--|
| Traffic Impacts | |
| <p><u>Capitol Expressway and Story Road</u> This intersection would operate at LOS D during both the AM and PM peak hours and LOS E during the PM peak hour under background conditions, and the residential would add one or more trips during the PM peak hour. added project trips would cause the level of service to degrade to LOS E during both peak hour periods. Based on the Evergreen Development Policy, this constitutes a significant project impact.</p> | <p>Mitigation for this impact would consist of constructing a grade separation at this location, which determined to be infeasible due to substantial right-of-way and relocation impacts. Since the Capitol Expressway/Story Road intersection is a CMP intersection, its projected LOS E is acceptable under CMP standards. Further explanation of why mitigation at this intersection is infeasible is provided in the certified FEIR, which had the same significant unavoidable impact conclusion. A statement of overriding considerations would be required for this intersection impact. (Significant Unavoidable Impact)</p> |
| <p><u>Capitol Expressway and Quimby Road</u> This intersection would operate at LOS D during the AM and unacceptable LOS F E with a V/C of 1.050 during the PM peak hour under background conditions, and the added project trips would cause the level of service to degrade to LOS E during the AM and add one or more trips during the PM peak hour. F Based on the Evergreen Development Policy, this constitutes a significant project impact.</p> | <p>The impact could be mitigated by adding exclusive northbound and eastbound right-turn lanes. The certified FEIR included and provided project-level environmental review for this mitigation measure. (Less than Significant Impact with Mitigation)</p> |
| <p><u>Capitol Expressway and Aborn Road</u> This intersection would operate at unacceptable LOS E during the PM peak hour under background conditions and the proposed residential would add one or more trips to the intersection. Based on the Evergreen Development Policy, this constitutes a significant project impact.</p> | <p>The impact at this intersection would be mitigated to a less-than-significant level through the implementation of either of the following two mitigation alternatives: 1) Convert the HOV lanes on Capitol Expressway between U.S. 101 and Nieman Boulevard to “mixed-flow” lanes; or 2 construct a third eastbound through lane on Aborn Road, while retaining the dedicated right turn lane. (Less than Significant Impact with Mitigation)</p> |

| ENVIRONMENTAL IMPACTS | MITIGATION AND AVOIDANCE MEASURES |
|--|---|
| Traffic Impacts | |
| <p><u>Capitol Expressway and Story Road</u> This intersection would operate at LOS D during both the AM and PM peak hours and LOS E during the PM peak hour under background conditions, and the residential would add one or more trips during the PM peak hour. added project trips would cause the level of service to degrade to LOS E during both peak hour periods. Based on the Evergreen Development Policy, this constitutes a significant project impact.</p> <p><u>McLaughlin Avenue and Tully Road</u> This intersection would operate at LOS E during the PM peak hour under background conditions, and the added project trips would cause the delay to increase by 8.6 seconds and the v/c ratio to increase by 3.1 percent (0.031). Based on the Transportation Impact Policy, this constitutes a significant project impact.</p> | <p>Mitigation for this impact would consist of constructing a grade separation at this location, which determined to be infeasible due to substantial right-of-way and relocation impacts. Since the Capitol Expressway/Story Road intersection is a CMP intersection, its projected LOS E is acceptable under CMP standards. Further explanation of why mitigation at this intersection is infeasible is provided in the certified FEIR, which had the same significant unavoidable impact conclusion. A statement of overriding considerations would be required for this intersection impact. (Significant Unavoidable Impact)</p> <p>The level of service impact could be mitigated by adding an exclusive northbound right turn lane. This improvement would require right of way acquisition or a narrowing of the sidewalk in front of the corner parcel (from 10 to 5 feet) and eliminating the planting strip in front of the adjacent parcel. Based on the Transportation Impact Policy, these improvements would satisfactorily mitigate the significant project impact. The certified FEIR included and provided project level environmental review for this mitigation measure. (Less than Significant Impact with Mitigation)</p> |

Page 1 The sixth paragraph is revised as follows:

For purposes of the update, the revised Evergreen Development Policy is proposed to be called the Evergreen • East Hills Development Policy. Revisions have been made to the text of the revised Policy, for clarification purposes, to respond to community and developer feedback, and to account for recent changes in City policy, such as the adoption of the citywide green building policy. To summarize, the following issues have been included in the revised policy:

- 1) Clarification of what constitutes a Small or Large Project in the event a project has existing entitlements or allocation.
- 2) Elimination of the criteria for projects less than 35 units in size.
- 3) Inclusion of Implementation Goals. In the event the City receives applications for new residential entitlements that exceed the 500 unit pool, applications will also be evaluated for their conformance to the listed congestion reduction goals.
- 4) Clarification of Anti-Clustering Criterion. This criterion is intended to apply only for residential development applications.
- 5) Clarification of Traffic Analysis Distribution. The assumptions made for the distribution of traffic in the development policy were for purposes of analyzing traffic for environmental clearance and 90 they are not entitlements.
- 6) Increased the percentage of the residential pool reserved for small projects from 50% to 70%.
- 7) Modified Transportation Level of Significance Impact Criteria language to reflect changes in new traffic analysis software.
- 8) Affordable housing criteria were modified for projects over 35 units in size.
- 9) Provisions for how new City public facilities and other land uses will be evaluated.
- 10) Updated list of roadway improvements.

~~These text revisions do not change the parameters of the traffic allocation allowed by the revised policy (i.e., the development pool); nor do they change any of the assumptions under which the SEIR traffic analysis has been based. For these reasons, the revisions made to the revised Policy text do not require any changes to the SEIR impact evaluation or additional evaluation. A copy of the text of the revised Evergreen Development Policy, with revisions shown, is attached in Appendix A of this First Amendment to the SEIR.~~

Page 13 The introductory statement at the beginning of Section 2.1, TRANSPORTATION, is revised as follows:

~~This section is based upon a July 2008 traffic report and a November 2008 memorandum prepared by *Hexagon Transportation Consultants, Inc.* for the proposed project. The report is included in Appendix B of this SEIR, and the memorandum is appended to Section 4.0 of this document.~~

Page 18 Table 2.1-3, Intersection Level of Service – Existing & Background Conditions

The intersection level of service and average delay for the 18 CMP study intersections are replaced with the information presented in the following new table, Table 2.1-F1, **Updated CMP Intersection Level of Service Summary.**

- Page 28 The text of the second paragraph is revised as follows.
- According to the Evergreen Development Policy’s threshold of significance, the traffic allocation proposed by the project would result in a significant impact at ~~the following~~ thirteen study intersections located within Evergreen, shown on Figure 4 and in Table 2.1-8.
- Page 29 Table 2.1-7 is revised to reflect the updated CMP intersection analysis, as shown on the following page.
- Page 30 Figure 4 is revised to reflect the updated CMP intersection analysis, as shown on the attached.
- Page 31 Table 2.1-8, Evergreen Development Policy Area - Intersection Level of Service Summary
- The intersection level of service and average delay for the 18 CMP study intersections are replaced with the information presented in the following new table, Table 2.1-F1, **Updated CMP Intersection Level of Service Summary**.
- Page 34 Table 2.1-9, Outside Evergreen Development Policy Area - Intersection Level of Service Summary
- The intersection level of service and average delay for the 18 CMP study intersections are replaced with the information presented in the following new table, Table 2.1-F1, **Updated CMP Intersection Level of Service Summary**.
- Page 35 The updated CMP intersection analysis indicate the project would have a less-than-significant at the intersection of U.S. 101 and Yerba Buena Road (East), so Impact Tran-1 is revised as follows:
- ~~**Impact TRAN-1:** US 101 and Yerba Buena Road (East) This intersection would operate at LOS C during the PM peak hour under background conditions, and the added project trips would cause the level of service to degrade to LOS D. Based on the Evergreen Development Policy, this constitutes a significant project impact.~~
- ~~**MM TRAN-1:** ——— The level of service impact could be mitigated by converting a westbound through lane into a shared through/right turn lane. Converting a westbound through lane into a shared through/right turn lane could be done within the existing right of way. The mitigation would improve the intersection level of service to LOS B. Based on the Evergreen Development Policy, these improvements would satisfactorily mitigate the significant project impact. Improvements to the US 101/Yerba Buena Road interchange were addressed in the previously certified FEIR. The City is currently working with Caltrans on the ultimate design of the US 101/Yerba Buena Interchange improvements, as part of the US 101 Corridor Study. This mitigation measure may change, depending on the final design of that project, but it is anticipated to remain within the existing right of way. **(Less than Significant Impact with Mitigation)**~~

Table 2.1-F1
Updated CMP Intersection Levels of Service Summary

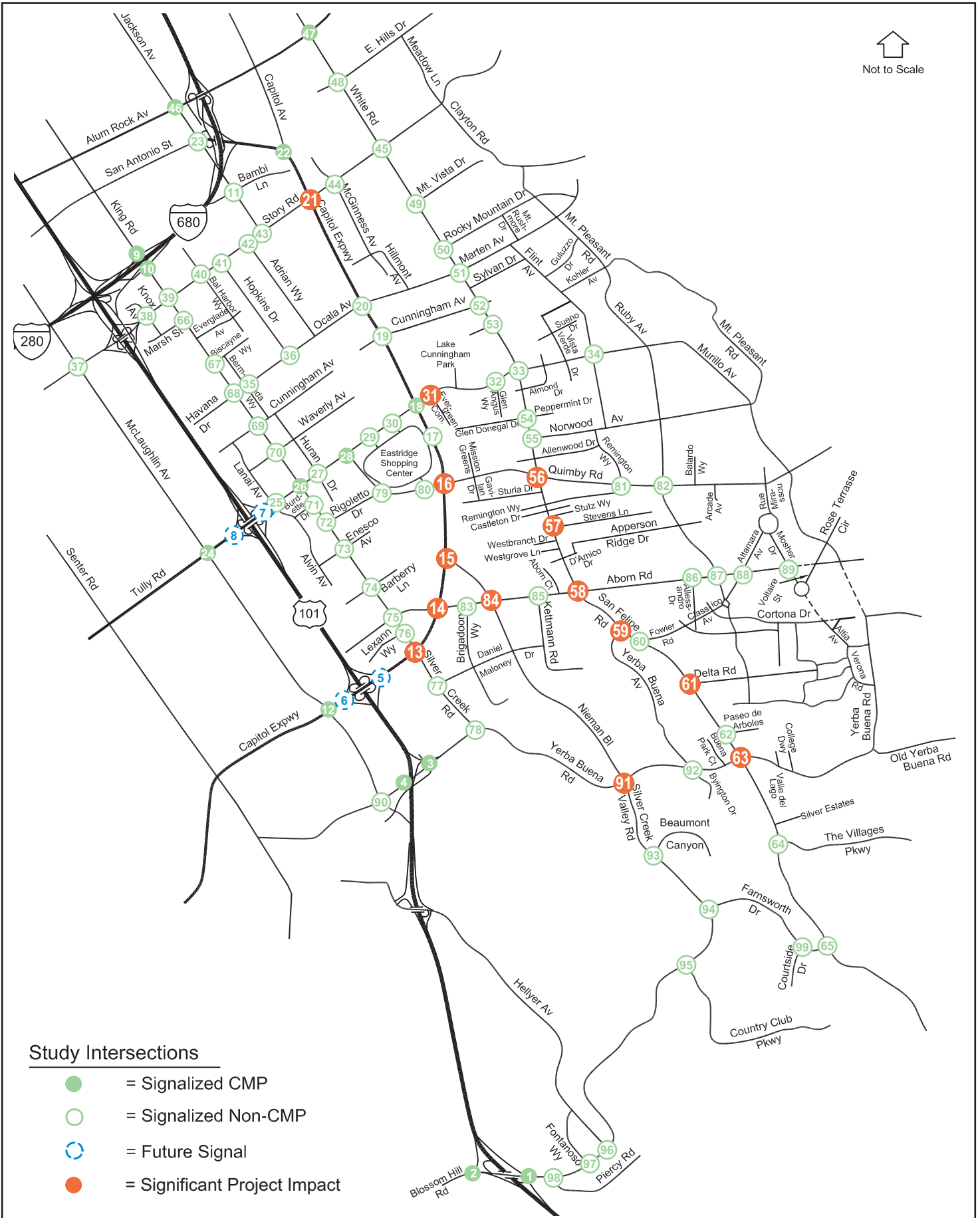
| Study Number | | Peak Hour | Count Date | Existing | | Background | | Project Conditions | | | |
|--------------|--------------------------------------|-----------|------------|------------|-----|------------|-----|--------------------|-----|----------------------|--------------------|
| | | | | Ave. Delay | LOS | Ave. Delay | LOS | Ave. Delay | LOS | Incr. In Crit. Delay | Incr. In Crit. V/C |
| 1 | US 101 and Blossom Hill (E)* | AM | 9/25/2007 | 25.8 | C | 40.1 | D | 40.2 | D | 0.1 | 0.000 |
| | | PM | 11/9/2006 | 25.6 | C | 99.4 | F | 99.7 | F | 0.5 | 0.001 |
| 2 | US 101 and Blossom Hill (W)* | AM | 10/10/2007 | 16.8 | B | 17.0 | B | 17.0 | B | 0.0 | 0.001 |
| | | PM | 9/20/2006 | 15.2 | B | 19.6 | B | 19.9 | B | 0.2 | 0.004 |
| 3 | US 101 and Yerba Buena Road (E)* | AM | 10/3/2007 | 10.4 | B | 11.8 | B | 11.7 | B | 0.3 | 0.023 |
| | | PM | 9/28/2006 | 14.0 | B | 39.5 | D | 42.1 | D | 6.4 | 0.019 |
| 4 | US 101 and Yerba Buena Road (W)* | AM | 10/3/2007 | 19.5 | B | 26.6 | C | 28.2 | C | 2.6 | 0.028 |
| | | PM | 9/27/2006 | 21.9 | C | 23.6 | C | 24.5 | C | 1.2 | 0.032 |
| 9 | King Road and I-680 (N)* | AM | 9/27/2007 | 28.0 | C | 29.6 | C | 29.7 | C | 0.0 | 0.004 |
| | | PM | 10/26/2006 | 34.3 | C | 38.7 | D | 38.9 | D | 0.3 | 0.004 |
| 10 | King Road and I-680 (S)* | AM | 9/27/2007 | 21.2 | C | 25.6 | C | 25.9 | C | 0.5 | 0.004 |
| | | PM | 9/27/2006 | 28.5 | C | 30.5 | C | 30.8 | C | 0.3 | 0.005 |
| 12 | McLaughlin Avenue and Capitol Expwy* | AM | 10/11/2007 | 47.6 | D | 48.5 | D | 48.7 | D | 0.3 | 0.006 |
| | | PM | 10/11/2006 | 42.8 | D | 44.1 | D | 44.8 | D | 1.2 | 0.017 |
| 13 | Silver Creek Rd and Capitol Expwy* | AM | 10/11/2007 | 63.9 | E | 56.7 | E | 57.5 | E | 1.0 | 0.007 |
| | | PM | 10/10/2006 | 51.3 | D | 55.2 | E | 56.2 | E | 1.0 | 0.022 |
| 14 | Capitol Expwy and Aborn Road* | AM | 10/11/2007 | 42.9 | D | 40.9 | D | 41.8 | D | 2.4 | 0.021 |
| | | PM | 10/24/2006 | 62.2 | E | 59.3 | E | 63.1 | E | 4.6 | -0.001 |
| 16 | Capitol Expwy and Quimby Road* | AM | 10/11/2007 | 44.8 | D | 53.7 | D | 65.5 | E | 18.0 | 0.079 |
| | | PM | 10/10/2006 | 84.9 | F | 114.9 | F | 164.2 | F | 85.2 | 0.199 |
| 18 | Capitol Expwy and Tully Road* | AM | 10/11/2007 | 44.3 | D | 43.0 | D | 44.0 | D | 4.5 | 0.027 |
| | | PM | 10/10/2006 | 46.9 | D | 49.4 | D | 53.7 | D | 8.3 | 0.069 |
| 21 | Capitol Expwy and Story Road* | AM | 11/6/2007 | 48.7 | D | 46.0 | D | 47.0 | D | 1.6 | 0.010 |
| | | PM | 12/12/2006 | 61.0 | E | 60.6 | E | 63.6 | E | 5.0 | 0.027 |
| 22 | Capitol Expwy and Capitol Av* | AM | 11/6/2007 | 33.2 | C | 35.3 | D | 36.0 | D | 0.9 | 0.007 |
| | | PM | 10/12/2006 | 43.7 | D | 45.6 | D | 46.3 | D | 0.8 | 0.011 |
| 24 | McLaughlin Avenue and Tully Road* | AM | 9/20/2007 | 47.9 | D | 46.7 | D | 47.0 | D | 0.2 | 0.006 |
| | | PM | 9/26/2006 | 45.7 | D | 47.4 | D | 49.0 | D | 2.9 | 0.031 |
| 26 | King Road and Tully Road* | AM | 9/20/2007 | 46.8 | D | 47.0 | D | 47.7 | D | 1.4 | 0.028 |
| | | PM | 9/26/2006 | 50.4 | D | 51.6 | D | 51.9 | D | 0.2 | 0.029 |
| 28 | Quimby Road and Tully Road* | AM | 9/20/2007 | 38.1 | D | 39.1 | D | 38.3 | D | -0.4 | 0.023 |
| | | PM | 9/26/2006 | 42.2 | D | 43.6 | D | 42.5 | D | -15.9 | 0.091 |
| 46 | Jackson Avenue and Alum Rock Avenue* | AM | 9/27/2007 | 35.3 | D | 38.7 | D | 38.7 | D | 0.1 | 0.002 |
| | | PM | 9/28/2006 | 42.8 | D | 44.4 | D | 44.5 | D | 0.0 | 0.001 |
| 47 | White Road and Alum Rock Avenue* | AM | 9/25/2007 | 50.2 | D | 60.8 | E | 61.3 | E | 1.0 | 0.004 |
| | | PM | 9/28/2006 | 48.4 | D | 49.0 | D | 49.8 | D | 1.5 | 0.014 |

* Denotes CMP Intersection

Shaded rows indicate significant impacts under citywide LOS policy

Boxed rows indicate impacts under current Evergreen LOS policy

| TABLE 2.1-7, revised | | | |
|---|------------------|---|---|
| COMPARISON OF PROJECT IMPACTS | | | |
| PROPOSED EVERGREEN-EAST HILLS DEVELOPMENT POLICY AND | | | |
| CITYWIDE TRANSPORTATION IMPACT POLICY | | | |
| Intersection¹ | Peak Hour | Impact under Evergreen-East Hills Development Policy | Impact under Citywide Trans. Impact Policy |
| 3. US 101 and Yerba Buena Road (East) | AM | | |
| | PM | X | |
| 13. Capitol Expressway and Silver Creek Road | AM | <u>X</u> | |
| | PM | <u>X</u> | |
| 14. Capitol Expressway and Aborn Road | AM | | |
| | PM | <u>X</u> | <u>X</u> |
| 15. Capitol Expressway and Nieman Boulevard ² | AM | | |
| | PM | X | |
| 16. Capitol Expressway and Quimby Road | AM | <u>X</u> | <u>X</u> |
| | PM | X | X |
| 21. Capitol Expressway and Story Road | AM | X | X |
| | PM | X | X |
| 24. McLaughlin Avenue and Tully Road | AM | | |
| | PM | | X |
| 31. Evergreen Commons and Tully Road ² | AM | X | |
| | PM | | |
| 56. White Road and Quimby Road | AM | | |
| | PM | X | X |
| 57. White Road and Stevens Lane | AM | | |
| | PM | X | |
| 58. White Road and Aborn Road | AM | | |
| | PM | X | X |
| 59. San Felipe Road and Yerba Buena Avenue (North) ² | AM | | |
| | PM | X | |
| 61. San Felipe Road and Delta Road ² | AM | X | |
| | PM | | |
| 63. San Felipe Road and Yerba Buena Road (South) | AM | X | X |
| | PM | X | X |
| 84. Nieman Boulevard and Aborn Road | AM | | |
| | PM | X | |
| 91. Nieman Boulevard and Yerba Buena Road | AM | X | X |
| | PM | | |
| <p>Notes: ¹ Intersection numbers correspond to numbers on Figure 4, revised.</p> <p>² The project proposes an exemption from requiring mitigation for these four intersections, as described in the project description and the text following this table.</p> | | | |



Study Intersections

- = Signalized CMP
- = Signalized Non-CMP
- (dashed) = Future Signal
- (orange) = Significant Project Impact

IMPACTED STUDY INTERSECTIONS

FIGURE 4 (REVISED)

Impact TRAN-1: Capitol Expressway and Silver Creek Road This intersection would operate at an unacceptable level of service (LOS E) during the AM and PM peak hours under background conditions. The proposed residential uses would add one or more trips to this intersection. Based on the Evergreen Development Policy, this constitutes a significant project impact.

MM TRAN-1: Project impact TRAN-1 would be mitigated to a less-than-significant level through the implementation of either of the following two mitigation alternatives, both of which are proposed by the project. The Policy will insure implementation of one of the alternatives, but not both.

- The level of service impact could be mitigated by converting the HOV lanes on Capitol Expressway between U.S. 101 and Nieman Boulevard to “mixed-flow” lanes, meaning their use during weekday peak commute periods would no longer be restricted to vehicles with two or more occupants. The mitigation would improve the intersection’s operations to an acceptable level (LOS D). Based on the Evergreen Development Policy, this improvement would satisfactorily mitigate the significant project impact. [Note: Independently of this project, the planned and approved Capitol Expressway LRT extension will remove the HOV lanes on Capitol Expressway between I-680 and Nieman Boulevard.] Capitol Expressway is under the jurisdiction of the County of Santa Clara and it is not known at this time whether the County would allow the removal of the HOV lanes. For this reason, an alternate mitigation is proposed below, in the event the City is unable to implement the HOV lane conversion.

- The impact at this intersection could be satisfactorily mitigated by constructing a third left-turn lane on the westbound Silver Creek Road approach to southbound Capitol. (The following discussion assumes Capitol is aligned north-south and Silver Creek is east-west) This improvement would require the acquisition of right of way along the southwest side of Silver Creek Road, approximately five (5) feet wide and 300 linear feet. The resulting sidewalk width will be ten feet (10’) and the landscaping would be reduced in width from 25 to 20 feet along the commercial frontage in the southwest quadrant. This improvement will also require the acquisition of commercial property along the southeast side of Silver Creek that would be 5 feet wide for 400 linear feet. In the southeast quadrant, the resulting sidewalk would be 10 feet wide and landscape width would be reduced from 20 to 15 feet along the commercial frontage. No structures or parking spaces would be affected by the right-of-way take. Construction of this improvement would also require signal modification, including removing the porkchop islands at the northwest and southeast corners and relocating the traffic signal pole at the southwest corner. This left-turn lane addition would improve the intersection’s operations to an acceptable level (LOS D). Based on the Evergreen Development Policy, this improvement would satisfactorily mitigate the significant project impact.

The certified EEHVS EIR (Section 4.6) identifies tree removal mitigation and tree protection mitigation measures, as well as nesting raptor mitigation, which is included in the proposed project to reduce any impacts from construction of the

traffic improvements to a less than significant level. The certified EEHVS EIR (Section 4.5, MM 4.5-2) identifies mitigations measures for impacts to cultural resources that are included in the proposed project and would apply to any ground-disturbing activities associated with the traffic improvements. These measures would reduce potential impacts to cultural resources to a less than significant level.

Page 36

The discussion of Impact TRAN-3 is revised as follows, to reflect the updated CMP intersection level of service calculations.

Impact TRAN -3: Capitol Expressway and Quimby Road This intersection would operate at an acceptable level (LOS D) during the AM and at an unacceptable level (LOS F) during the PM peak hour under background conditions. The proposed project would cause the intersection to degrade to an unacceptable level (LOS E) during the AM peak hour. During the PM peak hour, the intersection would continue to operate at LOS F and the proposed residential uses would add one or more new trips. This intersection would operate at LOS E with a V/C of 1.050 during the PM peak hour under background conditions, and the added project trips would cause the level of service to degrade to LOS F. Based on the Evergreen Development Policy, this constitutes a significant project impact.

MM TRAN-3: The impact could be mitigated by adding exclusive northbound and eastbound right-turn lanes. Adding exclusive northbound and eastbound right-turn lanes could be completed within the existing right-of-way. The mitigation would improve the intersection level of service to an acceptable level of service (LOS D) during the AM peak hour. ~~LOS E with a V/C of 0.894~~ During the PM peak hour, the intersection would continue to operate at an unacceptable level of service (LOS F); however, the mitigation would reduce the average intersection delay to 112.2 seconds per vehicle, which is better than the calculated LOS under background conditions. Based on the Evergreen Development Policy, these improvements would satisfactorily mitigate the significant project impact. The certified FEIR included and provided project-level environmental review for this mitigation measure. **(Less than Significant Impact with Mitigation)**

Page 36

The discussion of Impact TRAN-4 is revised as follows, to reflect the updated CMP intersection level of service calculations.

Capitol Expressway and Story Road This intersection would operate at LOS D during both the AM and PM peak hours and unacceptable LOS E during the PM peak hour under background conditions. The proposed residential uses would add one or more trips to this intersection during the PM peak hour, and the added project trips would cause the level of service to degrade to LOS E during both peak hour periods. Based on the Evergreen Development Policy, this constitutes a significant project impact. During the AM peak period, the project would have a less than significant impact and the LOS would remain at and acceptable LOS D.

The following text is added after MM TRAN-13.

Impact TRAN-14: Capitol Expressway and Aborn Road This intersection would operate at an unacceptable level of service (LOS E) during the PM peak hour under background conditions. The proposed residential uses would add one or more trips to this intersection. Based on the Evergreen Development Policy, this constitutes a significant project impact.

MM TRAN-14: Project impact TRAN-14 would be mitigated to a less-than-significant level through the implementation of either of the following two mitigation alternatives, both of which are proposed by the project.

- The level of service impact could be mitigated by converting the HOV lanes on Capitol Expressway between U.S. 101 and Nieman Boulevard to “mixed-flow” lanes, meaning their use during weekday peak commute periods would no longer be restricted to vehicles with two or more occupants, and adding a second left-turn lane on northbound Capitol Expressway to westbound Aborn Road. This improvement could be constructed within the existing right-of-way, with signal modification at the northeast and southeast corners. Although the intersection would continue to operate at an unacceptable LOS E, the mitigation would reduce the average intersection delay to 58.3 seconds per vehicle, which is better than that calculated under background conditions. Based on the Evergreen Development Policy, this improvement would satisfactorily mitigate the significant project impact. [Note: Independently of this project, the planned and approved Capitol Expressway LRT extension will remove the HOV lanes on Capitol Expressway between I-680 and Nieman Boulevard.] Capitol Expressway is under the jurisdiction of the County of Santa Clara and it is not known at this time whether the County would allow the removal of the HOV lanes. For this reason, an alternate mitigation is proposed below, in the event the City is unable to implement the HOV lane conversion.
- The impact could be mitigated by constructing a third eastbound through lane on Aborn Road, while retaining the dedicated right turn lane. (The following discussion assumes Capitol is aligned north-south and Aborn is east-west). This improvement would require the acquisition of additional right of way along the south side (west leg) of Aborn Road, approximately five (5) feet deep. The resulting sidewalk width would be seven (7) feet and the landscape width would be reduced from 22 to 17 feet along the adjacent commercial frontage. It is possible that the landscape area could be replaced to the east by removing the existing pork-chop island. No structures or parking spaces would be affected by the right-of-way take. This improvement would also require signal modification, including removal of the porkchop islands on the southwest and southeast corners of the intersection. With this improvement, the intersection would continue to operate at an unacceptable level of service (LOS E); however, the average delay would be reduced to 58.6 seconds per vehicle, which is better than that calculated under background conditions.

The certified EEHVS EIR (Section 4.6) identifies tree removal mitigation and tree protection mitigation measures, as well as nesting raptor mitigation, which is included in the proposed project to reduce any impacts from construction of the traffic improvements to a less than significant level. The certified EEHVS EIR (Section 4.5, MM 4.5-2) identifies mitigations measures for impacts to cultural resources that are included in the proposed project and would apply to any ground-disturbing activities associated with the traffic improvements. These measures would reduce potential impacts to cultural resources to a less than significant level.

Page 40

The updated CMP intersection analysis indicates the project would have a less-than-significant at the intersection of McLaughlin Avenue and Tully Road, so the discussion of **Citywide Transportation Impact Policy Impacts** is revised as follows:

Of the thirteen intersections located within the boundaries of Evergreen that have a significant project impact under the current Evergreen Development Policy, six of the 13 intersections would have a significant impact if the Citywide Transportation Impact Policy were to be applied. ~~In addition, project traffic would result in a significant impact, under the Citywide Transportation Impact Policy, at one study intersection located outside the Evergreen area boundary (McLaughlin Avenue and Tully Road), as described below.~~

~~**Impact TRAN-14: — McLaughlin Avenue and Tully Road** This intersection would operate at LOS E during the PM peak hour under background conditions, and the added project trips would cause the delay to increase by 8.6 seconds and the v/e ratio to increase by 3.1 percent (0.031). Based on the Transportation Impact Policy, this constitutes a significant project impact.~~

~~**MM TRAN-14: —** The level of service impact could be mitigated by adding an exclusive northbound right turn lane. This improvement would require right of way acquisition or a narrowing of the sidewalk in front of the corner parcel (from 10 to 5 feet) and eliminating the planting strip in front of the adjacent parcel. The mitigation would improve the intersection level of service to LOS D. Based on the Transportation Impact Policy, these improvements would satisfactorily mitigate the significant project impact. The certified FEIR included and provided project level environmental review for this mitigation measure. **(Less than Significant Impact with Mitigation)**~~

To summarize, the seven intersections (~~six within Evergreen and one outside of Evergreen~~) that would be significantly impacted by the project under the criteria of the Citywide Transportation Impact Policy are listed below. The intersections numbers correspond to the numbers in Figure 4 and in Tables 2.1-7, 2.1-8, and 2.1-9 and Table 2.1-F1, **Updated CMP Intersection Level of Service Summary.**

- 14. Capitol Expressway and Aborn Road – PM peak hour
- 16. Capitol Expressway and Quimby Road – ~~AM~~ and PM peak hour
- 21. Capitol Expressway and Story Road – ~~AM~~ and PM peak hours

- ~~24. McLaughlin Avenue and Tully Road – PM peak hour~~
- 56. White Road and Quimby Road – PM peak hour
- 58. White Road and Aborn Road – PM peak hour
- 63. San Felipe Road and Yerba Buena Road (South) – AM and PM peak hours
- 91. Nieman Boulevard and Yerba Buena Road – AM peak hour

A summary of the project impacts and mitigation measures is shown in Table 2.1-10, **revised**, on the following page.

Page 41 Table 2.1-10 is replaced with Table 2.1-10 **revised** (on the following page) to reflect the updated CMP intersection analysis.

TABLE 2.1-10 REVISED
SUMMARY OF SIGNIFICANT INTERSECTION IMPACTS AND PROPOSED MITIGATION MEASURES

| Study Number | Intersection | Peak Hour | Background | | Project | | Project Conditions w/ Mitigation | | Citywide LOS Policy Impact? | Mitigation Measures |
|--------------|---------------------------------------|-----------|------------|-----|------------|-----|----------------------------------|-----|-----------------------------|---|
| | | | Avg. Delay | LOS | Avg. Delay | LOS | Avg. Delay | LOS | | |
| 13 | Capitol Expwy and Silver Creek Road* | AM | 56.7 | E | 57.5 | E | 51.5 | D | | 1) Convert HOV lanes on Capitol Expwy (U.S. 101 to Nieman) to mixed flow lanes OR 2) Construct 3rd LT lane from WB Silver Creek to SB Capitol |
| | | PM | 55.2 | E | 56.2 | E | 53.5 | D | | |
| 14 | Capitol Expwy and Aborn Road* | AM | 40.9 | D | 41.8 | D | /a/ | E | YES | 1) Convert HOV lanes on Capitol Expwy (U.S. 101 to Nieman) to mixed flow lanes & Add 2nd WB LT on NB Capitol OR 2) Construct 3rd EB through lane on Aborn |
| | | PM | 59.3 | E | 63.1 | E | | | | |
| 15 | Capitol Expwy and Nieman Blvd | AM | 40.8 | D | 53.8 | D | | | | Project impacts exempt from requiring mitigation, due to undesirable conflicts with other modes of travel. |
| | | PM | 27.0 | C | 40.5 | D | | | | |
| 16 | Capitol Expwy and Quimby Road* | AM | 53.7 | D | 65.5 | E | 112.2 | D | YES | Add exclusive NB and EB RT lanes. |
| | | PM | 114.9 | F | 164.2 | F | | | | |
| 21 | Capitol Expwy and Story Road* | AM | 46.0 | D | 47.0 | D | | | YES | No feasible mitigation measures. |
| | | PM | 60.6 | E | 63.6 | E | | | | |
| 31 | Evergreen Commons and Tully Road | AM | 9.6 | A | 10.6 | B | | | | Project impacts exempt from requiring mitigation, due to unacceptable impacts to biological resources. |
| | | PM | 11.7 | B | 13.2 | B | | | | |
| 56 | White Road and Quimby Road | AM | 41.9 | D | 52.7 | D | 38.1 | D | YES | Add a 2nd NB LT lane. |
| | | PM | 45.7 | D | 84.5 | F | 52.2 | D | | |
| 57 | White Road and Stevens Lane | AM | 10.5 | B | 10.7 | B | | | | Mitigation is not considered feasible, due to ROW requirements and secondary impacts to 4 homes |
| | | PM | 9.9 | A | 11.5 | B | | | | |
| 58 | White Road and Aborn Road | AM | 42.8 | D | 45.9 | D | 42.7 | D | YES | Add a 2nd WB LT lane. |
| | | PM | 44.4 | D | 55.5 | E | 53.4 | D | | |
| 59 | San Felipe Rd and Yerba Buena Ave (N) | AM | 18.4 | B | 19.4 | B | | | | Project impacts exempt from requiring mitigation, due to undesirable conflicts with other modes of travel. |
| | | PM | 8.3 | A | 10.8 | B | | | | |
| 61 | San Felipe Road and Delta Road | AM | 20.0 | B | 20.2 | C | | | | Project impacts exempt from requiring mitigation, due to undesirable conflicts with other modes of travel. |
| | | PM | 14.2 | B | 15.2 | B | | | | |
| 63 | San Felipe Rd and Yerba Buena Rd (S) | AM | 78.3 | E | 86.5 | F | 62.5 | E | YES | Add a 2nd EB LT lane and a 2nd SB LT lane. |
| | | PM | 105.5 | F | 129.6 | F | 71.4 | E | | |
| 84 | Nieman Boulevard and Aborn Road | AM | 45.2 | D | 48.9 | D | 36.0 | D | | Convert a SB thru lane to a 2nd SB LT lane. |
| | | PM | 31.7 | C | 37.0 | D | 29.7 | C | | |
| 91 | Nieman Blvd and Yerba Buena Road | AM | 51.4 | D | 56.8 | E | 54.4 | D | YES | Add a 2nd WB LT lane. |
| | | PM | 26.3 | C | 27.3 | C | 25.9 | C | | |

* Denotes CMP Intersection

Boxed rows indicate impacts under Evergreen Development Policy.

/a/ The two alternative mitigation measures reduce average delay to 58.3 or 58.6 seconds per vehicle, respectively, any of which is better than that calculated under background conditions. Page 34

Page 44

Section 2.3.4 **Conclusions Regarding Traffic Impacts** is revised as follows:

Using the thresholds of significance of the proposed Evergreen-East Hills Development Policy, the proposed project traffic would result in significant impacts at ~~143~~ intersections. Using the thresholds of the Citywide Transportation Impact Policy, the same traffic would result in a significant impact at seven intersections. The project would result in impacts to 14 distinct intersections. Mitigation measures identified above and proposed by the project would reduce project impacts at eight ~~seven~~ of the affected intersections.

The proposed Evergreen-East Hills Development Policy proposes that four intersection impacts would be exempt from requiring mitigation, due to special circumstances. These intersections are: 1) Capitol Expressway and Nieman Boulevard; 2) San Felipe Road and Yerba Buena Avenue (North); 3) San Felipe Road and Delta Road; and 4) Evergreen Commons and Tully Road. At these four intersections, the improvement(s) necessary to restore traffic LOS to background conditions create undesirable conflicts with other modes of travel or create unacceptable impacts with biological resources. Under the proposed Policy exemption, the project impact at these intersections would be less than significant. **(Less than Significant Impact)**

Mitigation for the intersection of Capitol Expressway and Story Road is considered infeasible, due to right-of-way and relocation constraints. Project impacts at the intersection of Capitol Expressway and Story Road would remain significant and unavoidable, and a statement of overriding considerations would be required. **(Significant Unavoidable Impact)**

Mitigation for impacts at the intersection of White Road and Stevens Lane is considered infeasible, due to the right-of-way and relocation requirements of the identified mitigation. For this intersection impact a statement of overriding considerations would be required. **(Significant Unavoidable Impact)**

Added traffic from the proposed project would result in a significant unavoidable impact on nine directional freeway segments and a statement of overriding considerations would be required. **(Significant Unavoidable Impact)**

Page 50

Mitigation Measure MM AIR-1.1 is revised as follows:

MM AIR-1.1 New bus stops shall be constructed at convenient locations with pedestrian access to the project sites. Pullouts will be designed so that normal traffic flow on arterial roadways would not be impeded when buses are pulled over to serve riders.

Improvements to infrastructure near existing bus stops, including bus pads, lighting, sidewalks, shelter pads, benches and shelters, shall also be constructed as budgets permit and as developments occur. Developers will be responsible for frontage improvements with individual project approvals. The City and VTA will coordinate on specific improvements as developments are proposed.

Page 22 The following text is added before Section 2.1.2:

2.1.1.3 Existing Transit Operations

Currently, VTA operates 12 bus routes in the EDP Area: Lines 12, 22, 25, 26, 31, 39, 43, 70, 71, 77, 103, and 522. There are a total of 181 bus stops in the EEH area at present. Of these stops, 96 have average daily boarding of 20 or higher, 38 have average daily boarding of 100 or higher, and 9 have average daily boarding's of 500 or higher (including several locations at the Eastridge Transit Center).¹

Page 49 The following text is added to the end of Section 2.3.2:

Current transit operations and ridership for the EDP area is described in DSEIR Section 2.1.1.3.

Page 51 The following text is added after MM AIR-1.6:

Future development allowed by the EDP revision would be required to implement all feasible and reasonable TDM measures, such as one or more of the following measures:

- Direct or Indirect Payments for Taking Alternate Modes
- Transit Fare Incentives such as Eco Pass and Commuter Checks
- Employee Carpool Matching
- Vanpool Program
- Preferentially Located Carpool Parking
- Bicycle Lockers and Bicycle Racks
- Showers and Clothes Lockers for Bicycle Commuters
- On-site or Walk-Accessible Employee Services (day-care, dry-cleaning, fitness, banking, convenience store)
- On-site or Walk-Accessible Restaurants
- Guaranteed Ride Home Program
- Car sharing
- Provision of preferentially located electric vehicle parking with charging stations at work and shopping locations
- New bus stops
- Improvements to existing bus stops
- All buildings shall include outdoor electrical outlets to encourage the use of electric landscape maintenance equipment
- All fireplaces installed in residences shall comply with San Jose Ordinance #26133
- For non-residential development, shuttle bus service, where feasible, shall be provided to regional transit centers
- For non-residential development, feasible and reasonable TDM measures such as ride-matching programs or guaranteed ride home programs shall be implemented

¹ Source: Valley Transportation Authority, DSEIR Comment Letter dated October 14, 2008.

APPENDIX A

REVISED EVERGREEN • EAST HILLS DEVELOPMENT POLICY

(REVISION TO THE EVERGREEN DEVELOPMENT POLICY)

SECOND DRAFT
Evergreen-East Hills
Development Policy

City of San Jose
November, 2008

Deleted: October

DRAFT

TABLE OF CONTENTS

I. Background

- Evergreen-East Hills Development Policy (EEHDP) Area Boundaries
- Purpose of Original Evergreen Development Policy (EDP)
- Summary of Previous Updates and Strategic Planning Efforts

II. Purpose and Goals

III. Land Use

- General Land Use Objectives
 - Affordable Housing Policy
 - Retail Policy
- Development Capacity
 - Existing Development Capacity
 - New Residential Units Pool
 - New Commercial Square Footage Pool
 - New Office Square Footage Pool
 - Public Uses
 - Other New Land Uses

IV. Traffic Policy and Standards

- Overview
- Level of Service Standards – EEHDP Area Requirements
- Level of Service Standards – Projects Outside of the EEHDP Area
- Transportation Demand Management (TDM) Measures

V. Transportation Infrastructure

- Overview
- Transportation Mitigation Measures
- Site Operational Improvements

VI. Implementation

- Review of New Development Projects
- Allocation of Development Capacity
 - Existing Development Capacity
 - Properties with Existing Residential Use or Other Uses
 - Residential, Commercial and Office Pool Allocation
- Unforeseen Projects
- Funding of Improvements

VII. Future Amendments to the EEHDP

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Appendices

Appendix A – Guiding Principles for Land Use and Transportation Planning
Developed Through the Evergreen-East Hills Vision Strategy
(EEHVS)

Appendix B – Guiding Principle Design Guidelines Developed Through the Evergreen-East
Hills Vision Strategy (EEHVS)

Appendix C – Mixed Use Design Guidelines

Appendix D – Historic Preservation Criteria

Appendix E – Transportation Demand Management (TDM) Measures

Appendix F – Transportation Infrastructure Descriptions

Appendix G – Community Amenities List Descriptions Developed Through the Evergreen-East
Hills Vision Strategy (EEHVS)

Appendix H – Existing Housing Unit Allocation Table (Benefit Assessment District No. 91-
209SJ)

Appendix I Table of Existing Housing Unit Allocations by Assessor's Parcel Number Without
Entitlements

I. BACKGROUND

This policy, entitled, *The Evergreen-East Hills Development Policy* (EEHDP), is an update of the original *Evergreen Development Policy* (OEDP) adopted in 1976 as amended from time to time.

EVERGREEN DEVELOPMENT POLICY AREA BOUNDARIES

The updated *Evergreen-East Hills Development Policy* (EEHDP) area boundaries match the original boundaries of the *Evergreen Development Policy* (EDP), defined as the land within San Jose's Urban Service Area Boundary, south of Story Road, east of U.S. Highway 101, and the area generally north of the intersection of U.S. Highway 101 and Hellyer Avenue, where the northern boundary of the Edenvale Development Policy Area ends (see Figure 1).

The EEHDP area overlaps with portions of the East Valley/680 Communities, K.O.N.A. and West Evergreen Strong Neighborhood Initiative (SNI) planning areas and fully incorporates the Evergreen Specific Plan area and the Silver Creek Planned Residential Community. Portions of the EEHDP Area are also designated as Redevelopment Project Areas. See map on page 7 for the location of the SNI planning areas and Redevelopment Project Areas in the EEHDP area.

PURPOSE OF ORIGINAL EVERGREEN DEVELOPMENT POLICY

The original *Evergreen Development Policy* (OEDP) was adopted in August 1976 to address the issues of flood protection and limited traffic capacity in the EDP area, which constituted substantial constraints to development in the EDP Area. The area south of Story Road and east of Highway 101 has limited gateway streets into and out of this part of San Jose. These gateway streets are known as "screenline intersections." All vehicular trips to and from Evergreen pass through these few gateways, creating the potential for severe traffic congestion.

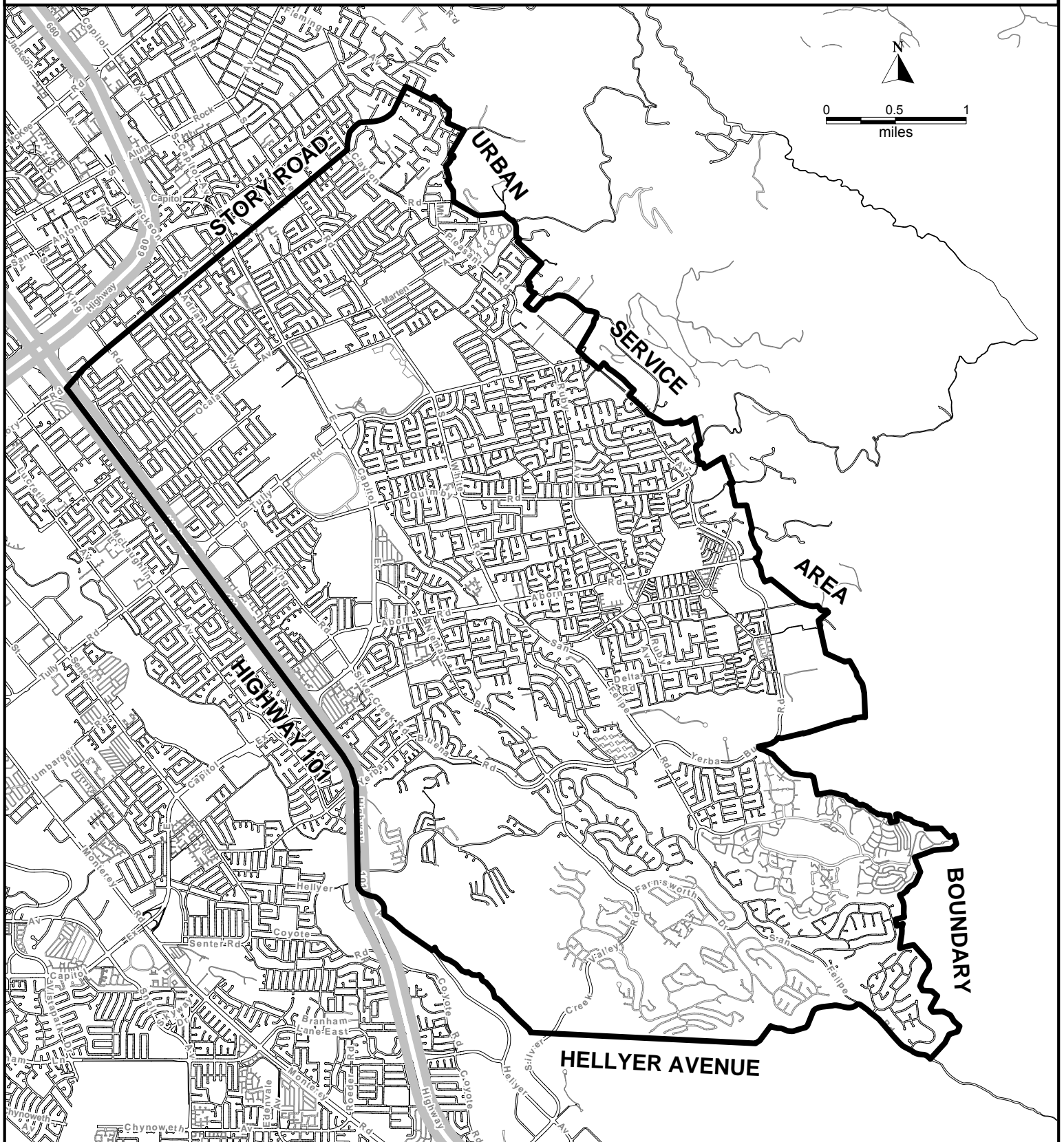
The 1976 EDP established the policy framework for facilitating an increment of new residential development in the EDP area as identified by the General Plan at that time. The Policy identified specific programs for correcting the transportation deficiencies and enhancing flood protection. In particular, the goal of the EDP was to limit the construction of new residential units so that traffic Level of Service "D," consistent with the City's General Plan policies, would be maintained at key boundary (screenline) intersections. Level of Service D is a measure of traffic congestion at signalized intersections, where vehicles wait through more than one signal light cycle at intersections but for short periods.

The EDP area is also naturally prone to flooding, requiring a flood control solution prior to additional construction. The Original Evergreen Development Policy adopted in 1976 created flood control policies which included allowing development to occur only if it protected from the 100-year flood and did not divert flood or overland flows or cause flooding on other properties. Original Evergreen Development Policy flood protection measures also required flood control

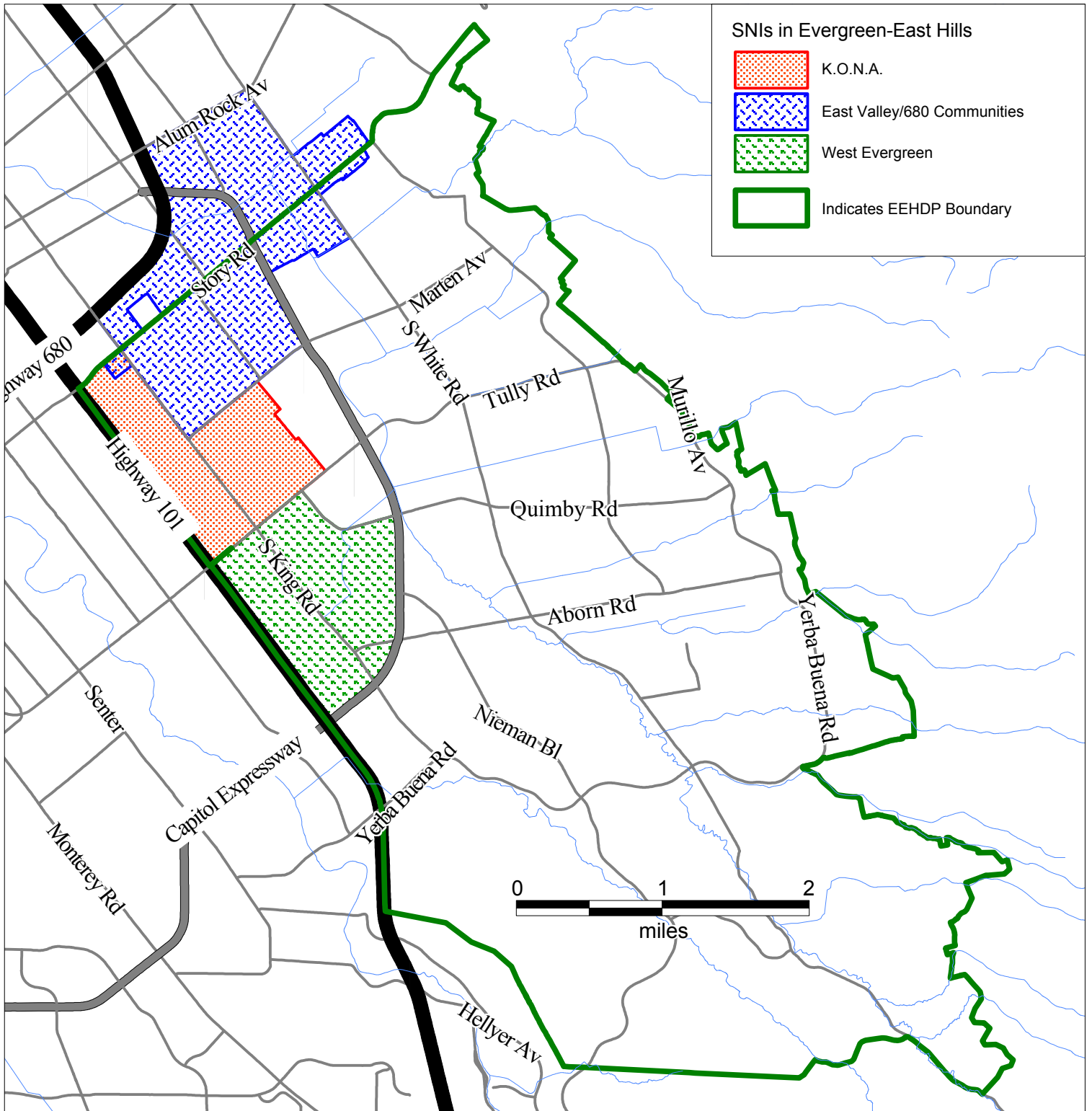
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improvements within the policy area which included improvements to Lake Cunningham, the construction of a tributary stream from Silver-Thompson Creek, the construction of a point of connection of the tributary stream to Lake Cunningham, and other improvements to the Quimby and Fowler Creek watersheds. The majority of flood control improvements required within the Original Evergreen Development Policy were completed prior to the Policy's update in 1991. The remaining outstanding improvements to the Quimby and Fowler Creek watersheds were included in the development of the 1991 Evergreen Specific Plan.

Evergreen-East Hills Development Policy Boundaries



Strong Neighborhood Initiative Districts in Evergreen-East Hill Development Policy

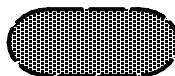
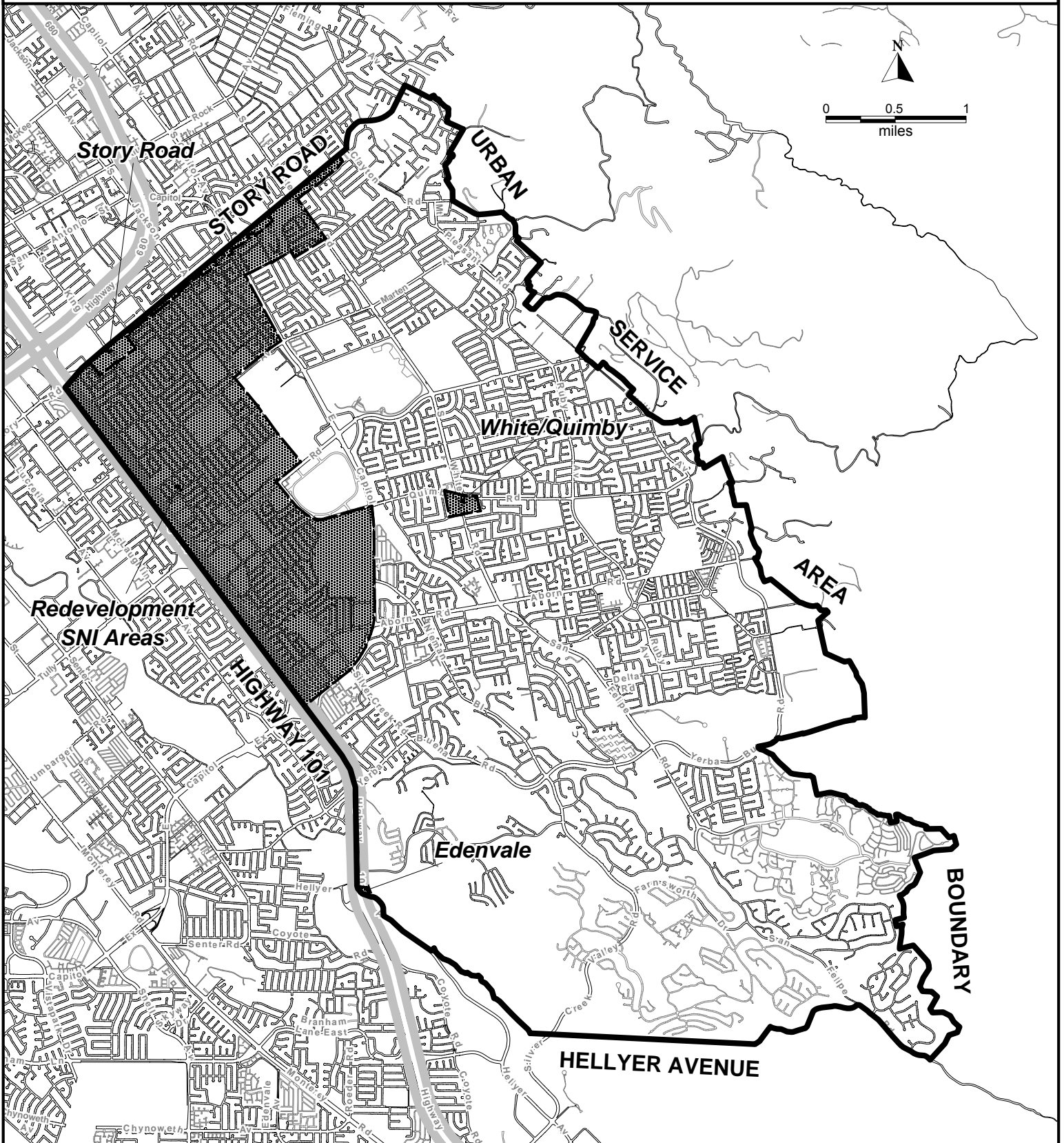


Map Created On:
8/25/2008

Prepared by the Department of Planning, Building, and Code Enforcement
City of San Jose, California
Joseph Horwedel, Director



Redevelopment Areas in the Evergreen-East Hills Development Policy Area



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SUMMARY OF PREVIOUS UPDATES AND STRATEGIC PLANNING EFFORTS

1991 Evergreen Specific Plan (ESP)

Under the Original Evergreen Development Policy, the screenline intersections reached their maximum traffic capacity in 1989, effectively preventing additional residential development. At that point, however, there was potential for the construction of almost 4,000 new residential units based on existing General Plan land use designations. Of the almost 4,000 potential residential units, 3,000 were within a sub-area of the OEDP, called the *Evergreen Planned Residential Community* (EPRC).

In 1990, the City Council initiated the *Evergreen Specific Plan* (ESP) for the EPRC to create a unique suburban area with a mix of lot sizes, housing types, some retail, parks, schools, and other amenities. The ESP was the catalyst to revise the OEDP, and through that effort, the City was able to identify additional traffic mitigation measures to support the construction of the 2,996 new residential units. Traffic analysis performed in conjunction with the preparation of the ESP, quantified the amount of traffic capacity required to allow full development of the remaining vacant lands in Evergreen, and identified potential street improvements which could provide the required capacity. In 1991, the City Council approved the ESP associated General Plan changes to the Evergreen Planned Residential Community and revised the Original Evergreen Development Policy to identify the transportation and flood control improvements needed for the Evergreen Specific Plan.

1995 OEDP Amendment

The Original Evergreen Development Policy was again revised in 1995 to provide the policy framework for the build-out of the larger Evergreen Development Policy Area consistent with the General Plan at that time with the goal of maintaining the basic traffic LOS “D” and hundred-year flood projection standards of the 1976 OEDP and 1991 OEDP Amendment. Those standards were preserved as prerequisites to project approvals. The 1995 OEDP Amendment identified the remaining watersheds and street system improvements required to allow 4,759 residential units to proceed. A Benefit Assessment District (No. 91-209SJ Aborn-Murillo) was formed to provide a cost-sharing plan to finance and construct the extensive infrastructure network enhancements necessary to facilitate the planned and potential housing units identified by the San José 2020 General Plan and the Evergreen Specific Plan. In 1998, the Benefit Assessment District was augmented and updated through the formation of Community Facilities District No. 4 as a result of changes to the laws governing special districts. Both the Benefit Assessment District and the Community Facilities District remain in effect today (2008) with no expiration date.

1998 OEDP Amendment

A minor amendment was made to the Original Evergreen Development Policy in August 1998 to refine the traffic analysis methodology in order to facilitate small-scale, non-residential development. Specifically, traffic analysis methodology was no longer based upon screenline intersections, but based upon traffic measurements at all affected intersections. This allowed

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small projects which did not have allocations to be built if the traffic associated with the small project could be mitigated through the installation of appropriate transportation improvements.

Evergreen Vision Strategy/Evergreen-East Hills Vision Strategy

The Evergreen-East Hills Development Policy builds upon several prior planning efforts, including the work of the Evergreen Vision Strategy, the Evergreen-East Hills Vision Strategy (EEHVS) planning process, the Strong Neighborhood Initiative program, and the Knight Program in Community Building Evergreen-Eastridge area charrette.

In 2003 the Evergreen-East Hills Vision Strategy, a large community outreach process (initially called the Evergreen Vision Strategy), was underway to facilitate the development of six large opportunity sites. The six opportunity sites included:

- Arcadia, located on the south side of Quimby Road approximately 1,000 feet westerly of Capitol Expressway
- Pleasant Hills, located on the northeast corner of Tully and White Roads
- Evergreen Valley Community College, located on the North side of Yerba Buena Road approximately 350 feet easterly of San Felipe Road
- Berg-Campus Industrial lands, located on the southeast corner of Fowler and Yerba Buena Roads and both sides of future extension of Yerba Buena Road/Murillo Avenue between Fowler
- IDS-Campus Industrial lands, located on the eastside of Yerba Buena Road opposite Verona Road
- Yerba Buena OPCO Campus Industrial lands, located on the northeast corner of Yerba Buena Road and Old Yerba Buena Road.

The total development proposed as part of the Evergreen-East Hills Vision Strategy was up to 5,700 residential units, 500,000 square feet of commercial development, and 75,000 square feet of office development in the development policy area.

On May 15, 2007 the City Council decided to defer decision of the conversion of industrial properties (Berg, IDS, and Yerba Buena OPCO) to residential use and requested the development policy be updated to allow for a more limited level of development than was proposed with the Evergreen-East Hills Vision Strategy. As part of the outreach and task force process associated with EEHVS, the community identified a number of community amenities which were lacking and were priorities in the Evergreen-East Hills area. Appendix G of this document includes a listing of the community amenities identified through the Evergreen-East Hills Vision Strategy. This list serves as a resource for capital improvement projects based on community priorities. These amenities can also be considered as part of a “bonafide plan” to amend this development policy in the future. The bonafide plan requirement for potential amendments to the EEHDP is described on page 28 of this document.

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II. PURPOSE AND GOALS OF THE UPDATED EVERGREEN DEVELOPMENT POLICY, ENTITLED THE EVERGREEN-EAST HILLS DEVELOPMENT POLICY

The primary purpose of the updated *Evergreen Development Policy*, hereafter referred to as the *Evergreen-East Hills Development Policy (EEHDP)*, is to replace the original EDP (OEDP), as amended to specifically allow a limited increase in development in the Evergreen-East Hills area. The Evergreen-East Hills Development Policy becomes the new policy framework for a limited amount of new residential, commercial, and office development within the EEHDP Area. The EEHDP is intended to promote the long-term vitality of the Evergreen-East Hills Area by linking together limited new development with supporting transportation infrastructure. In exchange for enabling more development capacity, the Policy provides a mechanism to require commensurate traffic impact fees in order to construct transportation system investments.

The EEHDP is consistent with the *San Jose 2020 General Plan*, specifically supporting the General Plan goals of creating livable neighborhoods, promoting infill development at appropriate locations, and ensuring adequate services and facilities. Specifically, the EEHDP supports the General Plan's Urban Growth Boundary/Greenline Major Strategy through the promotion of infill development. This update does not amend the specific traffic Level of Service standards that are in the existing Evergreen Development Policy. The primary reason for adopting an Area Development Policy is to manage the traffic congestion associated with near term development in the EEHDP Area and simultaneously promote development consistent with the General Plan goals and neighborhood visions.

All new development within the EEHDP area should consider the Guiding Principles for Land Use and Transportation Planning (see Appendix A) and the Guiding Principle Design Guidelines (Appendix B), which were developed as part of the Evergreen-East Hills Vision Strategy (EEHVS) planning process as goals for creating high quality residential, retail, and office development. The Guiding Principles state that all new development in EEHDP area should be sustainable, be high quality, and improve the overall livability of the area. New residential development should create housing opportunities for a wide range of household types and income levels. Infrastructure and services should support the planned levels of residential and non-residential development. New development in transit corridors should incorporate transit-oriented development concepts, and all development should support vibrant land uses linked by various transportation modes and community amenities. The Guiding Principles for Land Use and Transportation Planning (Appendix A) and the Guiding Principle Design Guidelines (Appendix B) are included as appendices of this document in order to memorialize the community preferences that were generated through the Evergreen-East Hills Vision Strategy process as community aspirations. Property owners and developers are welcome to apply these ideas to their proposals; however, the EEHVS Guiding Principles and Guidelines will not be used by the City in the evaluation of consistency of proposed development with the Evergreen-East Hills Development Policy Update.

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The Evergreen-East Hills Development Policy consists of policies that govern:

- Land Use (Chapter III)
- Transportation (Chapter IV)
- Transportation Infrastructure Improvements (Chapter V)
- Implementation (Chapter VI)

Proposed development must be substantially consistent with all elements of this Evergreen East-Hills Development Policy.

III. LAND USE

GENERAL LAND USE OBJECTIVES

The Evergreen-East Hills Development Policy Land Use Policies are intended to:

- Guide development to appropriate locations within the Evergreen-East Hills Development Policy Area.
- Provide appropriate flexibility for limited new development capacity.
- Maintain the current location of the Urban Growth Boundary.
- Facilitate infill development within the Urban Growth Boundary.
- Facilitate walking, bicycling, and transit use.
- Promote a diversity of housing options within neighborhoods.
- Protect, enhance, and/or restore natural features.

AFFORDABLE HOUSING POLICY

Consistent with Key Outcome No. #5 (see Appendix A- Guiding Principles for Land Use and Transportation Planning), which was developed through the Evergreen-East Hills Vision Strategy process, the EEHDP Policy is intended to create housing opportunities for a wide range of household types and income levels. Although only projects pursuing more than 35 residential units have specific affordability requirements described below (see page 25), supplying affordable units as part of all residential development is encouraged within the EEHDP area. In the event that a citywide affordable housing policy is adopted, the affordable housing requirements for projects over 35 units in size or greater shall be either the citywide policy requirements or the requirements called out in this Evergreen-East Development Policy, whichever requires greater affordability.

RETAIL POLICY

Consistent with Key Outcome No. #4 (see Appendix A – Guiding Principles for Land Use and Transportation Planning), which was developed through the Evergreen-East Hills Vision Strategy process, the EEHDP is intended to foster vibrant commercial/business, mixed use, and residential areas including added opportunities for post offices, health care, entertainment and other retail uses. The Guiding Principles and Design Guidelines incorporated in Appendices A, B, and C to this Policy also encourage mixed-use development. Projects pursuing more than 35 residential units in size must adhere to specific design guidelines for mixed use development in order to foster successful retail opportunities (see page 41).

DEVELOPMENT CAPACITY

This EEHDP establishes a specific amount of land use development capacity for the Evergreen-East Hills Development Policy Area. All new development entitlements for

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properties located within the EEHDP Area must be substantially consistent with these provisions.

Existing Development Capacity

All properties with established development capacity in the form of existing buildings, entitlements, traffic allocations under the previous policy, or assigned trips in the City's Approved Trips Inventory (ATI) are able to redevelop based on that established level of traffic capacity. The level of traffic capacity for such properties will be determined from the associated traffic generation (trips) under the Original Evergreen Development Policy as amended. Existing trip allocations for a property will be credited for any development or redevelopment of that property, including proposed changes in use (e.g., existing commercial trips can be credited to a new residential project that displaces the commercial use). Development in excess of the existing trip allocation will require new allocation(s) as provided in the following provisions of this Policy. As of August 2008, unconstructed residential allocations under the previous policy total 446 dwelling units, as set forth in Appendix I of this Policy.

New Residential Development Unit Pool

This Evergreen-East Hills Development Policy establishes capacity for the development of up to 500 new residential units within the Policy area. This capacity is held in a "pool" that may be allocated to any property per the allocation criteria set forth in this Policy (see pages 24-27).

- At a minimum, 70% may be allocated to small projects, which are 35 units or fewer in size.
- A maximum of 30% of the pool units (150 units) can be utilized for allocation to development projects of more than 35 units if the proposals meet the criteria set forth on pages 25-26.

Units are considered "allocated" with the approval of a rezoning, development permit or subdivision through a tentative or parcel map approval, whichever comes first. Any type of residential development, including single-family and multi-family residential projects shall be allocated units out of this pool. This Policy does not allow for any additional residential development beyond this specific allocation of 500 units. Any additional residential development beyond 500 units would necessitate an amendment to this updated Policy and likely additional subsequent environmental clearance. Guidance for future updates is contained on pages 28-29.

New Retail Development Square Footage Pool

This Policy establishes capacity for the development of up to 500,000 square feet of new retail development within the Policy area held in a pool that may be allocated to any property per the criteria set forth in this Policy (see pages 22-23). New development of such uses will require allocation from this pool of 500,000 new retail square footage.

New Commercial Office Development Square Footage Pool

Deleted: This Policy establishes capacity for the development of up to 500 new residential units within the Policy area. This capacity is held in a "pool" that may be allocated to any property per the allocation criteria set forth in this Policy (see pages 24-26). ¶
¶
<#>A maximum of 50% of the pool units (250 units) can be utilized for allocation to development projects of more than 35 units if the proposals meet the criteria set forth on pages 25-26. ¶
<#>At a minimum, 50% may be allocated to small projects, which are 35 units or fewer in size. ¶
¶
Units are considered "allocated" with the approval of a rezoning, development permit or subdivision, whichever comes first. Any type of residential development, including single-family and multi-family residential projects can be allocated units out of this pool. This Policy does not allow for any additional residential development beyond this specific allocation of 500 units. Any additional residential development beyond 500 units, would necessitate an amendment to this updated Policy and likely additional subsequent environmental clearance. Guidance for future updates is contained on pages 27-28. ¶

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This Policy establishes capacity for the development of up to 75,000 square feet of new office development within the Policy area held in a pool that may be allocated to any property per the criteria set forth in this Policy (see pages 22-23). Commercial offices include business services and medical offices. New development of such uses will require allocation from this pool of 75,000 new commercial office square footage.

New City Public Facilities

The purpose of the retail and office square footage pool is to facilitate private investment and development in the Evergreen-East Hills area to minimize vehicle trips out of the area. New City public facilities (i.e., libraries, community centers, fire stations, etc.) would need to complete a traffic analysis using the Traffic Impact Criteria for non-residential uses as described in this Policy. Based on the results of the analysis, the following are courses of action consistent with this Policy:

- If the analysis concludes that the proposed project would have no transportation impact, the City public facility project does not need to utilize any of the square footage in the pool or pay the Traffic Impact Fee. ← -- -- Formatted: Bullets and Numbering

- If the analysis identifies an impact for which the mitigation is identified in this Policy, then the City public facility project would need to draw down the appropriate square footage from the pool and pay the Traffic Impact Fee. ← -- -- Formatted: Bullets and Numbering

- If the analysis concludes that the proposed project would result in an impact for which there is mitigation not identified in this Policy and the Director of Planning has determined that: ← -- -- Formatted: Bullets and Numbering
 - The mitigation is desirable, then that mitigation would need to be satisfied as part of the City public facility project; or
 - The mitigation is undesirable due to potential effects on the pedestrian conditions and/or natural resources, then the City Council would need to consider an update to this Policy.

Other Land Uses

Private or other public agency development that does not fit traditional forms of commercial, office, or residential development in terms of number of peak AM/PM trips generated per square footage or dwelling unit must calculate a trip generation equivalency. The trip generation equivalency will equate the number of AM/PM peak trips from the development proposal to an amount of square footage for commercial or office uses or a number of dwelling units for residential use. For projects that have a mix or hybrid of uses, the trip generation equivalency will equate a combination of commercial or office square footage and dwelling units. The determined equivalent amount of commercial and office square footage or number of dwelling units would need to draw from the appropriate traffic development pool category or categories (commercial, office, and/or residential) approved through this Policy.

Given that these "other land use" proposals must draw from the development pool, the proposals must comply with the provisions of this Policy that are applicable to the development

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pool. For example, any proposal that would draw more than 35 units from the residential development pool based on trip generation equivalency, would need to meet the criteria for large projects as outlined in the Implementation section of this Policy.

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IV. TRANSPORTATION POLICY AND STANDARDS

OVERVIEW

The City has an adopted Level of Service (LOS) standard of “D” for most signalized intersections for the majority of the community. Geographic segments of the City with adopted Area Development Policies, as well as the Downtown, have unique, generally more permissive standards that vary from the citywide standard in recognition of special circumstances or superseding City goals that make maintaining an LOS of “D” impractical.

Under the OEDP, a LOS of “D” was established as a long-term goal for the Development Area. Particular land uses were incorporated into the OEDP so that at full build-out all EDP intersections would function at this LOS D standard. A key component of the General Plan was the development of a significant office/research and development job base on the sites designated Campus Industrial located just east of Murrillo Avenue, to establish a reverse commute pattern within the Policy area. Providing a job base within the Development Policy Area was projected to improve traffic conditions by decreasing the need for area residents to commute out of the Development Policy Area on heavily congested routes. Because residential development within the Development Policy Area was implemented while the Campus Industrial site remained largely undeveloped, the LOS “D” standard was not met.

LEVEL OF SERVICE STANDARDS – EEHDP AREA PROJECTS

In place of the Citywide Level of Service (LOS) D Standard, the EEHD Policy, which is a revision of the Evergreen Development Policy, provides traffic capacity for a “Development Pool” of 500 residential units, 500,000 square feet of retail, and 75,000 square feet of commercial office within the Evergreen-East Hills Area (defined as the land within San Jose's Urban Service Area Boundary, south of Story Road, east of U.S. Highway 101, and the area generally north of the intersection of U.S. Highway 101 and Hellyer Avenue, where the northern boundary of the Edenvale Development Policy Area ends) and the corresponding transportation infrastructure improvements. The Evergreen-East Hills Development Policy utilizes the Existing Evergreen Development Policy's traffic impact criteria but allows some decreased vehicular traffic level of service, while maintaining an average of LOS D or better when vehicular traffic improvements unacceptably conflict with other modes of travel or biological resources.

Impact Criteria. A project is said to create a significant adverse impact on traffic conditions at a signalized intersection located in the Development Policy Area if for during peak hours:

1. The level of service at the intersection degrades to a worse letter grade level of service, or
2. a) For non-residential projects, the level of service at the intersection is an

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unacceptable Level of Service E or F and the addition of project traffic creates an increase in critical delay value by 2 seconds or more and an increase in critical V/C ratio of 0.005 or more.

- b) For residential projects, one or more added trips to an intersection operating at an unacceptable Level of Service E or F.

Unacceptable Levels of Service are intersections functioning at Level of Service E or F under “background” conditions. Background conditions are the traffic conditions that take into account the build out of already approved trips through the Original Evergreen Development Policy, existing buildings, and projects with existing entitlements. A significant impact can be satisfactorily mitigated when measures are implemented that would restore intersection level of service to background conditions or better.

Exemption. An impact will not require mitigation under the following conditions:

1. The Intersection will continue to operate at LOS D or better, and
2. The improvement(s) necessary to improve conditions to background conditions create undesirable conflicts with other modes of travel or have unacceptable impacts on Biological Resources, and
3. The development causing the impact is within the scope of the Development Pool.

The Development Pool, as its distribution is assumed in the Traffic Analysis, is anticipated to cause the level of service to degrade to a worse letter grade (but not worse than LOS D), at the following four intersections:

1. Capitol Expressway and Nieman Boulevard;
2. San Felipe Road and Yerba Buena Avenue (North);
3. San Felipe Road and Delta Road
4. Evergreen Commons and Tully Road

At three of the four intersections numbered 1 through 3 above, the improvement(s) necessary to restore traffic LOS to background conditions create undesirable conflicts with other modes of travel in that:

1. At the intersection of Capitol Expressway and Nieman Boulevard, the improvement required to return the intersection to background conditions includes adding a second westbound right-turn lane. A double-right turn lane is undesirable because vehicles turning from both lanes could result in conflicts with pedestrians.
2. At the San Felipe Rd and Yerba Buena Ave (North) intersection, the improvement required to return the intersection to background conditions involves adding an exclusive southbound right-turn lane. Double right-turn lanes are considered less desirable as they increase the likelihood of pedestrian conflicts.
3. At the San Felipe Rd and Delta Road intersection, the improvement required to return the intersection to background conditions includes adding a second westbound left-turn lane or by adding a second southbound left-turn lane. Adding lanes to intersections increase potential conflicts with pedestrians. This is particularly important at this location, which is close to several schools.

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At intersection of Evergreen Commons and Tully Road (number 4 above), the improvements necessary to restore traffic LOS to background conditions create unacceptable impacts to biological resources as the improvement would require the widening of a bridge across Thompson Creek and the removal of riparian habitat.

At these four intersections, the improvement(s) necessary to restore traffic LOS to background conditions create undesirable conflicts with other modes of travel or creates unacceptable impacts with biological resources.

In the event development is proposed at locations substantially different than the assumed distribution in the traffic analysis performed for the Supplemental Environmental Impact Report to provide environmental clearance of this EEHDP, a supplemental traffic analysis would be required to determine whether additional intersections would be affected and whether improvements could be made to restore traffic LOS to background conditions. In the event the improvements would create undesirable conflicts with other modes of travel, the resulting LOS degradation would also be deemed acceptable at those intersections for purposes of facilitating the proposed development consistent with this EEHDP so long as the affected intersection would continue to operate at LOS D or better and, but for the vehicular traffic distribution element, the proposed development would otherwise meet all of the requirements of this EEHDP.

Other Types of Development. Future development that does not fit within the typical definitions of residential, retail, or office, such as public or quasi-public facilities, must be still evaluated for conformance with the above-stated Traffic Impact Criteria. Such development must provide mitigation for its traffic impacts, consistent with the EEHD Policy, unless the necessary improvements create undesirable conflicts with other modes of travel. In the event of undesirable conflicts with other modes of travel, the City Council may consider whether to modify the EEHD Policy to allow the development despite the degradation in LOS or restrict such development in light of the resulting LOS. Additional residential, commercial, and office development beyond the development pool shall only be considered through an amendment to this EEHDP if one of the circumstances described in Chapter VII Future Amendments to the EEHDP is realized. See Chapter III Land Use for guidance regarding new City public facilities.

As indicated in Table 1 below, three intersections within the EEHDP Area are projected to operate at LOS "E" or "F" even with the construction of all transportation improvements identified in Chapter V Transportation Infrastructure. All other intersections are projected to maintain LOS "D" or better for AM and PM traffic conditions within the EEHDP Area.

Table 1. Intersection LOS Standards

| Intersection | LOS Standards |
|------------------------|---------------|
| - Capitol Ex/Quimby Rd | AM D PM E |

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- Capitol Ex/Story Rd AM E
PM E
- San Felipe Rd/Yerba Buena Rd (South) AM E
PM F

LEVEL OF SERVICE STANDARDS – PROJECTS OUTSIDE OF THE EEHDP AREA

If the traffic analysis for a new development project located outside of the EEHDP Area identifies that the project will generate traffic within the EEHDP Area, the impact of that traffic will be evaluated and mitigated according to the Citywide Transportation Impact Policy 5-3.

TRANSPORTATION DEMAND MANAGEMENT (TDM) MEASURES

All new development within the EEHDP Area is required to incorporate transportation demand management (TDM) elements into facility design, to the extent possible, to reduce the demand for single-occupancy vehicles during peak commute periods. A list of possible TDM measures is included as Appendix E to the EEHDP.

V. TRANSPORTATION INFRASTRUCTURE

OVERVIEW

A key element of the EEHDP is the construction of new transportation infrastructure projects in conjunction with the construction of new development within the EEHDP Area. These transportation improvements are divided into two categories: **Transportation Mitigation Improvements** and **Site Operational Improvements**. The Transportation Mitigation improvements will be funded through the procurement of a Traffic Impact Fee from the new development. A Nexus Study, "Nexus Study for the Evergreen-East Hills Development Policy," dated July 7, 2008, has been prepared to establish the relationship between new development of the proposed development capacity and the Transportation Mitigation Measure Improvements which are to be funded through the Traffic Impact Fee.

The Site Operational Improvements must be built/installed at the time of development on specific sites and will be funded by the developer of the particular site.

TRANSPORTATION MITIGATION IMPROVEMENTS

The Transportation Mitigation Measure Improvements address specific traffic impacts associated with full build-out of the EEHD Policy's limited development capacity (identified below on this page and page 20) and will directly benefit traffic flow within the Policy area. The construction of the transportation mitigation improvements will be funded or caused to be funded by using fees collected from a Traffic Impact Fee applied to all new residential, retail, and commercial office development enabled through this EEHD Policy. Additional details of the Traffic Impact Fee are discussed below in the Implementation Chapter. The specific mitigation measures are:

- 1) Capitol Expressway and Quimby Road: Add exclusive northbound and eastbound right-turn lanes to this intersection.
- 2) Nieman Boulevard and Yerba Buena Road: Add a second westbound left-turn lane to this intersection.
- 3) ~~White Road and Aborn Road: Add a second westbound left lane to this intersection.~~
- 4) ~~White Road and Quimby Road: Add a second northbound left turn lane to this intersection.~~
- 5) San Felipe Road and Yerba Buena Road (South): A second eastbound left turn lane and a second southbound left turn lane will be added to this intersection.
- 6) ~~Capitol Expressway and Silver Creek Road: Either 1) Convert HOV lanes on Capitol Expressway (U.S. 101 to Nieman) to mixed flow lanes OR 2) Construct 3rd left-turn lane from westbound Silver Creek to southbound Capitol.~~

Deleted: <#>Tully Road and McLaughlin Avenue: Add an exclusive northbound right-turn lane to this intersection. ¶
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Deleted: <#>US 101 and Yerba Buena Road (East): Convert a westbound through lane into a shared through/right-turn lane at this intersection. ¶

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- 7) Capitol Expressway and Aborn Road: Either 1) Convert HOV lanes on Capitol Expressway (U.S. 101 to Nieman) to mixed flow lanes and add 2nd westbound left turn lane on northbound Capitol Expressway OR 2) Construct 3rd East through lane on southbound left turn lane.
- 8) Nieman Boulevard and Aborn Road: Convert a southbound thru lane to a 2nd southbound left turn lane.

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New Traffic Signals/Modifications

The City of San Jose determines the need for new traffic signals based on a system of “warrants,” which analyze whether a traffic signal at a particular location would reduce traffic delays, reduce accidents, or help pedestrians. This EEHD Policy includes installation of traffic signals at locations based upon improvements for safety and efficiency and based on existing and projected future traffic volumes. New traffic signals or signal modifications are planned for the intersections at:

- Ruby Avenue/Norwood Avenue
- I-680 Ramps (N)/Jackson Avenue
- Ruby Avenue/Tully Road/Murillo Avenue
- Story Road/Clayton Road
- Marten Avenue/Mt. Rushmore Drive
- Marten Avenue/Flint Avenue
- Quimby Road/Scottsdale Drive
- Nieman Boulevard/Daniel Maloney Drive
- Story Road/Lancelot Lane
- Ocala Avenue/Hillmont Avenue
- Ocala Avenue/Adrian Way

SITE OPERATIONAL IMPROVEMENTS

Some local transportation infrastructure improvements will need to be built as development occurs on specific properties. These improvements address local circulation needs or implement established improvement plans and are not specifically identified in this Policy. Their construction will be implemented through the application of standard development review and entitlement procedures.

There are three additional intersections in addition to the intersections listed above requiring new traffic signals or signal modification in order to provide direct access to and from a project site. These intersections are at Tully Road/Almond Drive, Quimby Road/Arcadia Property, and Capitol Expressway/Arcadia Property. Since the benefit associated with these three traffic signals is not areawide, the costs associated with traffic signal improvements to these three intersections is not included in the area wide traffic impact fee, and instead will be funded by development impacting those intersections.

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IMPROVEMENTS TO ALTERNATIVE MODES OF TRAVEL

Traffic Calming

Traffic calming improvements, include, but are not limited to, roadway features or signage such as, median islands, chokers, road humps, or enhanced crosswalks. Given that traffic calming improvements enhance pedestrian comfort safety, these types of roadway improvements are consistent with Key Outcome # 4 of the Guiding Principles for Land Use and Transportation Planning as developed from the Evergreen-East Hills Vision Strategy, which seeks to increase the overall livability of Evergreen by fostering vibrant areas that are linked by various transportation modes and community amenities. When applications for specific development proposals are submitted, the City will review any opportunities for on-site traffic calming measures if deemed to meet the City Council Policy (5-6) criteria for the initiation of traffic calming projects.

Bus Stop Construction/Improvements

Bus stop construction and improvements are also consistent with Key Outcome #4 of the Guiding Principles for Land Use and Transportation Planning from the Evergreen-East Hills Vision Strategy, as these improvements facilitate bus ridership, thus supporting additional transportation modes. Bus stop improvements include:

- ADA accessibility improvements
- Construction/replacement of bus stop pavement pads, passenger waiting pads, and shelter pads
- Addition or relocation of lighting
- Construction of connecting sidewalks to create accessible paths
- Supporting pedestrian improvements at crosswalks and intersections including, but not limited to, special pavers or pavement, bollards, pedestrian-activated in-pavement lights, countdown signals for pedestrian crossings, and narrowing of pedestrian crossing distance including reduced curve radii and/or curb bubouts

In the evaluation of development applications, the City coordinate with the Valley Transportation Authority and will review any opportunities for on-site bus stop improvements.

VI. IMPLEMENTATION

REVIEW OF NEW DEVELOPMENT PROJECTS

All new development within the EEHDP Area is subject to the City's standard procedures and policies for the review of new development proposals within the City of San Jose. Projects must conform to the General Plan, applicable design guidelines, and other policies and regulations unless specifically provided for otherwise in this Policy.

ALLOCATION OF DEVELOPMENT CAPACITY

Allocation of the development capacity provided through this Policy is determined according to the criteria set forth in this section. Allocations are made at the time of initial Planning entitlement approval (the first of either Planned Development Zoning, Site Development Permit, Tentative or Parcel Map, or equivalent action) and remain in place until all such entitlements expire.

In addition to meeting the allocation policies on pages 22-27 of this EEHD Policy, all new development within the EEHDP Area, including projects that make use of existing allocations, existing trip credits, or allocation of new development pool capacity must:

- Further the Major Strategies, Goals and Policies of the City of San Jose General Plan. Although development must adhere to all applicable aspects of the General Plan, development policies which are particularly relevant to the topography and environment of the Evergreen-East Hills area include hillside development and riparian corridor protection policies.
- Conform to the City's Design Guidelines for Commercial, Industrial, and Residential uses.
- Not require modification of the Urban Service Area or Urban Growth Boundary boundaries.
- Not create significant adverse effects upon the environment, including but not limited to; projects that must not require significant grading or other alteration of the natural environment.

Use of Discretionary Alternate Use Policies in the General Plan

Projects which draw from the pool of development capacity created through this EEHD Policy, may utilize discretionary alternate use policies in the San Jose General Plan only if they are also consistent with other General Plan policies and goals and also adhere to the criteria of this EEHD Policy. It is expected that the Discretionary Alternate Use Policies would be employed rarely in combination with the EEHDP.

Distribution of Traffic Allocation

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The 500 residential units, 500,000 square feet of retail, and 75,000 square feet of commercial office development were distributed within the EEHDP area for analytical purposes to provide environmental clearance for the additional traffic capacity. The distribution of residential units in the EEHDP area was based on implementation of the General Plan and Use/Transportation Diagram as well as the furtherance of Goals and Policies of the General Plan and the Guiding Principles of the Evergreen-East Hills Vision Strategy, which support infill development of vacant or underutilized properties in a manner consistent with reducing automobile usage and connecting residents to community amenities, commercial, and/or job centers. The distribution of residential units, commercial and office development for those analytical purposes is as follows in the table below. This distribution of development is for analytical purposes for environmental clearance of this EEHD Policy only.

[This distribution does not imply entitlements are guaranteed as shown given that projects still must to adhere to the city's ordinances, design guidelines, and the General Plan's Goals, Policies and Land Use Transportation Diagram](#)

| Sub-Area | Housing Units | Office Sq. Ft. | Commercial Retail Sq. Ft. |
|--|----------------------|-----------------------|----------------------------------|
| South of Story Road between Highway 101 and Capitol Expressway | 100 2 | 5,000 | 344,000 |
| East of Capitol, between Story and Tully Roads | 64 2 | 5,000 | 21,000 |
| East of Capitol, between Tully and Aborn Roads | 25 35,0 | 25,000 | 00 |
| East of Capitol, between Aborn and Yerba Buena Roads | 236 | | 100,000 |
| South of Yerba Buena Road | 75 | | |
| TOTALS 500 | | 75,000 | 500,000 |

Public Works staff will determine if a proposed project appears to have any traffic impacts significantly different than the traffic impacts previously analyzed based on the distribution of traffic in the above table. If Public Works staff determines that the impacts could be different or more significant than what was previously analyzed, the applicant will be required to provide a new traffic analysis.

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Existing Allocations

Allocations and development rights existing at the time of adoption of this Policy remain in effect and do not require any further consideration.

“Anti-Clustering” and Master Planning Requirement for Residential Development

The allocation of development capacity through the land use approval process on sites in the EEHDP area shall occur only if the proposed residential development fully utilizes the proposed project site consistent with the designation on the General Plan Land Use/Transportation Diagram, General Plan text, and other applicable policies (e.g., Riparian Corridor Policy). Development should not occur on a portion of the site, with other portions of the site remaining vacant in reservation for potential future development opportunities which are not in conformance to the EEHDP. A site is defined as one or more contiguous parcels that function as a whole. A project fully utilizes or fully develops a site if there are no large portions of the site remain vacant after the proposed development. If a site is unable to fully develop consistent with the General Plan Land Use/ Transportation Diagram designation, General Plan text, and in accordance with the criteria set in this policy, then the site is ineligible to draw from the pool. If an Amendment to the Land Use/Transportation Diagram is proposed, then other applicable entitlements (rezoning, Site Development Permit, and/or Tentative Map) should be concurrently processed with the Amendment to the Land Use/Transportation Diagram in order to confirm the applicant’s intent to implement the proposed Amendment consistent with the EEHDP. This criteria is intended to apply only to residential development on properties. Commercial, office, recreation, public facilities, and other non-residential ones are allowed on portions of large sites as these uses internalize trips already occurring or reduce the number of trips out of the Evergreen-East Hills area for access to these services. In addition, some of these uses also create employment opportunities that will help to correct the jobs/housing balance issue in the Evergreen-East Hills area. Conditions for consideration to an Amendment to this Development Policy are highlighted in Chapter.VII, Future Amendments to the EEHDP.

Properties with Existing Residential Use or Other Uses

Properties that have existing residential or non-residential uses will be allowed to apply their traffic generation equivalency to proposed new developments provided the existing use is legally permitted and the proposed use is consistent with applicable City policies and ordinances.

Residential Pool Allocation

Residential development capacity for new projects will be allocated at the time of the City's approval of a rezoning, Site Development Permit, and/or Tentative Map action, whichever occurs first, on the specific pool site. Once allocated, units are removed from the Residential Development Unit Pool and are no longer available for allocation to other properties.

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If a permit expires or a zoning is replaced by a new entitlement, any unused allocation is returned to the appropriate pool and becomes available for new projects. All projects receiving allocation from the Residential Development Unit Pool are subject to the Traffic Impact Fee.

All projects receiving allocation must further the Major Strategies, Goals and Policies of the City of San Jose General Plan.

Definition of Small and Large Projects

A small project is any project which proposes to draw 35 or fewer residential units from the residential pool. A large project is any project which proposes to draw more than 35 units from the residential pool.

In the event that a project has existing allocation or entitlements prior to drawing from the residential pool, only the number of units that draw from the residential pool shall be applied to the small and large project criteria specified below. For example, if a project has 30 units of existing allocation or entitlements in conformance to the Original Evergreen Development Policy and proposes to utilize 8 additional units from the residential pool, the project's total size would be 38 units, but it would be considered a small project as it is only drawing 8 units from the residential pool.

Small Projects

Seventy percent (70%) (350 units) of the Residential Pool Capacity is reserved for small projects of 35 units or fewer and may not be allocated to larger projects.

Large Projects

No more than 30% (150 units) of the Residential Pool Capacity may be allocated to projects of larger than 35 units. Unlike the residential pool for small projects, there is no minimum number of units which are reserved for large projects. Any unused allocation from the large unit pool can be used by small projects. Any large project of 35 units or greater must meet one of following criteria:

Affordable Housing – Projects that incorporate affordable housing in excess of any other applicable City requirements.. In order to meet this criterion, a project must have either:

- At least 20 percent of units reserved to be affordable to lower-income households for rental developments. Eight percent (8%) of the total units must be at rents affordable to Very Low-Income households (no greater than 50% of area median income), and 12 percent (12%) of the total units must be at rents affordable to Low-Income households (60% of AMI, eligible up to 80% AMI). Or
- At least 20 percent (20%) of units reserved to be affordable to Moderate Income households for for-sale developments (120% of AMI).

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Developments may not fulfill their obligation as required by this policy by opting to pay an in-lieu fee.

Mixed-Use Projects– Projects that incorporate mixed-use elements (e.g., ground floor retail with office or residential above consistent with the guidelines contained in Appendix C. The mixed use development should also conform to the City's Residential Design Guidelines. The ground floor retail design must be highly visible from the pedestrian and street level. In addition, the ground floor layout and design and amenities provided supports different uses, fostering the long term vitality of the ground floor retail area.

Historic Preservation– Projects that incorporate significant cultural resources, either through preservation and integration of identified historic structures. In order to meet this criterion, a project must include a resource that qualifies for a minimum listing as a structure of merit on the City of San Jose Historic Resources Inventory and the development and proposed preservation of the resource shall substantially conform to the historic preservation policies included in Appendix D.

Projects outside of EEHDP area

New projects outside of the EDP Area, which may impact gateway intersections, will be subject the City's Level of Service Policy 5-3: Transportation Impact Policy.

Unforeseen future projects

Any development projects beyond the scope of the EEHDP and the associated Supplemental EIR will require an amendment to the EEHDP Policy and additional environmental review. An Amendment to the EEHDP will be considered only in accordance with the criteria called for in Section VII of this policy.

Implementation Goals

The goals of the EEHDP are to reduce congestion on the roadway when possible, thus improving quality of life for residents. In the event that there is more demand for residential development in the Policy area than the 500 residential pool allows for, projects on file shall be evaluated by Planning staff for their conformance to the following congestion reduction goals:

- 1) Proximity to Mass Transit- Any projects located within 2,000 feet of existing or planned light rail or bus stops. Projects should also include enhanced provisions for bicycle parking and pedestrian connections on-site.
- 2) Proximity to Community Services- Any projects located with ¼ mile from community services such as schools, libraries, and commercial areas.

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In the event that some residential applications must be denied or reduced because the total proposed residential units of the combined applications exceed the 500 residential pool,

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development applications on file that meet one or more of the goals above shall be given consideration for approval before projects that do not meet any of the goals. Any development that deviates from the assumed distribution of traffic in the Supplemental Environmental Impact Report, may need to provide an additional traffic report and to complete additional environmental clearance for traffic.

Funding of Improvements

The total funding required for the Transportation Mitigation Improvement is estimated to be \$10.5 million (2008 dollars). The developers of project sites collectively are responsible in providing funding for the all required Transportation Mitigation Improvement Measures and will be subject to a Traffic Impact Fee (TIF). The Traffic Impact Fee is based upon a fair-share contribution towards the cost of providing transportation improvements that directly mitigate the traffic impacts associated with the development authorized by this Policy. The traffic impact fee shall be paid to the City prior to the issuance of building permits for new development. The TIF per residential unit is \$ 10,708 and the TIF per 1,000 square feet of commercial or office development is \$8,978.

Deleted: Residential development capacity for new projects will be allocated at the time of the City's approval of a planning development permit or zoning action on the specific pool site. Once allocated, units are removed from the Residential Development Unit Pool and no longer available for allocation to other properties. ¶

¶
If a permit expires or a zoning is replaced by a new entitlement, any unused allocation is returned to the appropriate pool and becomes available for new projects. All projects receiving allocation from the Residential Development Unit Pool are subject to the Traffic Impact Fee.¶

¶
All projects receiving allocation must further the Major Strategies, Goals and Policies of the City of San Jose General Plan.¶

¶
Small Projects¶

¶
Fifty percent (50%) (250 units) of the Residential Pool Capacity is reserved for small projects of less than 35 units and may not be allocated to larger projects. ¶

¶
Small projects, which are more than 10 residential units in size, must also meet at least one of the following criteria.¶

¶
Riparian Sensitive Development- Projects must provide a minimum 100 foot setback from any high quality riparian areas that exists on the subject project site. This criterion would not be applicable to any channelized creeks or intermittent or ephemeral riparian areas. The setback is measured from the outside edge of the riparian corridor (or top of bank, which ever is greater) to the property line of any new units. The City can also require the development, with consultation of a qualified biologist, to provide riparian landscape in order to enhance or restore the riparian area within the 100 foot setback. The outside edge of the riparian corridor should be determined using guidelines set forth in the City's Riparian Corridor Policy Study. Compliance with this criterion does not include a biologist's determination of an acceptable reduced setback or an "equivalent" setback. ¶

Green Building- Projects that utilize green building measures to further the City's Green Vision need to demonstrate how they intend to outperform the citywide green building policy requirements. T{... [1]

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VII FUTURE AMENDMENTS TO THE EEHDP

The City Council may consider future amendments to the Evergreen-East Hills Development Policy only if one of the following three circumstances is realized:

(1) A “bonafide” plan for financing transportation improvements and amenities identified in the EEHVS process is prepared and offered private party. This plan shall be considered bonafide if it is accompanied with binding agreement that provides full funding for, or identifies a realistic and certain means to fund the entire Highway 101 corridor project and all other traffic infrastructure required within the policy area and “fair share” funding of the items recommended in the amenities list identified through the Evergreen-East Hills Vision Strategy (see Appendix G); or

(2) The full occurrence of 11,600 jobs on properties planned for Campus Industrial uses in the EEHDP area has been achieved (environmental clearance will still be necessary for any additional development); or

(3) An occurrence of jobs on properties planned for Campus Industrial in accordance with the phasing plan below is also accompanied by a plan offered by a private party which provides or identifies a realistic and certain means to fund transportation improvement priorities and community amenities which were identified in the EEHVS amenities list. The phasing plan shall allow housing to be phased in with the occurrence of jobs; however the total housing units shall not exceed a total of 3900 residential units. The initial 500 units which are allowed within the EEHDP shall also be included in the total of 3,900 units. The phasing plan shall follow accordingly:

| Phases | Jobs | Residential Units |
|---------------|-------------|--------------------------|
| Initial Phase | 0 | 500 |
| Phase II | 2,000 | 1000 |
| Phase III | 4,000 | 2000 |
| Phase IV | 6,000 | 3000 |
| Phase V | 11,600 | 3,900 |

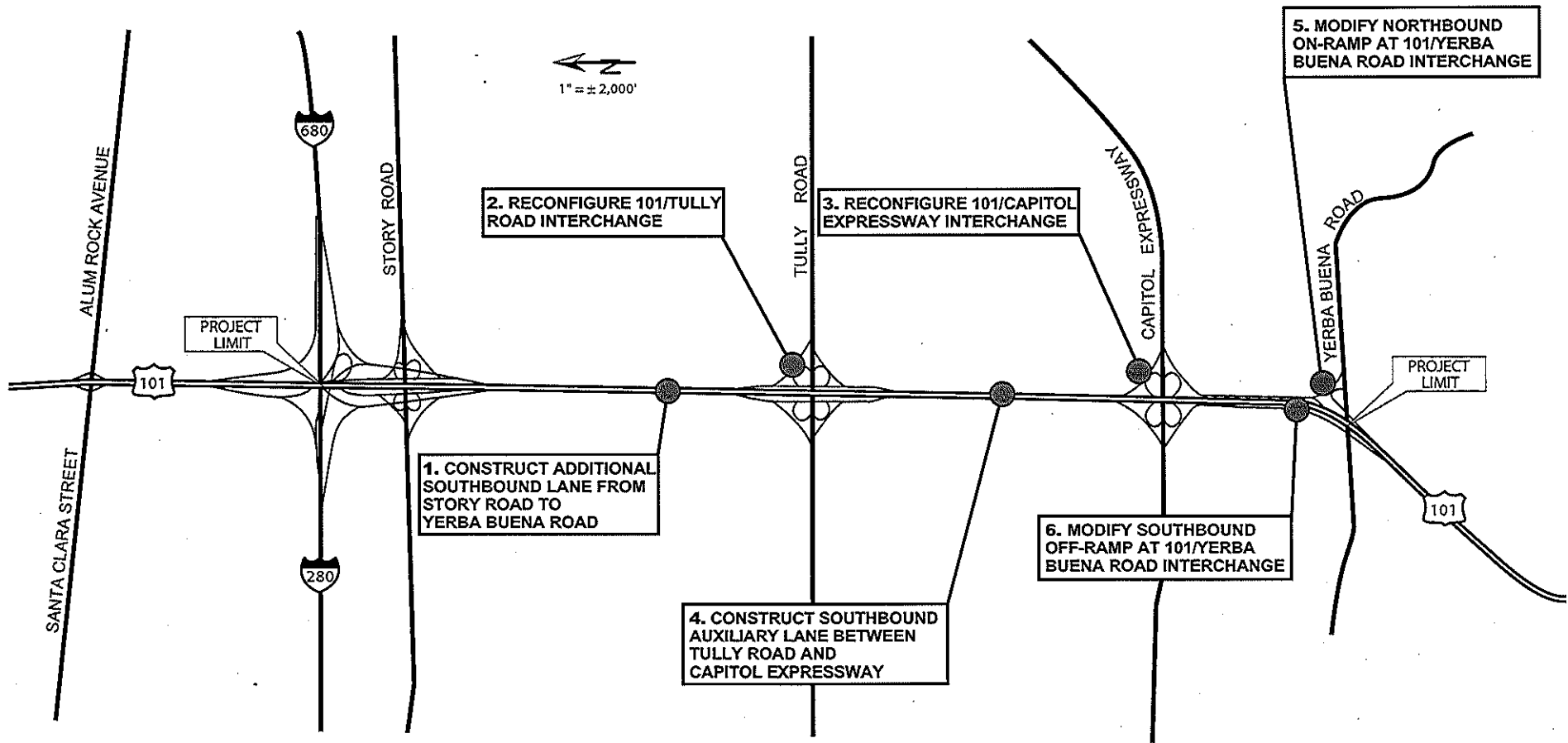
The Highway 101 corridor project referred to in circumstance #1 above includes the following improvements constructed on U.S. 101 between the 1-280/680 interchange and the Yerba Buena Road interchange (see diagram of improvements on Page 30):

- An additional lane in the southbound direction from just south of Story Road to Yerba Buena Road.

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- Reconfiguration of the U.S. 101/Tully Road interchange, converting the interchange from a full cloverleaf design to a partial cloverleaf design. A partial cloverleaf design replaces one or more of the loop ramps with diagonal ramps.
- Reconfiguration of the U.S. 101/Capitol Expressway interchange, converting the interchange from a full cloverleaf design to a partial cloverleaf design.
- An auxiliary lane in the southbound direction between the Tully Road and Capitol Expressway interchanges. An auxiliary lane typically extends between two adjacent interchanges. It is not a “thru” lane; traffic in an auxiliary lane must either merge into the adjacent thru lane or exit the freeway at the next off-ramp.
- Modification of the Northbound On-ramp at the U.S. 101/Yerba Buena Road interchange, to allow traffic from Yerba Buena Road to enter the freeway before Capitol Expressway.
- Modification of the Southbound Off-ramp at the U.S. 101/Yerba Buena Road interchange, to allow traffic from Yerba Buena Road to enter the freeway after Capitol Expressway.

All of these improvements are within the existing Caltrans right-of-way.



U.S. 101 OPERATIONAL IMPROVEMENTS: I-280/I-680 TO YERBA BUENA ROAD

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APPENDIX A

GUIDING PRINCIPLES FOR LAND USE AND TRANSPORTATION PLANNING IN EVERGREEN-EAST HILLS, DEVELOPED THROUGH THE EVERGREEN-EAST HILLS VISION STRATEGY TASK FORCE

Background: These Guiding Principles were developed originally through the Evergreen-East Hills Vision Strategy task force process in 2003. The only modifications to that original work are to align the Guidelines with this Evergreen-East Hills Development Policy (EEHDP) update to ensure internal consistency. In addition, some modifications have been made to reflect Council Policy actions that have occurred since 2006 when the Task Force completed its work.

The Guiding Principles for Land Use and Transportation Planning in Evergreen are included to memorialize the community goals and preferences that were generated through the Evergreen-East Hills Vision Strategy process. Property owners and developers are welcome to apply these ideas to their proposals; however, the EEHVS Guiding Principles and Guidelines will not be used by the City in the evaluation of consistency of proposed development with the Evergreen-East Hills Development Policy Update.

Original Note to the November 19, 2003 Guiding Principles: The Guiding Principles are organized into Key Outcomes/Desired Results and related objectives/strategic approaches to achieve the Key Outcomes. The Key Outcomes are numbered to facilitate discussion; no priority is implied by the numbers. The Key Outcomes are intended to work together to provide a macro-perspective, integrated, holistic, and comprehensive systems view of Evergreen's future. The community also voiced interest in the general concepts of flexibility, adaptability, and measurable objectives. For purposes of this document, "new development" includes development on vacant land as well as the redevelopment of already built properties.

Key Outcome #1: New development should follow the "sustainability" principles of equity, environment and economic development.

Equity

- Promote diversity within neighborhoods.
- Welcome people of all ages, cultures, and socio-economic backgrounds.
- Involve the community in land use decision-making.

Environment

- Protect the environment through energy and water conservation, alternative energy sources (e.g., solar), "green building," and other sustainability approaches.
- Protect wildlife corridors and other habitats where appropriate and beneficial.
- Maintain the Greenline/Urban Growth Boundary in its existing location.

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Economic Development

- Create economic development opportunities for businesses of all sizes and types, consistent with the City's overall economic development goals.

- a. **Key Outcome #2: All new development should be high quality and aesthetically pleasing.**
 - Ensure new development is designed with high level of architectural detail, innovative urban design, and high quality materials.
 - Diversify architectural styles.
 - Minimize the obstruction of views.
 - Ensure new development is compatible (in terms of design, density, massing, etc.) to adjacent properties and is well-integrated with existing neighborhoods and surroundings.
 - Ensure new single-family house sizes are commensurate with the size of the lot and nearby housing developments.
 - Locate (i.e., set back) buildings appropriate distances from the sidewalk to create desired neighborhood/community character, landscaping, and friendly and safe pedestrian environment.
 - Coordinate and integrate land use planning between land uses (e.g., residential, civic/school/commercial, etc.) to address access, parking, pedestrian connections, and other issues.
 - Maintain properties in good condition.
 - Ensure new development on larger properties transitions in increasing height and density away from nearby existing lower intensity development.
 - Provide adequate parking for all residents and their guests within new residential developments.
 - Encourage the renovation, rehabilitation, and revitalization of commercial and residential properties.
 - Create safe, well-lit places.
 - Beautify the community (i.e., improve the overall aesthetics) of Evergreen through tree plantings, utility undergrounding, and other means.
 - Use photo simulation and other three dimensional techniques to simulate new development and its potential impacts to neighborhoods (i.e., increases in height) and the transportation system.

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Key Outcome #3: Infrastructure and services should support the planned levels of residential and commercial/retail/office development.

Schools

- Ensure adequate capacity at Evergreen schools without sacrificing a quality educational environment.
- Foster neighborhood schools.
- Institute traffic calming, especially near schools.

Auto Transportation

- Receive funding commitments to construct major transportation infrastructure, including Highway 101 improvements.
- Create a traffic policy to maintain the flow of vehicular traffic on Evergreen streets without compromising livability and other modes of travel (e.g., bicycles, pedestrians, and transit).
- Attempt to minimize auto trips by locating jobs, housing, businesses, and services within close proximity to one another.
- Foster a “reverse commute”.
- Consider a grid street system for large development sites, connecting to the surrounding street network.
- Consider roundabouts instead of traffic signals.

Bus and Rail Transit

- Determine funding mechanisms to construct light rail.
- Encourage transit service that is fast, convenient, frequent, reliable, comfortable, and safe (including the locations of stops/stations).
- Utilize existing public transit system to the greatest extent possible.

Bicycle and Pedestrian Travel

- Create a rich network of safe, well-lit and defensible pedestrian and bicycle connections across neighborhoods, along creeks, and to key destinations (including transit stations) in Evergreen.
- Ensure adequate sidewalk widths, street trees, lighting, and other features to facilitate walking.
- Minimize walking distances to services and public transportation (goal: 5 to 10 minutes).

Parks, Trails, and Open Spaces

- Establish parks, trails, community gardens, and other open spaces that provide recreation and green areas to support existing and future residents and workers.
- Preserve current open space uses to the extent possible.

Libraries and Other Community Facilities

- Provide libraries, community/youth/ senior centers, and other services to support the existing and projected population.

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Key Outcome #4: Increase the overall livability of Evergreen by fostering vibrant commercial/business, mixed use, and residential areas linked by various transportation modes and community amenities.

- Add restaurants, post offices, health care facilities (e.g., emergency rooms), and other neighborhood/commercial services to Evergreen, east of Highway 101.
- Add entertainment uses, including performance venues, in appropriate locations.
- Maintain, expand, and create Farmer's Markets.
- Introduce mixed use development, including residential/retail or residential/office/retail in the same building.
- Create opportunities for non-profits and community-based organizations to locate in Evergreen.
- Create opportunities for people to meet and socialize in public places, businesses, recreation areas, etc.
- Promote the enjoyment of people and the aesthetics of the area.

Key Outcome #5: Create housing opportunities for a wide range of household types and income levels.

- Establish development opportunities for affordable and mixed income housing to meet the housing needs of all stages of life (single, married, family, "empty nester," and senior).
- Create opportunities for a range of different housing types (single-family, apartments, condominiums, live/work, etc.).
- Mix housing types within a single development site.
- Create opportunities for both home ownership and rental units.

Key Outcome #6: Apply the concepts of Transit-Oriented Development near future transit stations.

- Maximize the synergy of the planned transit investment by adding high density residential, mixed use (i.e., residential/industrial/commercial/retail), and job-generating development that is oriented to the pedestrian and transit users.
- Balance the mix of uses, including a ground floor retail district oriented to transit stations and civic uses.
- Design the buildings so that residents, workers, shoppers, and others find transit convenient and attractive.
- Place buildings close to the street, consistent with Key Outcome #2, bullet 6 for non-transit areas.
- Orient the buildings and their entries to the street.

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APPENDIX B

GUIDING PRINCIPLE DESIGN GUIDELINES DEVELOPED THROUGH THE EVERGREEN-EAST HILLS VISION STRATEGY TASK FORCE

Introduction- These Design Guidelines were developed originally through the Evergreen-East Hills Vision Strategy (EEHVS) task force process. The only modifications to that original work are to align the Guidelines with this Evergreen-East Hills Development Policy (EEHDP) update to ensure internal consistency. In addition, some modifications have been made to reflect Council Policy actions that have occurred since 2006 when the Task Force completed its work.

The Guiding Principle Design Guidelines are included here in order to memorialize the community goals and preferences that were generated through the Evergreen-East Hills Vision Strategy process. Property owners and developers are welcome to apply these ideas to their proposals; however, the EEHVS Guiding Principles and Guidelines will not be used by the City in the evaluation of consistency of proposed development with the Evergreen-East Hills Development Policy Update.

Key Outcomes – Guiding Principles

The Evergreen-East Hills Vision Strategy Key Outcomes and Guiding Principles are the framework from which the following design guidelines were developed. Each of the Key Outcomes should be considered together to provide direction for new development in the Evergreen-East Hills area.

1. New development should follow the “sustainability” principles of equity, environment and economic development.
2. All new development should be high quality and aesthetically pleasing
3. Infrastructure and services should support the planned levels of residential and commercial/retail/office development.
4. Increase the overall livability of Evergreen by fostering vibrant commercial/business, mixed use, and residential areas linked by various transportation modes and community amenities.
5. Create housing opportunities for a wide range of household types and income levels.
6. Apply the concepts of Transit-Oriented Development near future transit stations.

Each Key Outcome has an associated set of Guiding Principles organized by topic heading. A portion of these have a possible direct impact upon site and architectural design elements that can be implemented as part of the review process of individual development proposals.

Design Guidelines

Design Guidelines reinforce the community vision defined by the Guiding Principles and Key Outcomes. The following list of guidelines is organized according to the Outcome and

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Principle that they are intended to implement. The following list of Design Guidelines is intended to be used as a tool for the review of all new development proposals within the Evergreen-East Hills Development Policy area as a supplement to other Design Guidelines and Policies in use by the City for the review of new development projects.

Key Outcome #1

Key Outcome #1 includes the following principle related to development projects:

- Environment: Protect the environment through energy and water conservation, alternative energy sources (e.g., solar), “green building,” and other sustainability approaches.

The following Design Measures, in conjunction with other City policies and guidelines, are intended to implement this principle:

- a. All new development should avoid significant site grading or other disturbance of natural features. Projects should make use of split pads or other measures to minimize their impact upon the environment
- b. All new single-family and multi-family residential development should incorporate Passive Solar Design Plan subdivision lots and street layout to optimize solar access for all homes
- c. New development must implement all citywide Green building Policies and/or ordinances
- d. Key Outcome #2

Key Outcome #2 includes the following principles related to development projects:

- Ensure new development is designed with high level of architectural detail, innovative urban design, and high quality materials.
- Diversify architectural styles.
- Minimize the obstruction of views.
- Ensure new development is compatible (in terms of design, density, massing, etc.) to adjacent properties and is well-integrated with existing neighborhoods and surroundings.
- Ensure new single-family house sizes are commensurate with the size of the lot and nearby housing developments.
- Locate (i.e., set back) buildings appropriate distances from the sidewalk to create desired neighborhood/community character, landscaping, and friendly and safe pedestrian environment.
- Coordinate and integrate land use planning between land uses (e.g., residential, civic/school/commercial, etc.) to address access, parking, pedestrian connections, and other issues.
- Maintain properties in good condition.
- Ensure new development on larger properties transitions in increasing height and density away from nearby existing lower intensity development.
- Provide adequate parking for all residents and their guests within new residential developments.
- Encourage the renovation, rehabilitation, and revitalization of commercial and residential properties.

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- Create safe, well-lit places.
- Beautify the community (i.e., improve the overall aesthetics) of Evergreen through tree plantings, utility undergrounding, and other means.
- Use photo simulation and other three dimensional techniques to simulate new development and its potential impacts to neighborhoods (i.e., increases in height) and the transportation system.

The following Design Measures, in conjunction with other City policies and guidelines, are intended to implement these principles:

- a. All new development should be designed with high level of architectural detail, innovative urban design, and high quality materials.
- b. For new single-family detached homes, the same unit floor plan can be used for no more than 20% of the units on any given street block (alternatively, within new single-family residential developments, no more than 3 units per block may have the same floor plan.)
- c. For attached single-family homes, façade treatments should be varied through use of stoops, bay windows, bow windows, turrets and variation of roof treatments so that no more than two units have the same treatment on any given street. If two units have the same treatment, they should not be adjacent.
- d. For multi-family developments with multiple buildings, different heights and massing should be used to visually distinguish buildings. While buildings should have architectural continuity, unique architectural elements should also be used on each building to give it a distinct visual character.
- e. For any development with significant amounts of slope, the preservation of views for existing adjacent development or established uses should be considered in the site design. New buildings should be arranged so as to preserve those views to the extent feasible.
- f. The Floor Area Ratio (FAR) for new single-family residential units should be no more than 65%.
- g. The maximum height for new construction adjacent to existing single-family uses is 2 ½ stories and 35 feet within 70 feet of the shared property line.
- h. A minimum 25-foot aggregate 2nd story rear setback and a 20-foot minimum 1st and 2nd story rear setback should be provided for all new residential development adjacent to existing single-family or multi-family uses.
- i. Clear delineation should be incorporated into site design when residential development directly abuts a public park (i.e., low fence line, sidewalks, etc.).
- j. The size of new residential lots and new residential structures should be within 25% of the average size of the residential lots and structures on the immediately adjacent (abutting) properties.
- k. For single-family attached or detached units, provide two covered parking spaces and one off-lot (guest) parking space per unit. Units without a driveway apron of at least 23 feet in length must be provided with 1.3 guest parking spaces per unit. Guest parking spaces should be located within 150 feet of the unit it supports.
- l. Off-lot parking can be accommodated through on-street parallel parking in front of new units or through parking bays with perpendicular parking adjacent to new streets.

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- m. Excess surface parking lot areas should be minimized by utilizing opportunities for dual use between residential, commercial and public uses.
- n. Within new development that incorporates public facilities (e.g. schools, libraries), a means of direct pedestrian access should be provided to those facilities from adjacent residential and commercial areas.
- o. When development takes place on a site with existing structures, those structures should be incorporated into the new development to the extent feasible.
- p. For new single-family residential development, floor plans, which would accommodate a home occupation use, is encouraged in order to reduce vehicle commute traffic.

Key Outcome #3

Key Outcome #3 includes the following principles related to development projects:

- Auto Transportation: Consider a grid street system for large development sites, connecting to the surrounding street network.
- Auto Transportation: Consider roundabouts instead of traffic signals.
- Bus and Rail Transit: Utilize existing public transit system to the greatest extent possible.
- Bicycle and Pedestrian Travel: Ensure adequate sidewalk widths, street trees, lighting, and other features to facilitate walking.
- Parks, Trails and Open Space: Establish parks, trails, community gardens, and other open spaces that provide recreation and green areas to support existing and future residents and workers.
- Parks, Trails and Open Space: Preserve current open space uses to the extent possible.

The following Design Measures, in conjunction with other City policies and guidelines, are intended to implement these principles:

- a. Within all new subdivisions, cul-de-sacs should only be used when alternative street configurations are not feasible.
- b. New streets should be connected to existing streets wherever street design standards, including safety considerations, make such connection possible.
- c. New subdivisions should incorporate a street grid system that provides multiple route choices for movement within the subdivision and multiple points of connection to surrounding streets to the extent feasible.
- d. New street connections should incorporate roundabouts where possible.
- e. All new development should address any adjacent transit facilities through site design and architectural elements, including location of building on site in proximity to transit facilities, provision of pedestrian walkways and location of building entrances so as to support transit use.
- f. Multi-family residential buildings in proximity to transit facilities should be provided with multiple entrances (e.g. individual unit or unit cluster stoops).
- g. Installation of new sidewalks, street trees, pedestrian oriented lighting and other features should be provided with all new development at or above City standards.

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- h. New commercial development should include open space plazas (e.g. outdoor dining areas for restaurants and landscaped open areas for customers).
- i. New residential development should incorporate private open space areas programmed for active use (e.g. tot lots, half-court basketball, BBQ/picnic areas.)
- j. Open spaces within new development areas should be linked to existing open space features.

Key Outcome #4

Key Outcome #4 includes the following principles related to development projects:

- Retail: Introduce mixed use development, including residential/retail or residential/office/retail in the same building.
- Retail: Create opportunities for people to meet and socialize in public places, businesses, recreation areas, etc.
- Retail: Promote the enjoyment of people and the aesthetics of the area.

The following Design Measures, in conjunction with other City policies and guidelines, are intended to implement these principles:

- a. New development on the Arcadia site should include a minimum of 100,000 square feet of retail or other commercial uses.
- b. New development on the Evergreen Community College site should include a minimum of 60,000 square feet of retail or other commercial uses.
- c. At least 50% of the commercial development on the Arcadia and Evergreen Community College Opportunity Sites should be incorporated into mixed-use development as a residential/retail or residential/office/retail mix.
- d. Mixed-Use projects should be given priority for development at suitable locations. (e.g. mixed-use development is strongly encouraged for any development site where the General Plan supports mixed-use). See Appendix C for specific guidelines for mixed-use development.
- e. Outdoor plazas, including landscaping and seating areas, should be provided in close proximity to new retail development.

Key Outcome #5

Key Outcome #5 includes the following principles related to development projects:

- Establish development opportunities for affordable and mixed income housing to meet the housing needs of all stages of life (single, married, family, “empty nester,” and senior).
- Create opportunities for a range of different housing types (single-family, apartments, condominiums, live/work, etc.).
- Mix housing types within a single development site.
- Create opportunities for both home ownership and rental units.

The following Design Measures, in conjunction with other City policies and guidelines, are intended to implement these principles:

- a. Any medium or large-scale development project (e.g. greater than 10 units) should include at least two different unit types (e.g. detached, attached, rental, ownership, etc).

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Key Outcome #6

Key Outcome #6 includes the following principles related to development projects:

- Maximize the synergy of the planned transit investment by adding high density residential, mixed use (i.e., residential/industrial/commercial/retail), and job-generating development that is oriented to the pedestrian and transit users.
- Balance the mix of uses, including a ground floor retail district oriented to transit stations and civic uses.
- Place buildings close to the street, consistent with Key Outcome #2, bullet 6 for non-transit areas.
- Orient the buildings and their entries to the street.
- Design the buildings so that residents, workers, shoppers, and others find transit convenient and attractive.

The following Design Measures, in conjunction with other City policies and guidelines, are intended to implement these principles:

- a. Incorporate physical improvements, such as sidewalk improvements, landscaping and bicycle parking that act as incentives for pedestrian and bicycle modes of travel.
- b. Provide secure and conveniently located bicycle parking and storage for employees and visitors;
- c. Provide bicycle and pedestrian connections from the site to the regional bikeway/pedestrian trail system.
- d. Construct transit amenities such as bus turnouts/bus bulbs, benches, shelters, etc.
- e. Provide direct, safe, attractive pedestrian access from project land uses to transit stops and adjacent development.
- f. Provide bicycle lanes, sidewalks and/or paths, connecting project residences to adjacent schools, parks, the nearest transit stop and nearby commercial areas.
- g. Provide secure and conveniently placed bicycle parking and storage facilities at parks and other facilities.
- h. Provide neighborhood-serving shops and services within or adjacent to residential project.
- i. Provide a satellite telecommute center within or near the development.
- j. Incorporate commercial services onsite or in close proximity (e.g. day-care, dry-cleaners, fitness centers, financial services, grocery stores and/or restaurant).
- k. For the Arcadia and Evergreen Community College sites, building entrances and attractively designed open spaces (plazas or landscaping) should be provided adjacent to or in close proximity to any existing or planned transit facilities.

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ATTACHMENT C

DESIGN GUIDELINES FOR MIXED USE DEVELOPMENTS

The following guidelines are intended to create usable spaces for businesses located on the ground floor of mixed use developments.

Height - Provide an 18 foot finished height throughout ground floor area, which includes 18 feet of clearance from the heating, ventilating, air conditioning system (HVAC), sprinklers, lights, and ceiling system.

Layout – Provide a minimum of 60 feet depth of contiguous space for displays/sales area as well as “back-of-house” activities, storage, mechanical rooms, restrooms, or other support areas. All retail spaces should have access from the exterior of the building. Avoid long, narrow retail spaces. Space width should be set in 20 foot increments (i.e. 20 feet, 40 feet, 60 feet, etc).

Floor Structure - Unless there is parking at sub-grade levels, the ground floor should be left unfinished, with no concrete slab, in order to accommodate utilities and leasing plan flexibility. Also depress the perimeter of the building, as required, to permit accessible entry doors.

Utilities - Provide utilities to retail spaces so that they are not visible from the street and allow for flexibility of use of the retail space.

Mechanical: Provide capability for fire-rated vent shafts to the roof for restaurant kitchens;

Electrical: Provide in-house locations for transformers;

Meters: Put meters together in a single location

Servicing/Trash - Provide internal service space for delivery/loading that is enclosed, accessible from a secondary street if possible, and appropriately sized for common use. Minimize street frontage for service/loading access, and minimize view from public vantage points. Service space should be able to be closed from view, should contain odors from trash, and should allow for easy maintenance.

Lighting – Provide exterior street level lighting for the sidewalk and/or any outdoor patio space.

Signage - Provide signage that is visible at street level, such as blade signs, window signs, and awnings.

Facade - Provide maximum visibility and transparent windows for active ground floor uses. Setbacks and recesses should be minimal. The number and massing of columns along the façade should be minimized. Include visual breaks where facades are long.

Sidewalks - Provide a clear zone of 15 feet of sidewalk width to accommodate exterior patio and sidewalk dining at appropriate locations. This sidewalk width should not be covered by arcades because covered setbacks diminish the viability of ground floor retail spaces.

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Parking - Locate parking garages behind the street front to minimize their impact on the pedestrian street environment. Locate parking spaces within the building or orient all parking facilities away from public streets and pedestrian corridors.

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APPENDIX D

HISTORIC PRESERVATION CRITERIA

Introduction - Any projects that have a resource listed or eligible for listing on the Historic Resources Inventory with a significance rating of Structure of Merit or greater, must meet all of the criteria below to be considered for development of more than 35 units:

Historic Preservation Criterion #1: The resource must be at a minimum be listed or eligible to be listed as structure of merit on the City's Historic Resources Inventory. The resource shall be preserved on-site, and rehabilitated by a qualified Preservation Architect in conformance with the Secretary of the Interior Standards.

Historic Preservation Criterion #2: Rehabilitation of the resource by a qualified Preservation Architect to the Secretary of Interior Standards must be completed and a maintenance plan submitted prior to the issuance of any occupancy permits for any new residences on the property.

Historic Preservation Criterion #3: The resource should be used for the purpose in which the structure was constructed or as an adaptive alternative re-use that allows for rehabilitation of the resource to the Secretary of the Interior Standards, including compatibly with the resource's context and surroundings that are being preserved to convey the resource's significance.

Historic Preservation Criterion #4: The context and cultural landscape, including landscaping, accessory structures, or setting features that contribute to the significance of the resource, should be evaluated by a qualified professional and preserved on-site.

Historic Preservation Criterion #5: Any new development proposed adjacent to the resource should be stepped down to provide adequate separation from the resource. The massing of the proposed development must provide a compatible interface with the resource.

Historic Preservation Criterion #6: The most prominent elevations that convey the resource's significance should be visible from a public-right-of way, with no other structures or features blocking public visibility of the resource.

Historic Preservation Criterion #7: Maintenance of the resource, following the Secretary of Interior Standards, is required of the any future property owners of the resource. These requirements must be disclosed to future property owners prior to purchase of the property.

Historic Preservation Criterion #8: Any property qualifying as a Candidate City Landmark should be nominated for designation prior to or shortly after the approval of development permits.

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APPENDIX E

TRANSPORTATION DEMAND MANAGEMENT (TDM) MEASURES

The Transportation Demand Management (TDM) Measures are sample design actions that promote transit use and pedestrian activity. Such measures or similar actions should be incorporated into all new development within the Evergreen-East Hills Development Policy area, consistent with the Key Outcomes included within the Guiding Principles:

Key Outcome #3: Infrastructure and services should support the planned levels of residential and commercial/retail/office development.

Key Outcome #4: Increase the overall livability of Evergreen-East Hills by fostering vibrant commercial/business, mixed use, and residential areas linked by various transportation modes and community amenities.

Residential Measures:

Sample Residential Site Design Measures:

- Construct transit amenities such as bus turnouts/bus bulbs, benches, shelters, etc.
- Provide direct, safe, attractive pedestrian access from project land uses to transit stops and adjacent development.
- Provide bicycle lanes, sidewalks and/or paths, connecting project residences to adjacent schools, parks, the nearest transit stop and nearby commercial areas.
- Provide secure and conveniently placed bicycle parking and storage facilities at parks and other facilities.
- Provide neighborhood-serving shops and services within or adjacent to residential project.
- Provide a satellite telecommute center within or near the development.
- Incorporate commercial services onsite or in close proximity (e.g. day-care, dry-cleaners, fitness centers, financial services, grocery stores and/or restaurant).

Sample Residential Operational Measures:

- Provide transit information kiosks;
- Provide shuttle access to regional rail stations (e.g. Caltrain, ACE, BART);
- Provide or contract for on-site or nearby child care services;
- Offer transit use incentive programs to residents, such as distribution of passes and/or subsidized transit passes for a local transit system (e.g. providing VTA EcoPass system or equivalent broad spectrum transit passes to all residents).

Commercial/Industrial Measures:

Sample Commercial/Industrial Site Design Measures:

- Incorporate physical improvements, such as sidewalk improvements, landscaping and bicycle parking that act as incentives for pedestrian and bicycle modes of travel.

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- Provide secure and conveniently located bicycle parking and storage for employees and visitors;
- Provide bicycle and pedestrian connections from the site to the regional bikeway/pedestrian trail system.
- Place assigned car pool and van pool parking spaces at the most desirable on-site locations;
- Provide showers and lockers for employees walking or bicycling to work.
- Incorporate commercial services onsite or in close proximity (e.g. day-care, dry-cleaners, fitness centers, financial services, grocery stores and/or restaurants).

Sample Commercial/Industrial Operational Measures:

- Provide an on-site TDM coordinator;
- Provide transit information kiosks;
- Make transportation available during the day and guaranteed ride home programs for emergency use by employees who commute on alternate transportation. (This service may be provided by access to company vehicles for private errands during the workday and/or combined with contractual or pre-paid use of taxicabs, shuttles, or other privately provided transportation.);
- Provide vans for van pools;
- Implementation of a carpool/vanpool program (e.g., carpool ridematching for employees, assistance with vanpool formation, provision of vanpool vehicles, and carsharing);
- Provide shuttle access to regional rail stations (e.g. Caltrain, ACE, BART);
- Provide or contract for on-site or nearby child care services;
- Offer transit use incentive programs to employees, such as on site distribution of passes and/or subsidized transit passes for a local transit system (e.g. providing VTA EcoPass system or equivalent broad spectrum transit passes to all on-site employees);
- Implementation of parking cash out program for employees (non-driving employees receive transportation allowance equivalent to the value of subsidized parking);
- Encourage use of telecommuting and flexible work schedules;
- Require that deliveries on-site take place during non-peak travel periods.

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APPENDIX F

TRANSPORTATION INFRASTRUCTURE DESCRIPTIONS

Transportation mitigation improvements associated with the Evergreen-East Hills Development Policy (EEHDP)

1. Capitol Expressway and Quimby Road: Add exclusive northbound and eastbound right-turn lanes to this intersection.
2. Nieman Boulevard and Yerba Buena Road: Add a second westbound left-turn lane to this intersection.
3. Tully Road and McLaughlin Avenue: Add an exclusive northbound right-turn lane to this intersection.
4. White Road and Aborn Road: Add a second westbound left lane to this intersection.
5. US 101 and Yerba Buena Road (East): Convert a westbound through lane into a shared through/right-turn lane at this intersection.
6. White Road and Quimby Road: Add a second northbound left turn lane to this intersection.
7. San Felipe Road and Yerba Buena Road (South): A second eastbound left turn lane and a second southbound left turn lane will be added to this intersection.

New traffic signals or signal modifications are planned for the intersections at:

- Ruby Avenue/Norwood Avenue
- I-680 Ramps (N)/Jackson Avenue
- Ruby Avenue/Tully Road/Murillo Avenue
- Story Road/Clayton Road
- Marten Avenue/Mt. Rushmore Drive
- Marten Avenue/Flint Avenue
- Quimby Road/Scottsdale Drive
- Nieman Boulevard/Daniel Maloney Drive
- Story Road/Lancelot Lane
- Ocala Avenue/Hillmont Avenue
- Ocala Avenue/Adrian Way

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APPENDIX G

COMMUNITY AMENITIES LIST AND DESCRIPTIONS IDENTIFIED THROUGH THE EVERGREEN-EAST HILLS VISION STRATEGY

Introduction- This list of desired community amenities was created through the Evergreen-East Hills Vision Strategy (EEHVS) process and was last updated in 2006. This list is provided for background, memorializing the community's preferences in the event opportunities come forward in the future to make any of these investments. Several of these improvements are no longer relevant because this Evergreen-East Hills Development Policy (EEHDP) does not contemplate development on opportunity sites (Pleasant Hills Golf Course, Evergreen Valley College, Arcadia, Berg, IDS, and Yerba Buena OPCO) in the same manner that was proposed with the EEHVS. Some of the amenities that are also in the *City of San Jose's Greenprint* may be partially funded.

A Community Youth Sports Fields

Construct three youth baseball fields on an approximately 12-acre site. While the proposed configuration allows for alternate use of two of the baseball fields as a youth soccer field, the facility is primarily intended for the purpose of youth baseball. The project includes parking for 55 cars and a restroom / concession / storage building. (August 25, 2006)

BA SPORTS FIELDS AND OTHER PARK IMPROVEMENTS ON BERG SITE*

Construct an approximately 5-acre sports facility including a senior baseball field and lighted soccer field as a combined use with a future school site. The project includes parking for 50 cars either on site as on-street parking and a restroom/concession building.

BB NEW NEIGHBORHOOD PARK - INDUSTRIAL SITE*

As part of the new residential project, the developer will construct and deliver to the City a 5-acre neighborhood park, consistent with the City's Parklands Dedication Ordinance (PDO). The park is not yet designed, but neighborhood parks typically include items such as a tot lot/playground, an open turf area, and picnic tables with a BBQ area, pathways and landscaping.

C Lake Cunningham Regional Skate Park **

Construct a skate park on a currently vacant 3-acre site in the southeast corner of the Lake Cunningham Regional Park. The skate park will include approximately 50,000 square feet of skate area with both a bowl and street elements to allow for combined use by skaters, inline skaters, and bikers. The facility will include additional parking spaces, a building to house restrooms, concessions, lockers, showers, and a pro shop. This project is partially funded for design and construction costs. However, additional funding is needed to complete construction of this amenity, which would be available through the EEHVS process.

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D Upper Silver Creek Trail

Construct an approximately 0.5-mile segment of the Upper Silver Creek Trail to complete a missing gap between Yerba Buena Road and Hassler Parkway. Land is being transferred to the City in fulfillment of a PDO requirement for a separate project. EEHVS project provides funding for trail construction.

E Fowler Creek Park Master Plan Phase II & III

Construct an 8,000 sq ft. community center and a 25-meter by 25-yard swimming complex with changing rooms and a parking lot for 60 cars.

F Open Space and Trail Connections (Upper Silver Creek)

Construct trail along the foothills as part of the proposed Industrial Sites development. The trail will be connected to Fowler Creek Trail Corridor and Montgomery Hill Park.

G Recreational Ice Skating Rink (one sheet)

Construct an indoor ice skating rink with one ice sheet at a location within the Evergreen·East Hills area.

H Southeast Branch Library Expansion

Expand the planned Southeast Branch Library by 11,000 square feet. The library is currently planned and funded for 12,000 square feet under the Branch Library Bond Measure. The proposed amenity expands the library to 23,000 square feet and would provide funds for the expansion.

I Community/Youth Center and Gym on Arcadia (40,000 square feet)

Construct a 40,000 square foot Multi-Service Community Center with gym, and parking for 100 to 200 cars on a 3-acre site.

J Yerba Buena / San Felipe Roads Improvements by Creek

Construct improvements related to the Evergreen Park including landscaping, art, signage, a path connection to the pedestrian bridge, and installation of miscellaneous site furnishings.

K Adult Sports Complex on Arcadia*

Construct a lighted adult sports complex including two 300 foot foul lines softball fields and two 200 feet by 330 feet soccer fields on approximately 14 acres. The project also includes a group picnic area, parking for approximately 150 cars, a restroom/concession building and a maintenance building.

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L New Neighborhood Park - Pleasant Hills*

As part of the new residential project, the developer will construct and deliver to the City a 5-acre neighborhood park, consistent with the City's Parklands Dedication Ordinance (PDO). The park is not yet designed, but neighborhood parks typically include items such as a tot lot/playground, an open turf area, dog park area, and picnic tables with a BBQ area, pathways and landscaping.

M Build-out Groesbeck Park

Complete landscape improvements at the existing Groesbeck Park site. Improvements would be consistent with "orchard" scheme identified in the City's adopted Greenprint plan.

N Sports Facilities at August Boeger Jr. High/Fernish Park

Construct a joint use facility at August Boeger Jr. High and Fernish Park including two little league fields, a softball field, soccer fields, walkways, picnic areas, parking spaces, and a restroom/concession building. This amenity could be constructed as one facility combined with amenity "AC" below.

O Lake Cunningham Park Improvements

Provide additional funding to allow construction of improvements identified in the Lake Cunningham Master Plan. Improvements potentially include an emergency access road, an amphitheater, additional restrooms, park headquarters, food concession building and roadway improvements at the park entrance/exit.

P Aquatics Center

Construct a 25-yard by 50-meter pool, a recreational/learning pool, a water spray area, and a locker room/concession building with parking for 100 cars on approximately 2-acres.

Q Evergreen Community Center Reuse as Library

Convert the Evergreen Community Center into a local Library to serve the EEHVS area.

R Neighborhood Park Improvements - Brigadoon Park

Renovate existing park facilities.

S Neighborhood Park Improvements - Boggini Park

Renovate existing park facilities.

T Neighborhood Park Improvements - Evergreen Park

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Renovate existing park facilities.

U Neighborhood Park Improvements - Hillview Park

Renovate existing park facilities.

V Neighborhood Park Improvements - Our Park

Renovate existing park facilities.

W Neighborhood Park Improvements - Mt. Pleasant Park

Renovate existing park facilities.

X Neighborhood Park Improvements - Welch Park

Renovate existing park facilities.

Y Additional Tennis Courts

Construct additional Tennis Courts in the Evergreen-East Hills area. These courts will be constructed as part of the development of new park sites.

Z Hank Lopez Community Center and Hillview Library Renovation

Convert the old Hillview Library adjacent to the Hank Lopez Community Center into a Music/dance Facility and remodel the existing Hank Lopez Community Center without increasing square footage to either building.

AA Ocala Softball Fields

The Alum Rock School District may consider their existing facility on Ocala Avenue as a surplus site. This funding allows the City to preserve the four existing lighted softball fields on the Ocala School Campus for community use and construct improvements to the site, including a restroom/concession building, parking, picnic facilities and enhanced field furniture.

AB PG&E (Wenlock Trail)

Construct an approximately 1.5-mile segment of a landscape trail under the PG&E Power Lines from Lake Cunningham to Story Road.

AC Mount Pleasant Multiuse Complex

This amenity could be constructed as one facility combined with amenity "N". The programming of this facility could include: teen/senior center, daycare, computer labs,

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game rooms, etc. Programming of the facility would occur through a separate public process.

AD Community Center on Pleasant Hills*

Construct a 40,000 square foot Multi-Service Community Center with gym, and parking for 100 to 200 cars on a 3-acre site. Consistent with the Mount Pleasant Multiuse Complex.

AE New Traffic Signals & Other Major Intersections/Roadways

The City will potentially require construction of new traffic signals, signage, or other roadway improvements through application of existing policies as part of the entitlements process for any new development in the EEHVS area. In addition to these required improvements, the City could identify other locations where such improvements are needed but not otherwise funded.

AF Intelligent Transportation Systems (ITS) Network

Install equipment including cameras and additional cabling to allow coordination of the traffic signals along major corridors, such as Tully Road, Story Road, King Road, Aborn Road, and Quimby Road. Interconnecting the signals allows better synchronization and enables the City to monitor and adjust the signals from a central control station in response to any incidents or specific traffic problems.

AG Thompson Creek Trail

Construct a 7-mile multi-use recreational trail. The trail will typically consist of a 12-foot paved pathway for bicycle and pedestrian use, gravel shoulders and landscaping.

AH Nieman Pedestrian Overcrossing

Construct a pedestrian and bicycle overcrossing on Capitol Expressway near Nieman Boulevard. Overcrossings provide a safer pedestrian/bicycle crossing opportunity, reducing the risk of pedestrian accidents and improving connections between local neighborhoods, parks, trails, and schools.

AI Lake Cunningham Pedestrian Overcrossing

Construct a pedestrian and bicycle overcrossing on White Road. The overcrossing would provide a safer pedestrian/bicycle crossing in the vicinity of Lake Cunningham Regional Park. Preliminary analysis suggests that this overcrossing may not be well utilized.

AJ Bike Lanes for Appropriate Corridors

Complete preparation of a bike master plan for the Evergreen-East Hills area and designate bicycle lanes and other projects as recommended in the plan.

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AK Transit Enhancement

The funding would be used to fund improvements to VTA facilities within the EEHVS area as identified by the community. Possible improvements include enhanced bus stop shelters, one-time funding for special programs and other transit facility upgrades.

AL Traffic Calming

Traffic calming is a way to manage traffic so that its negative impacts on residents, pedestrians and schools are minimized. Traffic calming solutions can include, but would not be limited to, traffic circles, speed tables, bulbouts, or medians to reduce speeding, enhanced crosswalks to help pedestrian safety, and other measures. Traffic calming solutions are typically installed following a neighborhood traffic study that identifies and quantifies problems and obtains full neighborhood support for changes. Specific traffic calming solutions will be developed as they become identified and needed, and funds provided will only be used within the Evergreen-East Hills area.

AM Street Trees

The City's goal is to install street trees at locations in need throughout the Evergreen-East Hills area. Street trees provide a better walking environment by creating shade and separation between pedestrians and vehicles.

AN Curb Ramps

Construct wheelchair ramps at street corners where ramps are not currently present to improve accessibility.

AO Median Island Landscaping

Add median landscaping on wide streets to enhance the street appearance and environment for all users.

AP Youth Sports Complex

This facility is not assigned to any specific opportunity site. The facility could be programmed for uses such as, tennis, baseball and soccer, tot-lot, and/or aquatic facility (swimming pool).

* This amenity is no longer relevant because this EEHD Policy does not contemplate development on opportunity sites (Pleasant Hills Golf Course, Evergreen Valley College, Arcadia, Berg, IDS, and Yerba Buena OPCO) in the same manner that was proposed with the EEHVS

** This amenity has already been constructed.

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APPENDIX H

Existing Housing Unit Allocation Table (Benefit Assessment District No. 91-209SJ)

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APPENDIX I

Table of Existing Housing Unit Allocations by Assessor's Parcel Number Without Entitlements

Appendix H contains information regarding all housing unit allocations for Benefit Assessment District No. 91-209SJ.

| Assessor's Parcel Numbers | Existing Unit Allocations (Not Entitled) | Parcel Number on Benefit Assessment Map (District No. 91-209SJ) |
|---------------------------|--|---|
| 654-20-008 18 | 50 | 53 |
| 670-29-020 1 | | 67 |
| 670-29-017 67 | | 68 |
| 491-31-103 17 | | 88 |
| 491-35-017 18 | | 83 |
| 488-01-043 14 | | 100 |
| 491-14-014 8 | | 102 |
| 491-37-106 6 | | 103 |
| 612-36-022 2 | | 107 |
| 647-24-042 3 | | 109 |
| 652-02-002 4 | | 111 |
| 652-03-020 13 | | 112 |
| 652-09-007 3 | | 114 |
| 652-09-012 6 | | 115 |
| 652-29-014 6 | | 117 |
| 652-33-058 8 | | 118 |
| 654-09-042 10 | | 120 |
| 654-10-001 2 | | 121 |
| 654-34-055 4 | | 124 |
| 654-68-032 2 | | 125 |
| 660-02-008 4 | | 127 |
| 660-23-015 8 | | 133 |
| 670-13-009 2 | | 135 |
| 670-13-010 2 | | 136 |
| 670-32-043 2 | | 143 |
| 673-14-028 5 | | 145 |
| 676-06-015 4 | | 146 |
| 676-16-020 7 | | 147 |
| 676-24-001 5 | | 148 |
| 676-36-005 11 | | 149 |
| 676-37-012 7 | | 150 |
| 676-42-097 6 | | 152 |
| 678-20-039 4 | | 154 |
| 678-21-006 3 | | 155 |
| 647-10-007 5 | 168 | |
| 649-16-101 10 | 169 | |

Residential development capacity for new projects will be allocated at the time of the City's approval of a planning development permit or zoning action on the specific pool site. Once allocated, units are removed from the Residential Development Unit Pool and no longer available for allocation to other properties.

If a permit expires or a zoning is replaced by a new entitlement, any unused allocation is returned to the appropriate pool and becomes available for new projects. All projects receiving allocation from the Residential Development Unit Pool are subject to the Traffic Impact Fee.

All projects receiving allocation must further the Major Strategies, Goals and Policies of the City of San Jose General Plan.

Small Projects

Fifty percent (50%) (250 units) of the Residential Pool Capacity is reserved for small projects of less than 35 units and may not be allocated to larger projects.

Small projects, which are more than 10 residential units in size, must also meet at least one of the following criteria:

Riparian Sensitive Development-Projects must provide a minimum 100 foot setback from any high quality riparian areas that exists on the subject project site. This criterion would not be applicable to any channeled creeks or intermittent or ephemeral riparian areas. The setback is measured from the outside edge of the riparian corridor (or top of bank, whichever is greater) to the property line of any new units. The City can also require the development, with consultation of a qualified biologist, to provide riparian landscape in order to enhance or restore the riparian area within the 100 foot setback. The outside edge of the riparian corridor should be determined using guidelines set forth in the City's Riparian Corridor Policy Study. Compliance with this criterion does not include a biologist's determination of an acceptable reduced setback or an "equivalent" setback.

Green Building— Projects that utilize green building measures to further the City's Green Vision need to demonstrate how they intend to outperform the citywide green building policy requirements. To meet this criterion, a project should also incorporate a significant portion of the Green Building design actions listed in Appendix C of this document or comparable actions that become available with technological advances, so as to qualify for Leadership in Energy and Environmental Design (LEED) Silver or 75 points with the Green Point Rating System, or incorporate a comparable level of Green Building Design measures. The applicant shall provide sufficient information to the City that the proposed green building measures are determined to be feasible prior to approval of entitlements that facilitate the transfer of traffic allocation to that property. All entitlements that provide allocation to

developments which utilize this criterion shall be conditioned accordingly to ensure compliance. This may require the applicant to provide the City with third party verification that particular green building standards are achieved.

Diverse Housing Types– Projects that increase the range of housing options available to EEHDP area residents must demonstrate that least 50% of the units must have units which differ from the size substantially from the size of the remainder of the units in the project. This variety of unit sizes is intended to support residents with different needs, such as singles and/or extended families within the same project site.

Community Meeting Room Space– Projects which provide a minimum of 1,000 square feet of community meeting room space on site that is privately maintained and available for use by the public. The design and location of the community room spaces shall be conveniently accessible for public visibility and use.

Large Projects

No more than 50% (250 units) of the Residential Pool Capacity may be allocated to projects of larger than 35 units. Unlike the residential pool for small projects, there is no minimum number of units which are reserved for large projects. Any large project of 35 units or greater is subject to meeting one of following criteria:

Affordable Housing – Projects that incorporate affordable housing in excess of other City requirements if applicable. In order to meet this criterion, a project must have at least 20% of units reserved to be available for Low Income, Very Low Income and/or Extremely Low Income families in addition to fulfillment of any other City requirements. Developments may not fulfill their obligation as required by this policy by opting to pay an in-lieu fee.

Mixed-Use Projects– Projects that incorporate mixed-use elements (e. g. ground floor retail with office or residential above consistent with the guidelines contained in Appendix H. The mixed use development should also conform to the City's Residential Design Guidelines. The ground floor retail design shall be highly visible from the pedestrian and street level. In addition, the ground floor layout and design and amenities provided supports different uses, fostering the long term vitality of the ground floor retail area.

Historic Preservation– Projects that incorporate significant cultural resources, either through preservation and integration of identified historic structures. In order to meet this criterion, a project must include a resource that qualifies for a minimum listing as a structure of merit on the City of San Jose Historic Resources Inventory and the development and proposed preservation of the resources shall substantially conform to the historic preservation policies included in Appendix I.

Projects outside of EEHDP area

New projects outside of the EDP Area, which may impact gateway intersections, will be subject the City's Level of Service Policy 5-3: Transportation Impact Policy.

Unforeseen future projects

Any development projects beyond the scope of the EEHDP and the associated Supplemental EIR will require an amendment to the EEHDP Policy and additional environmental review. An Amendment to the EEHDP will be considered only in accordance with the criteria called for in Section VII of this policy.

APPENDIX B

COMMENT LETTERS

DEPARTMENT OF TRANSPORTATION

P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 622-5491
FAX (510) 286-5569
TTY 711



*Flex your power!
Be energy efficient!*

October 14, 2008

SCL-101-30.90
SCL101805
SCH 2005102007

Ms. Dipa Chundur
City of San José
200 East Santa Clara Street
San José, CA 95113-1905

Dear Ms. Chundur:

Evergreen · East Hills Development Policy Revision – Draft Supplemental Environmental Impact Report (DSEIR)

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

On August 21, 2008 the Department submitted the following comments (copy attached) which have not been incorporated into the document:

**"Freeway Traffic Systems
US-101 Corridor**

1. Currently, the following on-ramps are metered on northbound (NB) and southbound (SB) US-101 during traffic peak periods.
 - NB US-101/ Story Rd. – SB I-280 Collector On-ramp.
 - NB US-101/ Tully Rd. Loop and Diagonal On-ramp.
 - NB US-101/ Capitol Expressway-Yerba Buena Rd. Diagonal and Collector On-ramp.
 - NB US-101/ Hellyer Ave. Loop On-ramp.
 - SB US-101/ Tully Rd. Loop and Diagonal On-ramp.
 - SB US-101/ Capitol Expressway Collector On-ramp.
 - SB US-101/ Hellyer Ave. Loop On-ramp.
2. The proposed East Hills Development Policy and associated developments will increase the usage of nearby on-ramps during traffic peak periods. The storage capacities at the on-ramps may need mitigation measures, such as widening, to meet storage demand and local street storage of queued vehicles for future ramp metering operations."

Ms. Dipa Chundur
October 14, 2008
Page 2

These are being reiterated for your consideration and inclusion.

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,



LISA CARBONI
District Branch Chief
Local Development – Intergovernmental Review

Attachment: August 21, 2008 letter

c: Scott Morgan, State Clearinghouse

DEPARTMENT OF TRANSPORTATION

P. O. BOX 28660
OAKLAND, CA 94628-0660
PHONE (510) 622-5491
FAX (510) 286-5559
TTY 711



*Flex your power!
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August 21, 2008

SCL-101-30.90
SCL101805
SCH 2005102007

Mr. Dipa Chundur
City of San José
200 East Santa Clara Street
San José, CA 95113-1905

Dear Mr. Chundur:

Evergreen - East Hills Development Policy Revision - 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 of the Draft Supplemental Environmental Impact Report and have the following comments to offer.

Highway Capacity Manual (HCM) 2000

The Department applies the HCM:2000 methodology to determine Level of Service (LOS) of all State facilities, including freeways and highways. It is recommended that the HCM, 2000 methodology be used for this project's traffic impacts to State Facilities. The currently used Santa Clara Valley Transportation Authority (SCVTA) adopted Congestion Management methodology uses a higher traffic threshold for LOS D, E and F which results in a reduction of the required traffic mitigation measures for State facilities.

Freeway Traffic Systems

US-101 Corridor

1. Currently, the following on-ramps are metered on northbound (NB) and southbound (SB) US-101 during traffic peak periods.
 - NB US-101/ Story Rd. - SB I-280 Collector On-ramp.
 - NB US-101/ Tully Rd. Loop and Diagonal On-ramp.
 - NB US-101/ Capitol Expressway-Yerba Buena Rd. Diagonal and Collector On-ramp.
 - NB US-101/ Hellyer Ave. Loop On-ramp.
 - SB US-101/ Tully Rd. Loop and Diagonal On-ramp.
 - SB US-101/ Capitol Expressway Collector On-ramp.
 - SB US-101/ Hellyer Ave. Loop On-ramp.

Mr. Dipa Chundur

August 21, 2008

Page 2

2. The proposed East Hills Development Policy and associated developments will increase the usage of nearby on-ramps during traffic peak periods. The storage capacities at the on-ramps may need mitigation measures, such as widening, to meet storage demand and local street storage of queued vehicles for future ramp metering operations.

Encroachment

Please be advised that any work or traffic control within the State right-of-way (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 which clearly indicate State ROW to the following address:

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

An encroachment permit application and instructions can be located at the following web address: <http://www.dot.ca.gov/hq/traffops/developserv/permits/applications/index.html>

Project Alternatives

The lead agency is responsible for all project mitigation, including improvements and assessing impacts to Department ROW. Future project's fair share fee contribution, and financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed in project-specific traffic impact studies and environmental documents. Mitigation Monitoring Report Plans (MMRPs) should also be included in project-specific environmental documents.

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,



LISA CARBONI
District Branch Chief
Local Development – Intergovernmental Review

c: Scott Morgan, State Clearinghouse

bc: Permits
Lee,
LCarboni /JOlveda/File/LCourington

JLO/jlo

DEPARTMENT OF TRANSPORTATION

P. O. BOX 23660
OAKLAND, CA 94628-0660
PHONE (510) 622-5491
FAX (510) 286-5559
TTY 711



*Flex your power!
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November 3, 2008

SCL-101-30.90
SCL101805
SCH 2005102007

Ms. Dipa Chundur
City of San José
200 East Santa Clara Street
San José, CA 95113-1905

Dear Ms. Chundur:

Evergreen - East Hills Development Policy Revision - Draft Supplemental Environmental Impact Report (DSEIR) and Traffic Impact Analysis and Technical Appendices (TIA-TA)

Thank you for continuing to include the California Department of Transportation in the environmental review process for the proposed project. We have reviewed the DSEIR and (TIA-TA, received October 6, 2008) and have the following comments to offer.

Highway Operations

Mitigation Measures for Project Freeway Impacts, page 42: Widening on-ramps to provide additional storage for ramp metering could also be implemented as mitigation for this project and is not as extensive as adding a freeway lane. This additional storage would allow the ramp meters to better manage the freeway operations and reduce the impacts from this project. In addition, the US-101 Corridor Project from Interstate (I)-280/ I-680 interchange (IC) to Yerba Buena IC is not a fully funded project. Fair share mitigation fees could be used to fund this project. Fair share fees should be collected to be used for mitigation of this development's impacts to the State freeway system.

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,

LISA CARBONI
District Branch Chief
Local Development - Intergovernmental Review

c: Scott Morgan, State Clearinghouse



October 14, 2008

City of San Jose
Department of Planning and Building
200 East Santa Clara Street
San Jose, CA 95113

Attention: Dipa Chundur

Subject: City File No. PD08-121 / Revision of Evergreen Development Policy

Dear Ms. Chundur:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Draft Supplemental EIR for Revisions to the Evergreen Development Policy. The revisions allow for future development of 500 housing units, 500,000 square feet of commercial space, and 75,000 square feet of office space. We have the following comments.

Intersection LOS

Section 2.1.1.2 states that CMP standard is used for CMP intersections. However, in Table 2.1-3 existing LOS for PM peak for CMP intersections 13, 14 and 21 do not match with the 2006 VTA CMP Monitoring and Conformance Report.

Establishment of Traffic Impact Fee Program

Section 1.6 of the SEIR states that this project is proposing the Establishment of Traffic Impact Fee Program. Since the development would cause significant increases in traffic volumes on nine directional freeway segments, VTA recommends the Traffic Impact fee program to pay a fair share contribution towards improvements identified at US 101/Capitol Expwy improvements projects and other freeway improvement programs such as ramp metering, widening of HOV bypass lanes.

Mitigation Measures – Bus Stop Improvements

Section 2.1 of the SEIR does not mention bus stop improvements as a potential mitigation measure for the transportation impacts identified in the SEIR. Section 2.3 of the SEIR (specifically Section 2.3.3.4) identifies new bus stops as a potential mitigation measure for air quality impacts by stating that "New bus stops shall be constructed at convenient locations with pedestrian access to the project sites." VTA supports the inclusion of bus stop improvements as a potential mitigation measure that should be required as a condition of approval of specific development projects in the BEH Development Policy Area.

Cit of San Jose
October 14, 2008
Page 2

Currently, VTA operates 12 bus routes in the EEH Development Policy Area: Lines 12, 22, 25, 26, 31, 39, 43, 70, 71, 77, 103, and 522. There are a total of 181 bus stops in the EEH area at present. Of these stops, 96 have average daily boardings of 20 or higher, 38 have average daily boardings of 100 or higher, and 9 have average daily boardings of 500 or higher (including several locations at the Eastridge Transit Center).

VTA strives to improve the infrastructure at and near bus stops, including bus pads, lighting, sidewalks, shelter pads, benches and shelters, as budgets permit and as developments occur. VTA suggests that the discussion of mitigation measures in the SEIR be amended to include improvements at existing bus stops such as those described above. We suggest that these be required as a condition of approval of specific development projects in the EEH Development Policy Area, and that the SEIR reference coordination between the City of San Jose and VTA on specific improvements as developments are proposed.

Mitigation Measures – Transportation Demand Management

Section 2.3.3.4 of the SEIR mentions several Transportation Demand Management (TDM) measures as mitigation that would apply to development allowed by the proposed Evergreen Development Policy revision. Among the measures discussed are bicycle amenities, shuttle bus service, ride-matching programs and guaranteed ride home programs. VTA suggests that a more extensive list of TDM measures be included in the SEIR and be included as mitigation measures for the development allowed by the policy revision. Effective TDM programs include:

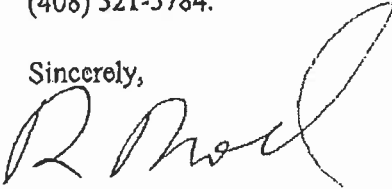
- Parking Cash-Out
- Direct or Indirect Payments for Taking Alternate Modes
- Transit Fare Incentives such as Eco Pass and Commuter Checks
- Employee Carpool Matching
- Vanpool Program
- Preferentially Located Carpool Parking
- Bicycle Lockers and Bicycle Racks
- Showers and Clothes Lockers for Bicycle Commuters
- On-site or Walk-Accessible Employee Services (day-care, dry-cleaning, fitness, banking, convenience store)
- On-site or Walk-Accessible Restaurants
- Guaranteed Ride Home Program
- Carsharing

VTA also recommends providing preferentially located electric vehicle parking with charging stations. Providing charging stations for these vehicles at work and shopping locations allows for more frequent and convenient use of these clean air vehicles.

City of San Jose
October 14, 2008
Page 3

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Sincerely,

A handwritten signature in black ink, appearing to read "Roy Molseed". The signature is fluid and cursive, with a large initial "R" and a long, sweeping tail.

Roy Molseed
Senior Environmental Planner

RM:kh

cc: Ebrahim Sohrabi, San Jose Development Services
Samantha Swan, VTA

SJ0821

October 8, 2008

From County of Santa Clara, Roads and Airports comments/conditions for the subject file.

Ms. Reena Mathew
City of San Jose
Depart. of Planning, Building and Code Enforcement
200 East Santa Clara Street, 3rd Floor
San Jose, CA 95113

Subject: Notice of Availability of a Draft Supplemental Environmental Impact Report (SEIR) and
Public Comment Period for Revision of the Evergreen Development Policy Update

Dear Ms. Mathew,

Your August 22, 2008 letter along with the attachments for the subject project have been reviewed. Our comments are as follows:

1. Page VI: Capitol Expressway/Story Road. The SEIR shows this intersection operating at Level of Service (LOS) D for AM and E for PM, therefore LOS for background conditions would be worse. Similar discrepancy occurs at the intersection of Capitol Expressway and Tully Road. Also the LOS does not reflect the severe congestion in PM on Freeway 680 resulting from back up on Capitol Expressway.
2. The SEIR states that the proposed improvement at Capitol and Story, Capitol and Tully, Capitol and Nieman will not be accomplished due to undesirable conflicts with other modes of travel (pedestrian and biological conflict). It further concludes improvements will not be implemented, by using "A statement of overriding consideration would be required". Roads and Airports Department disagree with this conclusion.

The pedestrian conflict can be mitigated by moving the crosswalk to the other side of the intersection to avoid having pedestrians crossing two right turn lanes at Capitol Expressway and Nieman Boulevard. Similar mitigation of pedestrian conflict with right turn lane addition at other intersections. As to biological concern, a certified biologist should be hired to provide recommendation.

3. The SEIR discusses impact collection fee, but is not clear if any of this impact fee will be used to mitigate traffic impact on Capitol Expressway. Please clarify this issue.

Thank you for giving us the opportunity to review and comment on this project. If you have any questions, please contact me at 408-573-2464.

Sincerely,

Raluca Nitescu
Project Engineer

cc: Dipa Chundur, City of San Jose,

Department of Planning, Building and Code Enforcement
MA, SK, WRL, File



Land Services, 111 Almaden Blvd., Rm. 814, San Jose, CA 95115

October13, 2008

City of San Jose
Department of Planning, Building and Code Enforcement.
200 E Santa Clara St., Tower 3rd Floor
San Jose, CA 95113
Attn: Dipa Chundur
Email: Dipa.Chundur@sanjoseca.gov

RE: Notice of Availability of a Draft Supplemental
Environmental Impact Report (SEIR)
For: Revision of The Evergreen Development
Loc: Area within the Evergreen area To be determined by the City
City's Ref: PP08-121
PG&E File : SJ 162 (Land)

Dear Sir / Madam,

Thank you for the opportunity to comment on the Notice of Availability of a Draft Supplemental Environmental Impact Report (SEIR) for the Revision of The Evergreen Development. Information provided in the NOP of the SEIR did not specifically indicate the direct impacts on our gas and electric facilities. However, since PG&E has an obligation to provide the public with a reliable and safe energy supply as mandated by the California Public Utilities Commission (CPUC) and to comply with the guidelines outlined in General Orders 95 and 112. PG&E should be consulted during the development of the plan to ensure that the capacity, operational and maintenance requirements for its gas and electric facilities are taken into consideration prior to approval of the final plan.

Early involvement will allow us to assess cumulative impacts to our systems and to identify facilities that may need to be installed, relocated and or realigned as a result of the proposed general plan revision. Because engineering and construction of our facilities may require long lead times, we encourage you to consult with us during the initial stages of your planning process.

We would like to note that expansion of utility facilities is a necessary consequence of growth and development. As development occurs, the cumulative impacts of new energy load growth use up available capacity in the utility system. In addition to adding new distribution feeders, the range of electric system improvements needed to accommodate growth may include upgrading existing substations and building new substations and interconnecting transmission line. Comparable upgrades or additions would be required for our gas system as well. Environmental impacts associated with new and or relocated gas or electric facilities as a result of the proposed project should be fully addressed in the Final EIR and, if appropriate, mitigation measures to minimize or eliminate such impacts should be incorporated into the document as well.

To promote the safe and reliable maintenance and operation of these 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.

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

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 your 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 encourage the City to include information about the issue of electric and magnetic fields (EMF) in the EIR. It is PG&E's policy to share information and educate people about the issue of EMF.

EMFs are invisible fields of force created by electric voltage (electric fields) and by electric current (magnetic fields). Wherever there is a flow of electricity, both electric and magnetic fields are created; 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. PG&E relies on organizations and health agencies such as the California Department of Health Services, U.S. Environmental Protection Agency and the Electric Power Research Institute to review research on EMF and provide a foundation for developing policies.

Because there is concern about the possible health effects of exposure to EMF, we support and fund medical, scientific, and industry research on EMF. It is PG&E policy to consider EMF in the design, planning and construction of new and upgraded facilities.

PG&E remains committed to working with the City to provide timely, reliable and cost effective gas and electric service to Brentwood area. We would also request that we be copied on future correspondence regarding this subject as this project develops and that we be placed on the list to review the DEIR and FEIR.

Should you require any additional information or have any questions, please call me at (408) 282-7544; or by email at akp3@PGE.com.

Thank you.

Sincerely,



Alfred Poon
Land Rights Protection
Southern Area

Evergreen-East Hills Development Policy

Comments on the Supplemental Environmental Impact Report (SEIR)

To be consistent with the California Environmental Quality Act (CEQA), if you have any comments or questions related to the adequacy or accuracy of information presented in the Supplemental Environmental Impact Report, please submit your written comments at tonight's meeting to Staff or later to Dipa Chundur via one of the methods listed.

Comments must be received by 5:00PM October 14, 2008. Submit SEIR comments via email to: dipa.chundur@sanjoseca.gov or via postal mail: Dipa Chundur, 200 East Santa Clara Street, Tower 3, San Jose, CA 95113

Comments regarding the merits of the project should be submitted separately as general comments to Reena Mathew. Via email: reena.mathew@sanjoseca.gov

Please include the freeway impact when considering development in Evergreen.

101
If Capitol/Verba Buena¹⁰¹ is not improved no additional homes should be approved. These on/off ramps back up miles every day, not just weekdays, and not just during the 2 hour peak times referenced. Traffic is extremely heavy from 7a-10am and from 2-8pm. Please take note in consideration of the quality of life and safety of Evergreen residents.

REQUIRED CONTACT INFORMATION

Name:

LARI PETERSON

Address:

3845 Jasmine Circle, S# 95135

Email address:

organizing@hotmail.com

Rec'd 10/7/08

Attn: Dipa Chundur
Planning, Building and Code Enforcement
Planning Services Division

Re: Supplemental Environmental Impact Report for the Evergreen-East Hills
Development Policy

Dipa,

On behalf of the District 8 Community Round Table Steering Committee, here are our formal public comments. The D8CRTSC recommends that the Supplemental Environmental Impact Report for the Evergreen-East Hills Development Policy should make the following revisions:

1. The SEIR needs to include weekend traffic analysis, which was absent from the original calculations. According to page 16 of the Draft SEIR, the traffic analysis only included AM (7-9:00) and PM (4-6:00) peak traffic on an average weekday. In order to gather a full assessment of potential traffic impacts at intersections in the project area, it would be useful to include weekends as well as weekdays.
2. The SEIR needs to include traffic analysis concerning the streets located at the entrance and exit to all elementary, middle and high schools in the project area during peak morning and afternoon hours. Streets adjacent to several schools are already adversely impacted by traffic during weekday morning and afternoon peak hours.
3. The mitigation measures detailed in the SEIR are insufficient to deal with the traffic problems in the project area, especially since six busy intersections are exempt from any proposed mitigation due to "background conditions" or other reasons: Capitol and Story, White and Stevens, Evergreen Commons and Tully, Capitol and Nieman, San Felipe and Yerba Buena, and San Felipe and Delta. Two of these intersections (Capitol Expressway and Story, White and Stevens) are exempted due to "significant unavoidable impacts", and they will require a "statement of overriding considerations". Four of these intersections are exempt due to special circumstances.
4. The D8CRTSC strongly opposes exemptions based on "background conditions", since it assumes that "project impact at these intersections would be less than significant" (page 44, Draft SEIR). This creates a situation in which a "statement of overriding considerations" is not required, and this leads to the false assumption that there is no significant impact. In fact, there would be a "significant impact" at these four

intersections, and the D8CRTSC recommends that the "significant unavoidable impact" label should be used in these situations rather than creating a new label that is misleading.

5. The land use distribution model in the SEIR is based on a presumed distribution of units in various sub-areas. The D8CRTSC is concerned about the following issues in regards to these analytical assumptions:

- Is the City going to grant traffic allocations to meet this distribution?
- If not, why not?
- What is the algorithm for distributing the allocations?
- Will the City distribute the allocations in order to spread out the impact?
- Are the analytical assumptions based on particular projects? If so, this is not acceptable since this is supposed to be a policy document and not a project document.
- The basic problem with these analytical assumptions is that having specific numbers of unit allocations can appear to developers as if these are the recommended allocations for the future. Hence, the EEHDP should clearly state that these are only "assumptions" and are not meant to be potential entitlements of any sort.

If you have any questions about these recommendations, please contact Bonnie Mace.

Thanks for your time.

Sincerely,

Bonnie Mace (Chair, Land Use Subcommittee, District 8 Community Round Table)

Angela McCarren (Vice President, District 8 Community Round Table)

Contact info: Bonnie Mace (bgoldmace@aol.com)

Via email 10/7/08

Attn: Reena Mathew
Planning, Building and Code Enforcement
Re: Draft Evergreen-East Hills Development Policy (EEHDP)

Reena,
On behalf of the District 8 Community Round Table Steering Committee (D8CRTSC), here are our formal public comments. The D8CRTSC recommends the following revisions to the Draft EEHDP:

1. Project Caps for Larger and Smaller Projects: The D8CRTSC has consistently opposed any development over 35 units coming from the 500 unit pool. Furthermore, the D8CRTSC recommends that the majority of units should be designated for smaller development projects of 10 units or less. This would give priority to the "mom and pop" parcels rather than to the larger developer. Several community meetings have shown that the Evergreen-East Hills public supports this concept. The goal is to have development of smaller parcels spread equitably and relatively evenly throughout the entire policy area. Therefore, the hierarchy of priority should be the following: the majority of pool allocations should be for projects of 1-10 units. Next in line for priority would be projects containing 11-35 units. The lowest priority would be for projects containing more than 35 units.

2. Existing Allocations: Appendix J of the proposed EEHDP shows that there are currently existing allocations that have not yet received entitlements in the policy area. The D8CRTSC recommends that for existing sites with allocations, any project seeking to increase these allocations should be counted in full against the 500 unit pool. This means that if a site with 10 allocations wants to build 20 units, then the project is considered to be a new 20 unit application against the 500 unit pool. This would fold the background allocations into the new project, rather than counting the background allocations separately. Two related questions on this topic are: how many traffic allocations currently exist in the EEHDP area? Are allocations tied to a single parcel, or can they be moved to other sites?

3. Anti-Clustering Criteria: The D8CRTSC supports anti-clustering criteria, as detailed on page 24 of the proposed EEHDP. The D8CRTSC recommends tightening the criteria by addressing the issue of parcels with phased development in which one part of the development has occurred prior to the revision of the EEHDP. For example, what if part of the parcel has developed units prior to the EEHDP revision based on preexisting allocations, but then after the EEHDP revision the developer seeks to add new traffic allocations to the remainder of the parcel? In this case, the D8CRTSC recommends that the original and future allocations should be counted together rather than separately towards the 500 unit pool in order to avoid clustering. Thus, two phases of the same project (although developed pre and post EEHDP revision) count as a single project in terms of the unit pool.

4. Project Criteria for Small Developments (1-10 units): The D8CRTSC recommends that the EEHDP should have a clear definition of how to prioritize projects between 1-10 units. Currently, there are no proposed criteria for small developments. The D8CRTSC opposes "first come, first served", and we would prefer to see projects chosen on the basis of their value to the neighborhood and larger community. The D8CRTSC is particularly concerned about the cumulative impact of several small projects in a single geographic area, and we recommend that Staff develop criteria to avoid having too many units in a small subregion of the EEHDP area.

5. Dispersion of Units: The D8CRTSC recommends that the EEHDP should focus on dispersing units equitably throughout the entire project area. The D8CRTSC opposes the overconcentration of units in one or two subregions of the policy area.

6. Remainder Units: What happens to remainder units in this 500 unit pool? The D8CRTSC recommends that any remainder units in larger project categories revert to the smaller project pool. In other words, if there are 34 units remaining in the large project (+35) pool, then these 34 units revert to the smaller project pool.

7. Mitigation Measures: The mitigation measures detailed in the proposed EEHDP are insufficient to deal with the traffic problems in the project area, especially since six busy intersections are exempt from any proposed mitigation due to "background conditions" or other reasons: Capitol and Story, White and Stevens, Evergreen Commons and Tully, Capitol and Nieman, San Felipe and Yerba Buena, and San Felipe and Delta. Two of these intersections (Capitol and Story, White and Stevens) are exempted due to "significant unavoidable impacts" and they will require a "statement of overriding considerations." Four of these intersections are exempt due to special circumstances: "if the proposed mitigation has undesired conflicts with other modes of travel or has unacceptable biological impacts, then the impacts will be considered acceptable and the intersection is exempt from constructing the proposed mitigation".

8. "Background Conditions" Exemption: The D8CRTSC strongly opposes exemptions based on "background conditions," since it assumes that project impact at these intersections would be less than significant. This creates a situation in which a "statement of overriding considerations" is not required, and this leads to the false assumption that there is no significant impact or that impact is "acceptable." In fact, there would be a "significant impact" at these four intersections, and the D8CRTSC recommends that the "significant unavoidable impact" label should be used in these situations rather than creating a new label that is misleading and inaccurate.

9. Analytical Assumptions: The land use distribution model is based on a presumed distribution of units in various sub-areas. The D8CRTSC is concerned about the following issues in regards to these analytical assumptions:

- Is the City going to grant traffic allocations to meet this distribution?
- If not, why not?
- What is the algorithm for distributing the allocations?
- Will the City distribute the allocations in order to spread out the impact?

-What is the probability that this distribution of units will be met?

-Are the analytical assumptions based on potential projects?

The basic problem with these analytical assumptions is that having specific numbers of unit allocations can appear to developers as if these are the recommended allocations for the future. Hence, the EEHDP should make it very clear that these are only "assumptions" and not potential entitlements of any sort.

10. Park Funds: Projects over 10 units should contribute to a fund for parks or park amenities in the EEHDP area. This would provide a steady source of funds for parks.

11. Development Pool: In terms of the third exemption on page 16 ("the development causing the impact is within the scope of the development pool"), what does this mean? Aren't all traffic allocations and hence all development coming from the development pool? This exemption seems like an escape clause that implies no mitigation is required.

12. Pedestrian Conflicts: On page 16, there is a discussion of exemptions due to "pedestrian conflicts" at Capitol and Nieman, San Felipe and Yerba Buena, and San Felipe and Delta. Instead of unilaterally dismissing additional lanes as unnecessary, the D8CRTSC recommends the City study how to mitigate the pedestrian conflict if the proposed lanes were added.

13. Green Building and Riparian Sensitivity: On page 25, it states that developers building 11-35 units can choose from among four options: riparian sensitivity, green building, diverse housing types, or community meeting room space. The D8CRTSC recommends that developers should be required to adhere both to green building and riparian sensitivity. This should not be an "either/or" criterion for development. The green building standard must be mandatory for all development over 10 units, and the riparian policy should also be upheld. Green building and riparian policy must also be upheld for commercial projects.

If you have any questions about these recommendations, please contact Bonnie Mace.

Thanks for your time.

Sincerely,

Bonnie Mace (Chair, Land Use Subcommittee, District 8 Community Round Table)

Angela McCarren (Vice President, District 8 Community Round Table)

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