Draft
Environmental Impact Report

San Jose Flea Market General Plan Amendment & Planned Development Rezoning

(GP06-04-01 & PDC03-108)

SCH# 2005042070

Volume I of II

EIR Text

City of San José

December 2006

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Department of Planning, Building and Code Enforcement
JOSEPH HORWEDEL, DIRECTOR

December 22, 2006

Ladies and Gentlemen:

SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT FOR SAN JOSE FLEA MARKET GENERAL PLAN AMENDMENT AND PLANNED DEVELOPMENT REZONING (FILE NO. GP/GPT06-04-01/PDC03-108; SCH NO. 2005042070).

The Planning Commission of the City of San Jose will hold a Public Hearing to consider the Draft Environmental Impact Report (DEIR) prepared for the project described below. A copy of the DEIR is attached for your review.

Your comments regarding the significant environmental effects of this project and the adequacy of the DEIR are welcome. Written comments, submitted to the Department of Planning, Building and Code Enforcement by 5:00 p.m., Monday, February 5, 2007 will be included in the EIR and be considered by the Planning Commission at this public hearing. *If you make comments through a state or regional clearinghouse, please send a copy of your comments to the contact person listed below to insure prompt consideration.* If we receive no comments (nor a request for an extension of time) from you by the specified date, we will assume you have none to make.

Project Description and Location: General Plan Amendment to change the land use designation of the site from Combined Industrial/Commercial on 24.3 acres to Transit Corridor Residential (20+ DU/AC) with a Flexible Land use Boundary; to increase building height limit from 120 feet to 150 feet on a portion of the site south of Berryessa Road; and add a Major Collector roadway through the project site between Mabury and Berryessa Roads. The current Medium Density Residential (8-16 DU/AC) on 8 acres and Public Park/Open Space on 22.8 acres will remain unchanged. The Project includes a Planned Development Rezoning to allow up to 2,818 residential dwelling units and 365,622 square feet of commercial/industrial/office uses on a 120.3-acre site, located on both sides Berryessa Road, just west of Union Pacific Railroad tracks, east of Coyote Creek and north of Mabury Road; Council District 4

Tentative Hearing Date: March 28, 2007

Contact Person:
Janis Moore
Department of Planning, Building & Code Enforcement
200 East Santa Clara Street
San José, CA 95113-1905

Sincerely,

Akoni Danielsen

Akoni Danielsen, Principal Planner

Attachment

NOTICE OF COMPLETION (REV.) APPENDIX F

See NOTE below

SCH # 2005042070

Mail To: State Clearinghouse, 1400 Tenth St., Rm 222, Sacramento, CA 95814 (916) 445-0613

Project Title **General Plan Amendment/Planned Development Rezoning File No. GP/GPT06-04-01/PDC03-108**

Local Agency: City of San José
Street Address: 801 North First Street
City: San José Zip: 95110-1795

Contact Person: Janis Moore
Phone: (408) 277-4576
County: Santa Clara

Project Location

County: Santa Clara City/Nearest Community: City of San José
Cross Streets: Both sides Berryessa Rd, north of Mabury Rd. Total Acres: 120.3
Assessor's Parcel No.: 241-03-020; 241-04-006 & 007; 254-17-007, 052, 053, 084 & 095
Within 2 miles: State Hwy #: 87, 101, 680, 880 Waterways: Coyote & Penitencia Creeks Airports: none
Railways: LRT, UPRR Schools: Berryessa Union Sch Dist & E Side Union High S.D.

Document Type

CEQA: ☐ Revised NOP ☐ Early Cons ☐ Neg Dec ☒ Draft EIR ☐ Supplemental/Subsequent ☐ EIR (Prior SCH No.) ☐ Other ____
NEPA: ☐ NOI ☐ EA ☐ Draft EIS ☐ FONSI
Other: ☐ Joint Document ☐ Final Document ☐ Other ____

Local Action Type

☐ General Plan Update ☒ Gen Plan Amendment ☐ Gen Plan Element ☐ Community Plan
☐ Specific Plan Amendment ☐ Master Plan ☐ Planned Unit Development ☐ Site Plan
☒ Planned Development Rezone ☒ Planned Development Permit ☒ Land Division (Subdivision, Parcel Map, Tract Map,etc)
☐ Annexation ☐ Redevelopment ☐ Coastal Permit ☐ Other ____

Development Type

☒ Residential: Units 2,818 Acres ____
☐ Office: Sq.Ft.____ Acres ____ Employees ____
☐ Commercial: Sq.Ft.____ Acres ____ Employees ____
☐ Industrial R&D: Sq.Ft ____ Acres ____ Employees ____
☐ Educational ____
☒ 365,622 sq. ft. combined commercial/industrial uses
☐ Water Facilities: Type ____ MGD____
☐ Transportation: Type ____
☐ Mining: Mineral ____
☐ Power: Type ____ Watts ____
☐ Waste Treatment: Type ____
☐ Hazardous Waste: Type____

Project Issues Discussed in Document

☒ Aesthetic/Visual
☒ Agricultural Land
☒ Air Quality
☒ Archeological/Historical
☐ Coastal Zone
☒ Drainage/Absorption
☐ Economic/Jobs
☒ Construction
☒ Flood Plain/Flooding
☐ Forest Land/Fire Hazard
☒ Geologic/Seismic
☐ Minerals
☒ Noise
☒ Population/Housing Bal
☒ Public Services/Facilities
☒ Recreation/Parks
☒ Schools/Universities
☐ Septic Systems
☒ Sewer Capacity
☒ Soil Erosion/Compaction/Grading
☒ Solid Waste
☒ Toxic/Hazardous
☒ Traffic/Circulation
☒ Vegetation
☒ Water Quality
☒ Water Supply/Groundwater
☒ Wetland/Riparian
☒ Wildlife
☒ Growth Inducing
☒ Land Use
☒ Cumulative Effects
☒ Energy

Present Land Use/Zoning/General Plan Use.

The Flea Market / A(PD) Planned Development Zoning District for commercial uses 100 ac.), IP – Industrial Park Zoning District (20 ac.), and A – Agriculture Zoning District (0.3 ac.) / *Combined Industrial/Commercial* (31 ac.)*; Transit Corridor Residential (20+ DU/AC)*(58.5 ac.)*; Medium Density Residential (8-16 DU/AC)*(8 ac.)*; Public Park/Open Space* (22.8 ac. along creeks)*;* w/ *Floating Park* designation

Project Description

Applicant proposes to change the General Plan Land Use/Transportation Diagram designations from *Combined Industrial/Commercial* on approximately 24.3 acres **to** *Transit Corridor Residential (20+ DU/AC)* with a *Flexible Land Use Boundary;* increase building height from 120 ft to 150 ft. on the portion of the site south of Berryessa Road; and add a Major Collector roadway through the project site between Mabury and Berryessa Roads. The *Medium Density Residential (8-16 DU/AC)* on 8 acres and the *Public Park/Open Space* on 22.8 acres will remain unchanged. The project also proposes to rezone the site from A(PD) Planned Development Zoning District, IP Industrial Park Zoning District and A Agriculture Zoning District **to** A(PD) Planned Development Zoning District to allow the development of up to 2,818 residential units and up to 365,622 sq ft of combined commercial/office/industrial uses.

REVIEWING AGENCIES CHECKLIST

RESOURCES AGENCY
__ BOATING & WATERWAYS
__ COASTAL COMMISSION
__ COASTAL CONSERVANCY
__ COLORADO RIVER BOARD
4 CONSERVATION
S FISH & GAME
__ FORESTRY

4 OFFICE OF HISTORIC PRESERVATION
4 PARKS & RECREATION
__ RECLAMATION
__ S.F. BAY CONSERVATION & DEVELOPMENT COMMISSION
S WATER RESOURCES (DWR)

BUSINESS, TRANSPORTATION & HOUSING
__ AERONAUTICS
__ CALIFORNIA HIGHWAY PATROL
S CALTRANS DISTRICT # 4
4 DEPT OF TRANSPORTATION PLANNING (HEADQUARTERS)
__ HOUSING & COMMUNITY DEVELOPMENT
__ FOOD & AGRICULTURE

HEALTH & WELFARE
4 HEALTH SERVICES _____

STATE & CONSUMER SERVICES
__ GENERAL SERVICES
4 OLA (SCHOOLS)

KEY
S = Document sent by Lead Agency
X = Document sent by SCH
4 = Suggested distribution

ENVIRONMENTAL AFFAIRS
4 DTSC
4 AIR RESOURCES BOARD
4 APDC/AQMD
4 INTEGRATED WASTE MANAGEMENT BOARD
__ SWRCB: CLEAN WATER GRANTS
__ SWRCB: DELTA UNIT
4 SWRCB: WATER QUALITY
__ SWRCB: WATER RIGHTS
S REGIONAL WQCB # 2 (_____)

YOUTH & ADULT CORRECTIONS
__ CORRECTIONS

INDEPENDENT COMMISSIONS & OFFICES
__ ENERGY COMMISSION
4 NATIVE AMERICAN HERITAGE COMMISSION
4 PUBLIC UTILITIES COMMISSION
__ SANTA MONICA MOUNTAINS CONSERVANCY
__ STATE LANDS COMMISSION
__ TAHOE REGIONAL PLANNING AGENCY

__ OTHER _____

Public Review Period (To be filled in by Lead Agency)

Starting Date: December 22, 2006 Ending Date: February 5, 2007

Signature: _____ Date: December 18, 2006

Lead Agency:	**City of San Jose**
Consulting Firm:	David J. Powers & Associates
Address:	1885 The Alameda, Suite 204
City/State/Zip:	San Jose, CA 95126
Contact:	Demetri Loukas
Phone:	(408) 248-3500
Applicant:	The Flea Market, Inc.
Address:	1590 Berryessa Rd.
City/State/Zip:	San Jose, CA 95133-1003
Phone:	(408) 453-1110

For SCH Use Only
Date Received at SCH:
Date Review Starts:
Date to Agencies:
Date to SCH:
Clearance Date:
Notes:

TABLE OF CONTENTS

FIGURES

TABLES

APPENDICES

PREFACE

This document has been prepared by the City of San José as the Lead Agency in conformance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The purpose of this Environmental Impact Report (EIR) is to inform decision makers and the general public of the environmental effects of the proposed project.

This document provides project-level environmental review appropriate for the proposed San Jose Flea Market General Plan Amendment and Rezoning project, in accordance with CEQA Guidelines Sections 15121, 15146 and 15151.

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

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

> **§15121(a). Informational Document.** An EIR is an informational document, which will inform public agency decision makers, and the public of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency shall consider the information in the EIR, along with other information which may be presented to the agency.
>
> **§15146. Degree of Specificity.** The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR.
>
> (a) An EIR on a construction project will necessarily be more detailed in the specific effects of a project than will an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy.
>
> (b) An EIR on a project such as the adoption or amendment of a comprehensive zoning ordinance or local general plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction project that might follow.
>
> **§15151. Standards for Adequacy of an EIR.** An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently considers environmental consequences. An evaluation of the environmental effects of the proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good-faith effort at full disclosure.

Copies of all documents referred to in this EIR are available for public review at the Planning Division in the Office of the Department of Planning, Building, and Code Enforcement, located at 200 East Santa Clara Street, 3rd Floor, San José, California on weekdays during normal business hours.

SUMMARY

Summary Description of the Proposed Project

The approximate 120-acre project site is located at 1590 Berryessa Road in the City of San José, and is the current location of the San José Flea Market and the planned future location of the Berryessa Bay Area Rapid Transit (BART) Station. The project site is comprised of eight parcels located on both the north and south sides of Berryessa Road.

The project proposes map and text amendments to the City of San José General Plan and rezoning that would allow for the future development of residential, combined industrial/commercial, and commercial uses on the project site. The amendment to the City of San José General Plan Land Use/Transportation Diagram proposed by the project would increase the acreage of land designated *Transit Corridor Residential (20+ DU/AC)* and decrease the acreage of land designated *Combined Industrial/Commercial* on the project site, and allow future development on the project site with a *Flexible Land Use Boundary*. The text amendment to the General Plan proposed by the project would revise Urban Design Policy 10 of the General Plan to increase the maximum building height limit on the project site south of Berryessa from 120 feet to 150 feet and would revise Appendix E of the General Plan to downgrade Sierra Road from a four-lane Major Collector to a two-lane Major Collector from Flickinger Avenue to Berryessa Road and to add a Major Collector on the project site from Mabury to Berryessa Road.

The project would rezone the project site to A(PD) Planned Development Zoning District, which would allow the development of up to 215,622 square feet of industrial and/or commercial building space north of Berryessa, up to 152,700 square feet of commercial space south of Berryessa, and a combined total of 2,818 dwelling units north and south of Berryessa. Conversely, the minimum amount of development that could occur on the project site is a total of 2,580 dwelling units, 71,874 square feet of industrial and/or commercial building space north of Berryessa and a minimum of 91,000 square feet of commercial space south of Berryessa. The only commercial uses proposed south of Berryessa must be incorporated with residential into a mixed-use configuration.

Summary of Impacts and Mitigation Measures

The following table summarizes the ***significant*** environmental impacts identified and discussed within the text of the EIR, and identifies the mitigation and avoidance measures proposed to reduce those impacts. Those impacts for which no feasible mitigation could be identified are characterized as Significant Unavoidable Impacts.

SIGNIFICANT ENVIRONMENTAL IMPACTS	MITIGATION AND AVOIDANCE MEASURES
Land Use	
The proposed amendment to the General Plan would allow residential development approximately 275 feet closer to existing heavy industrial uses located west of the project site, across Coyote Creek. This reduced separation would increase the possibility of land use conflicts compared to the existing land use configuration north of Berryessa and, therefore, would not be consistent with General Plan policies for preserving industrial businesses and lands designated for industrial uses.	The proposed zoning includes a 4.25-acre public park in the northwest corner of the project site, which would provide adequate separation between the proposed residential uses and the existing industrial uses located west of the project site, across Coyote Creek. **[Less than Significant Impact with Mitigation]**
Buildings up to 120 feet tall near the north boundary of the project site would conflict with General Plan policies for protecting existing residential uses.	The project proposes to construct single-family detached dwelling units with a maximum height of 35 feet adjacent to the north boundary of the project site and gradually step up building heights in a southerly direction towards Berryessa Road, possibly reaching the maximum allowable height of 120 feet near Berryessa Road. **[Less than Significant Impact with Mitigation]**
Transportation and Traffic	
The General Plan level analysis of the proposed land use and network changes determined that the changes would result in significant traffic impacts both individually (e.g., land use changes only) and combined.	Should the project be approved as proposed, there is no feasible mitigation to reduce these impacts to a less than significant level. **[SIGNIFICANT UNAVOIDABLE IMPACT]**
The proposed project traffic would significantly impact the intersection of Commercial Street and Oakland Road.	A second westbound left-turn lane will be added to this intersection. **[Less than Significant Impact with Mitigation]**
The proposed project traffic would significantly impact the intersection of US 101 and Oakland Road (North).	The project will convert the southbound through lane to a shared through-right lane and add a second northbound left-turn lane. The second northbound left-turn lane requires the widening of the Oakland Road bridge structure over the freeway. **[Less than Significant Impact with Mitigation]**

SIGNIFICANT ENVIRONMENTAL IMPACTS	MITIGATION AND AVOIDANCE MEASURES
The proposed project traffic would significantly impact the intersection of US 101 and Oakland Road (South).	A second right-turn lane will be added to the US 101 southbound offramp. **[Less than Significant Impact with Mitigation]**
The proposed project traffic would significantly impact the intersection of Hedding Street and Oakland Road.	Per City of San José Transportation Impact Policy 5-3, the project proposes to add the intersection of Hedding Street and Oakland Road to the List of Protected Intersections. **[SIGNIFICANT UNAVOIDABLE IMPACT]**
The proposed project traffic would significantly impact the unsignalized intersection of Mabury Road and Mabury Road.	This intersection will be signalized. **[Less than Significant Impact with Mitigation]**
The proposed project traffic would significantly impact three protected intersections (Hedding Street and 10th Street, Taylor Street and 1st Street, and Taylor Street and 11th Street).	In conformance with City Council Policy 5-3, Transportation Impact Policy, the project proposes physical improvements to other segments of the citywide transportation system, in order to improve system capacity and/or enhance non-auto travel modes. **[SIGNIFICANT UNAVOIDABLE IMPACT]**
The proposed project traffic would significantly impact 18 freeway segments on SR 87, US 101, I-280, I-680, and I-880.	Per the Congestion Management Agency Transportation Impact Analysis Guidelines, the project will implement all relevant items in the "Immediate Actions" list in Appendix D of the Draft Countywide Deficiency Plan. This will not, however, reduce the project's freeway impacts to a less than significant level. **[SIGNIFICANT UNAVOIDABLE IMPACT]**
Noise	
Residences proposed within approximately 1,000 feet of the industrial activity centers at the asphalt plant would be exposed to noise levels that exceed 55 dBA.	Residences proposed within 1,000 feet of the industrial activity centers at the asphalt plant shall be provided with forced-air, mechanical ventilation so windows may be kept closed at the discretion of occupants to control intrusive intermittent noises. Six-foot high sound walls shall be constructed along the western boundaries of residential areas within 1,000 feet of these industrial adjacent neighbors. **[Less than Significant Impact with Mitigation]**

SIGNIFICANT ENVIRONMENTAL IMPACTS	MITIGATION AND AVOIDANCE MEASURES
Sanitary sewer service for the proposed project may require the installation of a pump station, which would require a backup diesel generator. Noise from the backup diesel generator could expose residents of the proposed project to substantial noise levels.	If the sanitary sewer system requires a pump station, a soundwall shall be constructed around the backup diesel generator. **[Less than Significant Impact with Mitigation]**
The dwelling units proposed within 100 feet of the BART tracks could be exposed to vibration levels above the threshold identified by the Federal Transit Agency.	The proposed project would implement the vibration mitigation measures identified in the Silicon Valley Rapid Transit Corridor Final EIR and housing will not be located within 25 feet of the nearest BART track. If these vibration mitigation measures are not implemented by the project, then housing will not be located within 100 feet of the nearest BART track. **[Less than Significant Impact with Mitigation]**
Air Quality Impacts	
Emissions from project-generated traffic would exceed the Bay Area Air Quality Management District's threshold of significance for ozone precursors and PM_{10} of 80 pounds per day.	As recommended by BAAQMD, the measures listed in **Section 4.4.4, Mitigation and Avoidance Measures for Air Quality Impacts** for reducing long-term air quality impacts (vehicle emissions) shall be implemented by the project to the extent feasible. These measures, however, will not reduce the project's regional air quality impacts to a less than significant level. **[SIGNIFICANT UNAVOIDABLE IMPACT]**
Project construction will increase dustfall and locally elevated levels of PM_{10} downwind of construction activity.	As recommended by BAAQMD, the measures listed in **Section 4.4.4 Mitigation and Avoidance Measures for Air Quality Impacts** for reducing short-term construction air quality impacts shall be implemented by the project to the extent feasible. **[Less than Significant Impact with Mitigation]**
Cultural Resources Impacts	
Grading and excavation during construction of the proposed project could expose or destroy subsurface prehistoric and/or historic archaeological resources.	The measures listed in **Section 4.5.3 Mitigation and Avoidance Measures for Impacts to Cultural Resources** for prehistoric and historic archaeological resources shall be implemented prior to obtaining a PD Permit for any part of the site. **[Less than Significant Impact with Mitigation]**

SIGNIFICANT ENVIRONMENTAL IMPACTS	MITIGATION AND AVOIDANCE MEASURES
Development of the proposed project would result in the loss of the San José Flea Market, a historically significant resource.	As discussed in **Section 4.5.3 Mitigation and Avoidance Measures for Impacts to Cultural Resources,** the proposed project includes measures that would partially mitigate the loss of the San Jose Flea Market. Measures to reduce this impact to a less than significant level are not identified. **[SIGNIFICANT UNAVOIDABLE IMPACT]**
Biological Resources	
The proposed project will result in the loss of some or all of the existing trees on the project site.	The project proposes to incorporate the existing trees on the project site to the maximum extent practicable. Per City standards, all trees removed by the project shall be replaced at the ratios shown in Table 30. **[Less than Significant Impact with Mitigation]**
Construction of the three outfalls and the two bridges proposed by the project will result in the loss of riparian habitat.	As discussed in **Section 4.6.4 Mitigation and Avoidance Measures for Impacts to Biological Resources**, the proposed project includes measures to avoid impacts to riparian habitat during construction. Riparian habitat permanently impacted by project construction will be replaced on-site at a level that will ensure no net loss of habitat functions and values. **[Less than Significant Impact with Mitigation]**
The project could result in the abandonment of active raptor and/or migratory bird nests and/or direct mortality to individual raptors and/or migratory birds.	As discussed in **Section 4.6.4 Mitigation and Avoidance Measures for Impacts to Biological Resources**, the proposed project includes measures to avoid impacts to nesting raptors and/or migratory bird during construction. **[Less than Significant Impact with Mitigation]**
Demolition of existing bridges could result in inadvertent direct harm to steelhead or western pond turtles	As discussed in **Section 4.6.4 Mitigation and Avoidance Measures for Impacts to Biological Resources**, the proposed project includes measures to avoid impacts to steelhead trout and western pond turtle, including measures to ensure constant flow suitable for fish passage and, if necessary the relocation of steelhead and/or western pond turtles. **[Less than Significant Impact with Mitigation]**

SIGNIFICANT ENVIRONMENTAL IMPACTS	MITIGATION AND AVOIDANCE MEASURES
Project construction in and near Coyote and Upper Penitencia Creeks could have a substantial adverse effect on water quality downstream from the project site.	As discussed in **Section 4.6.4 Mitigation and Avoidance Measures for Impacts to Biological Resources**, the proposed project includes measures to avoid water quality impacts downstream of the project site, including Best Management Practices (BMPs) recommended by the Regional Water Quality Control Board (RWQCB). **[Less than Significant Impact with Mitigation]**
Geology and Soils	
The proposed project could expose people, structures, and/or improvements to geologic or soils hazards that cannot be mitigated through the use of standard engineering design and seismic safety techniques.	As discussed in **Section 4.7.3 Mitigation and Avoidance Measures for Geology and Soil Impacts**, a detailed, design-level geotechnical investigation for the project shall be completed by the applicant and shall be reviewed and approved by the City Geologist, prior to approval of a PD Permit for any phase of the project. All recommendations in the design-level geotechnical report shall be incorporated into the project design. **[Less than Significant Impact with Mitigation]**
Hydrology and Drainage	
Construction of the proposed project in advance of the USACE flood control project for Upper Penitencia Creek could block flood flows, which could result in increased off-site flooding.	As discussed in **Section 4.8.4 Mitigation and Avoidance Measures for Hydrology and Water Quality Impacts**, measures are included in the project to reduce flood impacts to a less than significant level. If project construction precedes completion of the USACE flood control project for Upper Penitencia Creek, the project would be built in conformance with FEMA and City of San Jose requirements and will be designed to allow sheet flow through the site. **[Less than Significant Impact with Mitigation]**
Pollutants in post-project stormwater will result from the operation of the proposed residential, commercial, and industrial land uses on the project site.	As discussed in **Section 4.8.4 Mitigation and Avoidance Measures for Hydrology and Water Quality Impacts**, measures are included in the project to ensure compliance City policies and the NPDES permit, which will reduce post-construction water quality impacts to a less than significant level. **[Less than Significant Impact with Mitigation]**

SIGNIFICANT ENVIRONMENTAL IMPACTS	MITIGATION AND AVOIDANCE MEASURES
Construction of the proposed project would generate dust, sediment, litter, oil, and paint, and construction within and/or adjacent to the creek could result in erosion/sedimentation contaminate runoff from the site.	As discussed in **Section 4.8.4 Mitigation and Avoidance Measures for Hydrology and Water Quality Impacts**, measures are included in the project to ensure compliance City policies and the NPDES permit, which will reduce water quality impacts during construction to a less than significant level. **[Less than Significant Impact with Mitigation]**
Hazardous Materials	
Due to a long history of various uses on the project site, various contaminants could be present beneath the site (e.g., buried structures, burn pits, debris, or contaminated soil), which may be encountered during site development. If not properly handled, treated, and/or disposed, construction workers, future residents and/or users of the site could be exposed to dangerous levels hazardous materials.	As discussed in **Section 4.9.4 Mitigation Measures for Hazards and Hazardous Material Impacts**, measures are included in the project to reduce on-site hazardous material impacts to a less than significant level, including but not limited to the preparation and implementation of a Remedial Action Work Plan and/or a Soil Management Plan under the regulatory oversight of the RWQCB or DTSC. **[Less than Significant Impact with Mitigation]**
Demolition of on-site structures could expose construction workers and the general public to airborne asbestos dust.	Per National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines, an asbestos survey shall be completed and all potentially friable ACM shall be removed, prior to building demolition or renovation that may disturb the ACM. **[Less than Significant Impact with Mitigation]**
Demolition of on-site structures could expose future construction workers and the general public to airborne lead dust.	The requirements outlined by Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations (CCR) 1532.1 shall be followed during demolition activities. **[Less than Significant Impact with Mitigation]**
Existing or improperly abandoned wells on the project site can be a conduit for hazardous materials to contaminate groundwater.	Any existing irrigation or other unused wells discovered during construction shall be closed in accordance with SCVWD procedures. **[Less than Significant Impact with Mitigation]**

SIGNIFICANT ENVIRONMENTAL IMPACTS	MITIGATION AND AVOIDANCE MEASURES
Worst-case chemical releases at eight facilities in the project area could be life threatening to people on the project site.	The preparation of Shelter-in-Place and Evacuation Plans for residents and other site-occupants would limit but not reduce the impact of a worst-case chemical release in the project area to a less than significant level. **The measure identified above is not proposed by the project. Unless determined by the City Council to be infeasible, this measure will be required as a condition of approval. [SIGNIFICANT UNAVOIDABLE IMPACT]**
The proposed project would allow high-density residential structures more than two stories in height within 250 feet of high-pressure gas lines located within the right-of-way Mabury Road, which could jeopardize the safety of on-site users and occupants.	High-density residential structures that are more than two stories in height and located within 250 feet of nearby high-pressure gas lines shall incorporate appropriate safety design features (i.e., reinforced walls, blast-proof glass, etc.) to the satisfaction of the City of San Jose Fire Chief. **[Less than Significant Impact with Mitigation]**
Utilities and Service Systems	
Development of the proposed project would generate a substantial amount of construction solid waste (i.e., approximately 16 tons).	As discussed in **Section 4.11.3 Mitigation and Avoidance Measures for Impacts to Utilities & Service Systems**, the project shall have a waste management plan for recycling of construction and demolition materials operating at the start of construction. This plan shall demonstrate how project construction will recycle or salvage a minimum of 50 percent (by weight) of construction, demolition, and land clearing waste. **[Less than Significant Impact with Mitigation]**

SIGNIFICANT ENVIRONMENTAL IMPACTS	MITIGATION AND AVOIDANCE MEASURES
Energy Impacts	
In relation to projected energy supplies, the project would result in a substantial increase in demand upon energy resources.	**As discussed in Section 4.12.4 Mitigation and Avoidance Measures for Energy Impacts**, measures are identified to reduce this impact to a less than significant level (e.g., U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Certification, passive solar design, etc.) **None of these measures are proposed by the project. Unless determined by the City Council to be infeasible, these measures will be required as conditions of approval. [SIGNIFICANT IMPACT]**

Summary of Alternatives

CEQA requires that an EIR identify alternatives to the project as proposed. The CEQA Guidelines [Section 15126.6(a)] specify that an EIR identify alternatives which "would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project." **Section 6 Alternatives** of this EIR analyzes several alternatives to the proposed project. A brief summary of these alternatives and their impacts is provided below.

No Project Alternative

The development allowed on the project site under the existing General Plan land use designations compared to the proposed land use designations would result in approximately 233,000 less square feet of ground floor retail uses, approximately 332,000 additional square feet of combined freestanding retail commercial development, approximately 1,340 less housing units.

With fewer housing units, development under the existing General Plan land use designations would cause less significant impacts than the proposed project. Although many impacts would be reduced, development of the project site under the No Project alternative would not fully avoid or even reduce to less than significant any of the significant impacts identified to occur under the proposed project. Development under the No Project alternative would not increase the severity of any impacts or result in any new impacts that were not identified for the proposed project. The No Project Alternative would accomplish the City's and the applicant's objectives for the proposed project.

Because most impacts identified to occur under the proposed project would be reduced under the No Project alternative while still accomplishing the City's and applicant's objectives for the proposed project, it is environmentally superior to the proposed project.

No BART Alternative

The No BART alternative assumes that BART would not be extended to San José. The project site would not be located near a major transit station and; therefore, the feasibility of residential development averaging 55 dwelling units per acre would be reduced. This alternative assumes that the average density of residential development on the project site would be 35 dwelling units per acre, or approximately 1,500 units being constructed on the project site. Residential development at that density would likely consist of two-story, single-family detached dwelling units and two and three-story attached residential structures (e.g., townhomes, apartments, condominiums, etc.) The amount of commercial development on the project site would probably be less under the No BART alternative. Commercial and/or office/industrial uses similar to those identified under the proposed project could be constructed on the project site north of Berryessa, however, ground-floor commercial uses would not likely be constructed south of Berryessa.

Because the amount of development on the project site under the No BART alternative would be reduced, the No BART alternative would reduce most impacts resulting from the proposed project. Although substantially reduced, the No BART alternative would not avoid or reduce to a less than significant level any of the significant impacts identified for the proposed project. Conversely, development under the No BART alternative would not increase the severity of any impacts or result in any new impacts that were not identified to occur under the proposed project.

The No BART alternative would not meet many of the applicant's goals or the City's goal of developing the project site with a mixed use, transit-oriented community of residential, commercial, industrial/office uses on the Flea Market site. Most of these goals, however, would not be relevant without BART.

Because most impacts identified to occur under the proposed project would be substantially reduced under the No BART alternative, the No BART alternative is environmentally superior to the proposed project.

North Only Alternative

The North Only alternative assumes that the project site north of Berryessa would be redeveloped exactly as proposed by the project (i.e., up to 1,000 dwelling units and up to 215,622 square feet of either commercial or office/industrial development) and the project site south of Berryessa would continue to operate as the San José Flea Market. The North Only alternative would substantially reduce the amount of parking available for patrons to the Flea Market. To compensate the loss of parking and allow the Flea Market to function at its current capacity, a parking structure would need to be constructed on the south end of the project site near Mabury Road. If a parking structure were not constructed, it is likely that the reduced parking would limit the viability of the Flea Market to the point that either it goes out of business or significantly reduced in size.

The North Only alternative would reduce the need to construct a new school in the project area and would avoid bridge and outfall construction impacts to Upper Penitencia Creek and the construction of high-density residential development within 250-feet of a high-pressure gas line. These impacts are, however, reduced to a less than significant level with mitigation included in the proposed project.

Development under the North Only alternative would not increase the severity of any impacts or result in any impacts that were not identified to occur under the proposed project. Construction of a parking structure on the south end of the project would allow the Flea Market to continue to operate

at its current location under the North Only alternative; thereby, avoiding the significant unavoidable impact identified to result under the proposed project (i.e., the loss of the San Jose Flea Market).

Because the amount of new development under the North Only alternative would be substantially less than the proposed project, the North Only alternative would not fully accomplish the City's or the applicant's objectives.

Because the North Only alternative would reduce or avoid many of the significant impacts that would occur as a result of the proposed project and would partially meet the City's and the applicant's objectives, the North Only alternative is environmentally superior to the proposed project.

Mitigate Oakland/Hedding Alternative

Although the project proposes to add the intersection of Hedding Street and Oakland Road to the City of San José List of Protected Intersections, another option would be to mitigate the proposed project's traffic impact at this intersection. The following improvements would be necessary to mitigate the project's traffic impact at this intersection:

- add a separate westbound right-turn lane; and
- convert the southbound approach to two left turns, a thru-lane, and a shared thru-right lane.

The addition of the separate westbound right-turn lane requires right-of-way acquisition from two existing businesses (a Mexican restaurant and an automotive repair facility) located in the northeast quadrant of this intersection. The modification of the southbound approach requires right-of-way acquisition in the southwest quadrant of this intersection, and would shift travel lanes nearer to an existing residence and could result in the removal of existing structures. Acquiring the property to complete the mitigation might require the use of eminent domain by the City of San Jose, if the right-of-way could not be acquired from willing sellers. The intersection improvements would not result in significant land use, noise, air quality, cultural resource or any other environmental impacts.

The Mitigate Oakland/Hedding alternative would reduce to a less than significant level the significant unavoidable traffic impact that is identified to occur at the intersection of Oakland Road and Hedding Street as a result of the proposed project. Although the proposed mitigation could result in the loss of up to two businesses and a residence and would increase the size of the intersection (reducing its ease of use by pedestrians), it would not result in any new significant environmental impacts or increase the severity of the impacts identified to occur under the proposed project.

Because the Mitigate Oakland/Hedding alternative would reduce to a less than significant level the significant unavoidable traffic impact at the intersection of Oakland Road and Hedding Street that is identified to result under the proposed project and would accomplish the City's and the applicant's project objectives, the Mitigate Oakland/Hedding alternative is environmentally superior to the proposed project.

Environmentally Superior Alternative

CEQA requires an EIR to identify the Environmentally Superior alternative. For this project, this would be the North Only alternative. The North Only alternative would reduce or avoid many of the significant impacts that would occur as a result of the proposed project and would partially meet the City's and the applicant's objectives

SECTION 1 INTRODUCTION, BACKGROUND, AND PROJECT OBJECTIVES

1.1 INTRODUCTION

This Environmental Impact Report (EIR) has been prepared in accordance with the requirements of the California Environmental Quality Act (CEQA). The purpose of the EIR is to provide objective information regarding the environmental consequences of the proposed project to the decision makers who will be reviewing and considering the proposed project.

The project proposes amendments to the City of San José General Plan and rezoning that would allow for the future development of residential, combined commercial/industrial, and commercial uses on the project site. Specifically, the amendment to the General Plan and the rezoning would allow for the development of up to 2,818 residential units, up to 215,622 square feet of combined commercial/industrial uses on the north side of Berryessa Road, and up to 150,000 square feet of commercial uses on the south side of Berryessa Road.

1.2 PROJECT LOCATION

The approximate 120-acre project site is located at 1590 Berryessa Road in the City of San José, and is the current location of the San José Flea Market and the planned future location of the Berryessa Bay Area Rapid Transit (BART) Station. The project site is comprised of eight parcels located on both the north and south sides of Berryessa Road. The project site south of Berryessa Road [Assessor Parcel Numbers (APNs): 254-17-007, 254-17-052, 254-17-053, 254-17-084, and 254-17-095] is bounded by Upper Penitencia Creek to the north, railroad right-of-way to the east, Mabury Road to the south and Coyote Creek to the west. The project site north of Berryessa Road (APNs: 241-04-006, 241-04-007, 241-03-020) is bounded by Berryessa Road to the south, Coyote Creek to the west, and residential and industrial uses to the north and east, respectively. Regional and vicinity maps of the project site are shown on Figures 1 and 2, respectively.

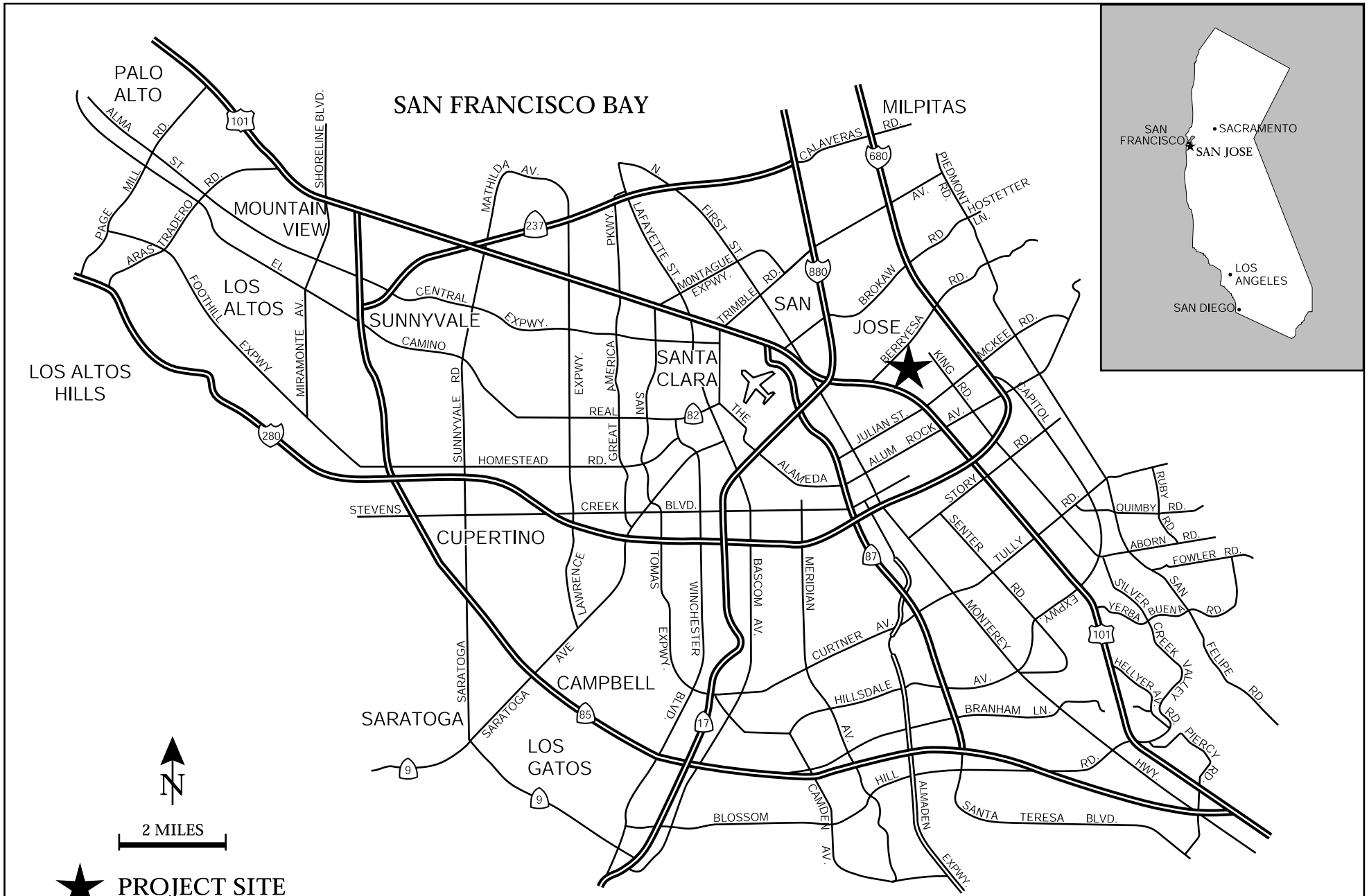
1.3 BACKGROUND

The approximately 120-acre project site is the current location of the San José Flea Market (Flea Market) and the planned future location of the BART Berryessa Station. The planned BART project is a 16.3-mile extension of the BART system. The extension would begin just south of the planned Warm Springs BART Station in Fremont, extend along the Union Pacific Railroad line to Milpitas, pass by the project site, and then continue to 28th and Santa Clara Streets in San José. From there, BART would leave the railroad right of way, tunneling under downtown San José to the Diridon Caltrain Station. The BART extension would then turn north under the Caltrain line and terminate near the Santa Clara Caltrain Station.

On December 9, 2004 The Santa Clara Valley Transportation Authority (VTA) Board of Directors certified the Final Environmental Impact Report (FEIR) for the proposed BART Extension to Milpitas, San José, and Santa Clara. An Addendum to the FEIR is being prepared.

In order to secure federal funding for the BART extension, an Environmental Impact Statement (EIS) still needs to be prepared and approved in accordance with the National Environmental Policy Act (NEPA). The EIS for the BART extension is not yet complete.

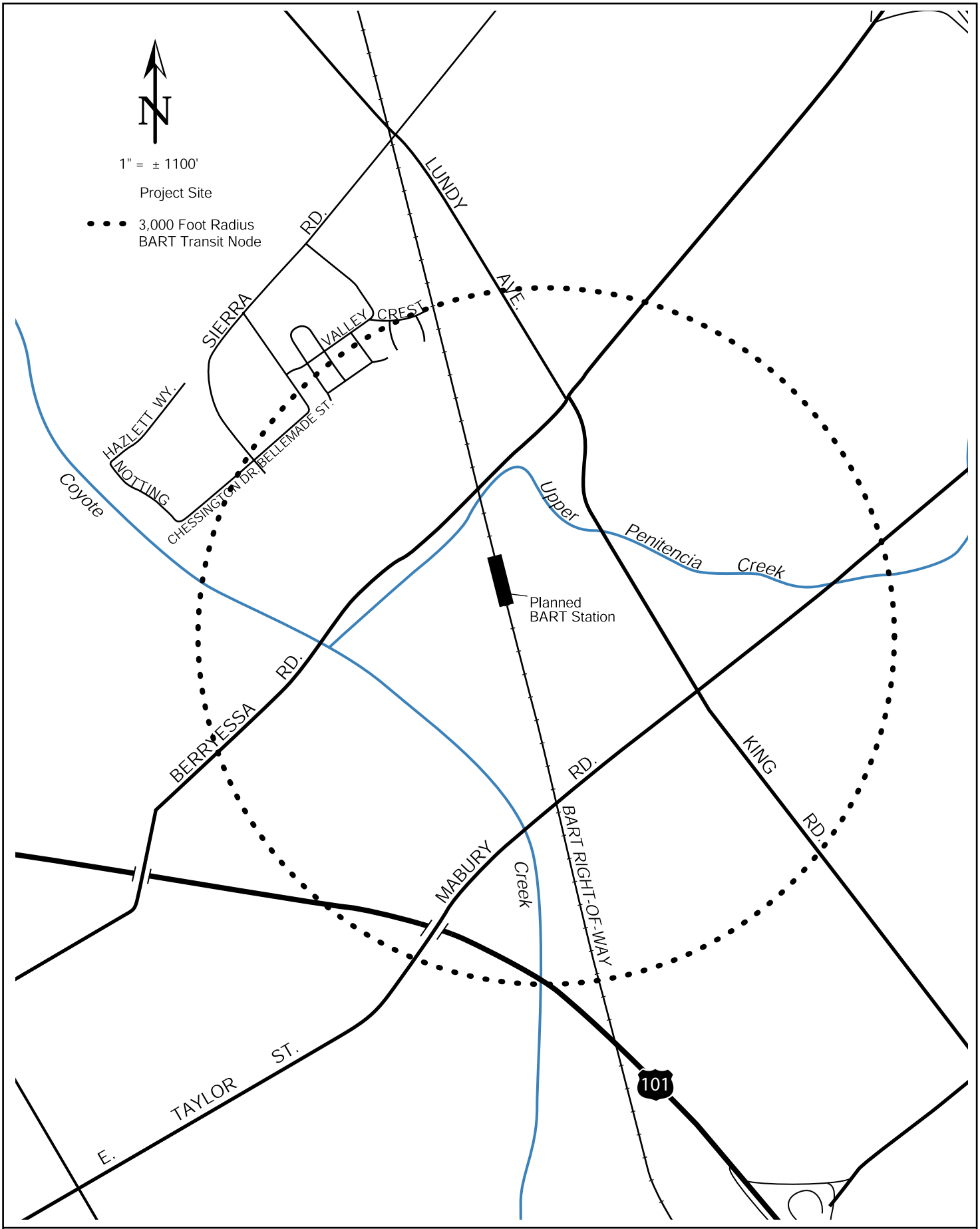
RETURN TO TABLE OF CONTENTS



REGIONAL MAP

FIGURE 1

RETURN TO TABLE OF CONTENTS



VICINITY MAP FIGURE 2

The existing 120.3-acre project site has the following General Plan land use designations:

North of Berryessa (57.05 acres)

Transit Corridor Residential (20+ DU/AC)	31.25 acres
Medium Density Residential (8-16 DU/AC)	8 acres
Combined Industrial/Commercial	11 acres
Public Park/Open Space	6.8 acres
Major Collector	
Floating Park	

South of Berryessa (63.25 acres)

Transit Corridor Residential (20+ DU/AC)	27.25 acres
Combined Industrial/Commercial	20 acres
Public Park/Open Space	16 acres
Floating Park	

1.4 PROJECT OBJECTIVES

The City of San José's objectives for the proposed project are to create an innovative, high quality, mixed-use (office/industrial, residential, and commercial), transit-oriented development with a minimum average density of 55 dwelling units per acre on the Flea Market site (i.e., within the Berryessa BART Station Area Node) that will further the goals of the City's General Plan and support BART ridership and the goals of regional transportation agencies.

The applicant's overall objective for the proposed project is to facilitate future development of a mixed use transit-oriented community of mixed residential, commercial, industrial/office uses. The following represent the goals and objectives for the proposed project:

- To take advantage of a unique opportunity in the Bay Area to plan and develop a model of "Smart Growth" and "Sustainable Communities".

- To support Transit-Oriented Development (TOD), lend support to the current "BART to San José" planning effort, and support the transit project's Federal Transit Administration funding approval

- To help the City fulfill its housing production goals by providing substantial acres of land to produce a diverse range of housing types at an infill site with direct access to regional mass transit and close proximity to jobs in Downtown and North San José. The location of the housing will allow the development to utilize existing freeway and road systems, as well as other existing city services.

- To promote the revitalization of Downtown by providing a significant new population base within the Berryessa BART station area node.

- To set the standard for smart growth transit-oriented development planning for the entire Berryessa Station area.

- To provide innovative land use, circulation and parking plans that support the BART station.
- To develop a well planned mixed-use development that maximizes the use of transit by creating a walkable, transit-oriented, urban community near transit.
- To ensure public spaces are designed, oriented and located such that they are attractive and draw people to "activate" the spaces. Such spaces as the mixed use main street and transit station plaza will draw people to the BART station activity areas.
- To create a safe, walkable environment that includes appropriate connections to the BART station.
- To ensure appropriate interfaces between different uses through items such as screening, building location and design, public spaces and buffer areas. This is especially important to the adjacent light and heavy industrial uses surrounding the transit village.
- To provide a public park that is large enough to be an active park, including soccer and ball fields, to serve both the project residents and existing adjacent residents.
- To provide appropriate riparian setbacks to protect and enhance the rich environments of Coyote Creek and Upper Penitencia Creek areas.
- To support the achievement of the minimum housing threshold of 3,850 units for the overall planned BART Station Area, as adopted under the Metropolitan Transportation Commission (MTC) Resolution 3434, Transit-Oriented Development Policy for Regional Transit Expansion Projects.
- To plan for a mixture of land uses that can viably be developed during the BART construction horizon. The project proponent believes that the recently approved plans to intensify and increase industrial/R&D development in North San José and Downtown will make the development of commercial/industrial uses at this location economically infeasible, because there is insufficient land to achieve a critical mass of such uses.

1.5 USES OF THE EIR

1.5.1 Lead and Responsible CEQA Agencies

The information contained in this EIR will be used by the City of San José (the CEQA Lead Agency) as it considers whether or not to approve the proposed project. If the project is approved, the EIR would be used by the City and possibly other agencies (e.g., Santa Clara Valley Water District, California Department of Fish and Game, Valley Transportation Authority, and the Regional Water Quality Control Board) in conjunction with various approvals and permits including the following:

- Amendments to the General Plan Land Use/Transportation Diagram
- General Plan Text Amendments
- Planned Development (PD) Rezonings
- Planned Development (PD) Permits
- Tentative Maps

- Contracts for public infrastructure construction
- Stormwater Pollution Prevention Permits
- Grading Permits
- Tree Removal Permits

1.5.2 Level of Environmental Review Provided by this EIR

This EIR provides project-level environmental review for the amendments to the City of San José General Plan and the rezoning proposed by the project that would allow the development of up to 215,622 square feet of combined commercial/industrial uses on the north side of Berryessa Road, up to 150,000 square feet of commercial uses on the south side of Berryessa Road, and up to 2,818 residential units spread across the entire project site.

SECTION 2 DESCRIPTION OF THE PROPOSED PROJECT

The project proposes amendments to the City of San José General Plan and rezoning that would allow for the future development of residential, combined industrial/commercial, and commercial uses on the project site. The discussion below and throughout the remainder of this EIR refers to the project site as two separate parts, "north of Berryessa" (i.e., the 57 acres north of Berryessa Road and bounded by single-family residences on the north, industrial uses on the east, Berryessa Road on the south, and Coyote Creek on the west) and "south of Berryessa" (i.e., the 63 acres south of Berryessa Road and bounded by Upper Penitencia Creek on the north, railroad right-of-way on the east, Mabury Road on the south, and Coyote Creek on the west).

This EIR analyzes the impact of two levels of entitlements – amendments to the General Plan, which is the city's long-term planning document; and a Planned Development (PD) rezoning, which establishes the immediate (i.e., near-term) land uses and development standards for this specific piece of property. The levels of specificity that can occur under these two types of entitlement are very different, and that means that the specificity of the impact analysis that can be done for each of these requested actions must also be different.

Throughout this EIR, the discussion will identify the impacts that might occur from development of the proposed project using the City of San José's standard General Plan methodology (i.e., an analytic approach that is used throughout the City and based on citywide experience over time). The EIR will also address the impacts of implementing the more specific PD rezoning.

It should be kept in mind that even if the General Plan amendments and the PD rezoning are both approved, the rezoning may or may not ever be implemented, but the General Plan designations will remain in effect until and unless specific action is taken by the City Council to change them. A different zoning could be approved in the future with a very different development under the same General Plan land use designations.

Proposed Amendments to the City of San José General Plan

Land Use/Transportation Diagram

The existing 120.3-acre site has the following General Plan land use designations (refer to Figure 3):

North of Berryessa (57.05 acres)

Transit Corridor Residential (20+ DU/AC)	31.25 acres
Medium Density Residential (8-16 DU/AC)	8 acres
Combined Industrial/Commercial	11 acres
Public Park/Open Space	6.8 acres
Major Collector	
Floating Park	

South of Berryessa (63.25 acres)

Transit Corridor Residential (20+ DU/AC)	27.25 acres
Combined Industrial/Commercial	20 acres
Public Park/Open Space	16 acres
Floating Park	

The project proposes an amendment to the City of San José General Plan Land Use/Transportation Diagram that would change the land use designations of the site to the following with a Flexible Land Use Boundary (refer to Figure 3):

North of Berryessa (57.05 acres)

Transit Corridor Residential (20+ DU/AC)	35.65 acres
Medium Density Residential (8-16 DU/AC)	8 acres
Combined Industrial/Commercial	6.6 acres
Public Park/Open Space	6.8 acres
Floating Park	
Major Collector (2-lane)	

South of Berryessa (63.25 acres)

Transit Corridor Residential (20+ DU/AC)	47.25 acres
Public Park/Open Space	16 acres
Floating Park	
Major Collector	

The General Plan defines the existing and proposed land use terms as follows:

> **Medium Density Residential (8-16 DU/AC)** – This density is typified by patio homes, townhouses, and duplexes. Since the Land Use Transportation Diagram designates densities rather than housing types, it would also allow a mixture of single family and apartment units, subject to overall density limits. It is generally located on the edges of single-family neighborhoods and other infill sites. In some cases, it has been planned as a transition between higher intensity uses (e.g., shopping centers and apartment complexes) and single family neighborhoods. Sites with this land use designation that are located in Transit-Oriented Development Corridors or along arterials containing major bus routes should be developed at the high end of this density range to support these transit facilities.
>
> **Transit Corridor Residential (20+ DU/AC)** – This land use designation is intended for medium high and high density residential uses within, or very near, Transit-Oriented Development Corridors and BART Station Area Nodes, Housing Initiative Areas, or major bus routes. Residential development should occur at densities of 20 units or more per acre. This land use category is intended to expand the potential for residential development in proximity to major public transit particularly along the City's Transit-Oriented Development Corridors and Station Area Nodes. Under this designation, neighborhood serving commercial uses are encouraged within residential projects in areas with insufficient neighborhood commercial uses. Development under this designation should be allowed only under Planned Development zoning and should be compatible with existing neighborhoods and not impair the viability nor the character of these neighborhoods.

RETURN TO TABLE OF CONTENTS

EXISTING AND PROPOSED GENERAL PLAN LAND USE DESIGNATIONS FIGURE 3

Combined Industrial/Commercial –This land use category is intended for commercial, office, or industrial developments or a compatible mixture of these uses. The uses of the Industrial Park, Light Industrial, General Commercial, and Neighborhood/Community Commercial land use categories are consistent with this use category. "Big Box" retail as a stand-alone use or as part of a larger retail development is appropriate in this designation. Uses should be arranged on the site in a manner that avoids land use incompatibilities.

Public Park/Open Space – This designation is applied to lands which are publicly owned, though in some instances public access may be restricted. These lands are devoted to open space use for the most part, although some development, such as restrooms, playgrounds, educational/visitor's centers, and parking areas, is an inherent part of many of the properties so designated. It is intended that this designation be applied only to lands owned by public agencies or programmed for acquisition, although facilities and activities developed and operated wholly or partially by concessionaires and other private entities are also considered appropriate under this designation. The most prevalent Public Park and Open Space uses are City and County parks. Other properties included in this designation are publicly owned open space lands and recreation facilities other than parks, including the South San Francisco Bay National Wildlife Refuge, the Santa Clara Valley Water District creeks and percolation ponds and the Guadalupe Gardens open space area. Non-open space uses to which this designation is applied include such major facilities as the County Fairgrounds, PAL Stadium, and the Historical Museum, as well as golf course club houses and similar ancillary facilities, community centers and concession facilities. The locations of neighborhood and district parks are in most cases specifically defined on the Land Use/Transportation Diagram. There are cases where a park is needed, but where either no specific site has yet been identified or where the details of surrounding development have not been finalized. In these cases, the designation for the park will be indicated by the letter "P". This symbol represents a "floating" designation and is only intended to indicate a general area within which a park site will be located. The specific size, location and configuration of such park sites will only be finalized through acquisition of a particular parcel. In addition, for park sites which are specifically identified on the Land Use/Transportation Diagram, no General Plan amendment shall be required to modify the general location, size or configuration of such park sites.

Flexible Land Use Boundary – the General Plan allows properties of single ownership that have multiple urban land use designations, such as the project site, flexibility in the location of the individual designated uses. The boundary between the land use designations may be an undulating or "wavy" line. When such a boundary occurs on the Land Use/Transportation diagram, it means that some flexibility will be allowed in the location of the designated uses and that the area of each affected land use designation may vary by 20 percent. The exact location and extent of any land use depicted in such a fashion must be established through the Planned Development Zoning process. This flexibility could allow for minor adjustments at the time of future development.

Major Collector – a facility that serves internal traffic movements within an area and connects this area with the major arterial system. It does not handle long through trips but does provide access to abutting properties. Traffic control devices may be installed to protect or facilitate traffic on a collector street. The right-of-way standard for Major Collector streets is 60 to 90 feet, which can accommodate two or four lane streets. This right-of-way standard may be varied in unique situations where strict adherence to the standard would be

unreasonable provided that the planned function of the Major Collector street in question is not compromised by such an alternative right-of-way.

General Plan Text Amendment

The proposed amendment to the General Plan Text would revise Urban Design Policy 10 to increase the maximum building height limit from 120 feet to 150 feet on the project site south of Berryessa and would revise Appendix E of the General Plan to downgrade Sierra Road from a four-lane Major Collector to a two-lane Major Collector from Flickinger Avenue to Berryessa Road and to add a Major Collector on the project site from Mabury to Berryessa Road.[1]

The General Plan text amendment to Urban Design Policy 10 is shown underlined below:

> TRANSIT AREAS: Within a reasonable walking distance of an existing or planned passenger rail station, the maximum building height shall not exceed 120 feet ("reasonable walking distance" is generally assumed to be approximately 2,000 feet along a safe pedestrian walkway). Along the Guadalupe Transit-Oriented Development Corridor, within the City/County Civic Center, the San José Flea Market site located between Berryessa and Mabury Road, and for properties within reasonable walking distance of the light rail stations located within the boundaries of the North San José Area Development Policy, the maximum building height is 150 feet.

Development Assumed Under the Existing and Proposed General Plan

Bay Area Rapid Transit (BART) Station Area Nodes

The General Plan defines BART Station Area Nodes as the area within a radius of 3,000 feet from a planned BART station. The General Plan has the following general definition for BART Station Area Nodes:

> In November 2001, the Santa Clara Valley Transportation Authority (VTA) Board of Directors approved the extension of BART to Milpitas, San José, and Santa Clara, as the preferred Investment Strategy for the Silicon Valley Rapid Transit Corridor. The proposed alignment is planned to utilize the existing Union Pacific Railroad right-of-way through northeast San José, until approximately Julian Street and Highway 101, at which point the BART line moves underground through Downtown San José. Station locations have been identified along the route at Berryessa Road, Santa Clara and 28th Streets, and various locations within the Downtown area, including the Diridon Station. A Station Area Node is a place in the City where a BART transit station is a focal point of the surrounding area. The general purpose of the BART Station Area Nodes is to direct transit-oriented and pedestrian friendly land use development in close proximity to BART stations. BART Station Areas are suitable for higher residential densities, more intensive job generating uses, and mixed use development, which in turn should support BART ridership. The development potential and the intensity of uses are defined by the Land Use/Transportation Diagram. In addition, new development should incorporate a mix of parks, recreational trails, pedestrian linkages, access to transit, and active ground floor uses. Parking garages in particular should incorporate ground floor retail/commercial uses into the design of the structure. Further

[1] Sierra Road is incorrectly described in Appendix E of the General Plan as extending from Lundy Avenue to Old Oakland Road.

study regarding the appropriate type and amount of intensification at the various BART Station Area Nodes may occur in the future as the BART project becomes further defined.

Berryessa Station Area Node

The entire project site is within the Berryessa Station Area Node. The existing General Plan anticipates a mix of job generating land uses, high density residential and supportive commercial uses, and parks/open space at the Berryessa Station Area Node, and that development at the Berryessa Station Area Node would occur as follows:

> As the properties within the Node are developed with new uses, residential, commercial and other job generating uses should be coordinated and phased together, so that no one use will be developed separately and in advance of other uses. In particular, residential development should not occur in advance of commensurate job growth. Careful attention should be given to the compatibility of land uses. Job generating uses (e.g., offices) should buffer any new residential uses from the existing and planned heavy industrial land uses east of Coyote Creek. New residential development at the edge of existing single-family uses should be of a lower density. The greatest densities, preferably within mixed use developments, should be adjacent to the station. The overall residential density at the Flea Market site should be 55 DU/AC. The planned parks should provide an additional buffer between existing and proposed uses as well as providing recreational and open space uses to support the future residential community. All development should foster pedestrian activity and connections to the BART station, trails, parks, and possible schools. New construction should comply with the development parameters identified later in this section. Due to the preliminary nature of the land use planning for the BART Stations, flexibility in the final distribution of the proposed land use designations should be allowed, consistent with the relative proportions of each designation as shown on the Land Use/Transportation Diagram.

City of San José Standard Methodology

The City of San José standard methodology for estimating development on the project site is 16 dwelling units per acre for *Medium Density Residential(8-16 DU/AC)*, 55 dwelling units per acre for *Transit Corridor Residential (20+ DU/AC)*, 13 employees per acre within *Transit Corridor Residential (20+ DU/AC)* development, 17 employees per acre within *Combined Industrial/Commercial* development, and each of the employees generated by *Transit Corridor Residential (20+ DU/AC)* and *Combined Industrial/Commercial* development require 800 square feet of workspace.

Based on the City's standard methodology, the existing land use designations are assumed to allow a total of approximately 608,000 square feet of ground floor retail uses, 422,000 square feet of combined freestanding retail commercial development, and 3,350 housing units on the project site.

Based on the City's standard methodology, the proposed land use designations are assumed to allow a total of 841,000 square feet of ground floor retail uses, 90,000 square feet of combined freestanding retail commercial development, and 4,690 housing units.

Proposed Rezoning

The existing zoning of the project site is A(PD), A-Agricultural, and IP- Industrial Park. Approximately 100 acres on the project site are zoned A(PD) for the construction and operation of the San José Flea Market. The southernmost 20 acres of the project site is zoned IP and is currently used by the Flea Market for parking. A small strip of land (i.e., less than one acre) within the boundary of the project site south of Berryessa is zoned A - Agriculture and contains the Santa Clara Valley Water District's 66-inch central storm drain pipeline.

The project proposes to rezone the project site to A(PD) Planned Development Zoning District.[2] The proposed Planned Development Zoning District would allow the development of up to 215,622 square feet of commercial and/or industrial buildings north of Berryessa, up to 150,000 square feet of commercial space south of Berryessa, and a combined total of 2,818 dwelling units north and south of Berryessa. A maximum of 1,000 dwelling units could be constructed north of Berryessa and a maximum of 2,300 dwelling units could be constructed south of Berryessa, but in no circumstances would the total exceed 2,818 dwelling units. Conversely, the minimum amount of development that could occur on the project site is 2,580 dwelling units and 162,874 square feet of commercial uses, including a minimum of 500 dwelling units and 71,874 square feet of freestanding industrial and/or commercial building space north of Berryessa and a minimum of 1,800 dwelling units and 91,000 square feet of commercial space south of Berryessa. The only commercial uses proposed south of Berryessa must be incorporated with residential uses into a mixed-use configuration.

The proposed rezoning allows a mix of residence types, ranging from single-family detached dwelling units at a density of eight to 16 dwelling units per acre on the north end of the project site to high-rise multi-family dwellings at a density of up to 160 units per acre near the planned Berryessa BART Station. The minimum average housing density on the entire 44 net acres to be designated *Transit Corridor Residential (20+ DU/AC)* would be 55 dwelling units per acre and the maximum average housing density would be 60 units per acre. The overall density on the residentially designated land north of Berryessa would be 23 to 48 dwelling units per acre; density on the residentially designated land south of Berryessa would be 71 to 91 dwelling units per acre. The Land Use Plan for the proposed project is shown on Figure 4.

North of Berryessa

The project proposes to develop the project site north of Berryessa with multi-family dwellings, single-family detached dwelling units, and commercial or office/industrial uses, as described below.

Multi-family Residential

Between 453 and 976 multi-family (attached) dwelling units at densities ranging between 10 and 60 dwelling units per acre is proposed on approximately 36 acres of the project site north of Berryessa (refer to Figure 4). Although not specified by the Land Use Plan, it is likely that future development will include a variety of housing types, such as townhouses and podium units, in both rental and condominium developments. The multi-family dwellings proposed north of Berryessa would have a

[2] As required by the San José Zoning Ordinance, the PD Zoning application on file with the City includes a "General Development Plan Set" that specifies the land uses that would be allowed if the zoning is approved, and identifies the development standards (height, setbacks, landscape requirements, parking ratios, etc.) that would apply to this site.

maximum height of 120 feet; the 120-foot buildings would be a minimum of 100 feet from the northern site boundary, which abuts a single-family neighborhood. Building setbacks would be a minimum of zero to 15 feet from the public rights-of-way with a 20-foot minimum rear setback and a 15-foot minimum front setback from the adjacent property along the east boundary.

Single-family Residential

Between 24 and 47 single-family (detached) dwelling units at densities ranging between eight and 16 dwelling units per acre is proposed on approximately eight acres of land along the north boundary of the project site that abuts the adjacent single-family residences on Chessington Drive and Bellemade Street (refer to Figure 4). Similar to these existing single-family residences, the single-family dwelling units proposed along the north boundary would have a maximum height of 35 feet. The individual houses would be set back at least 20 feet from the southern property lines of the existing single-family residences that abut the north boundary of the project site.

Commercial and/or Office Uses

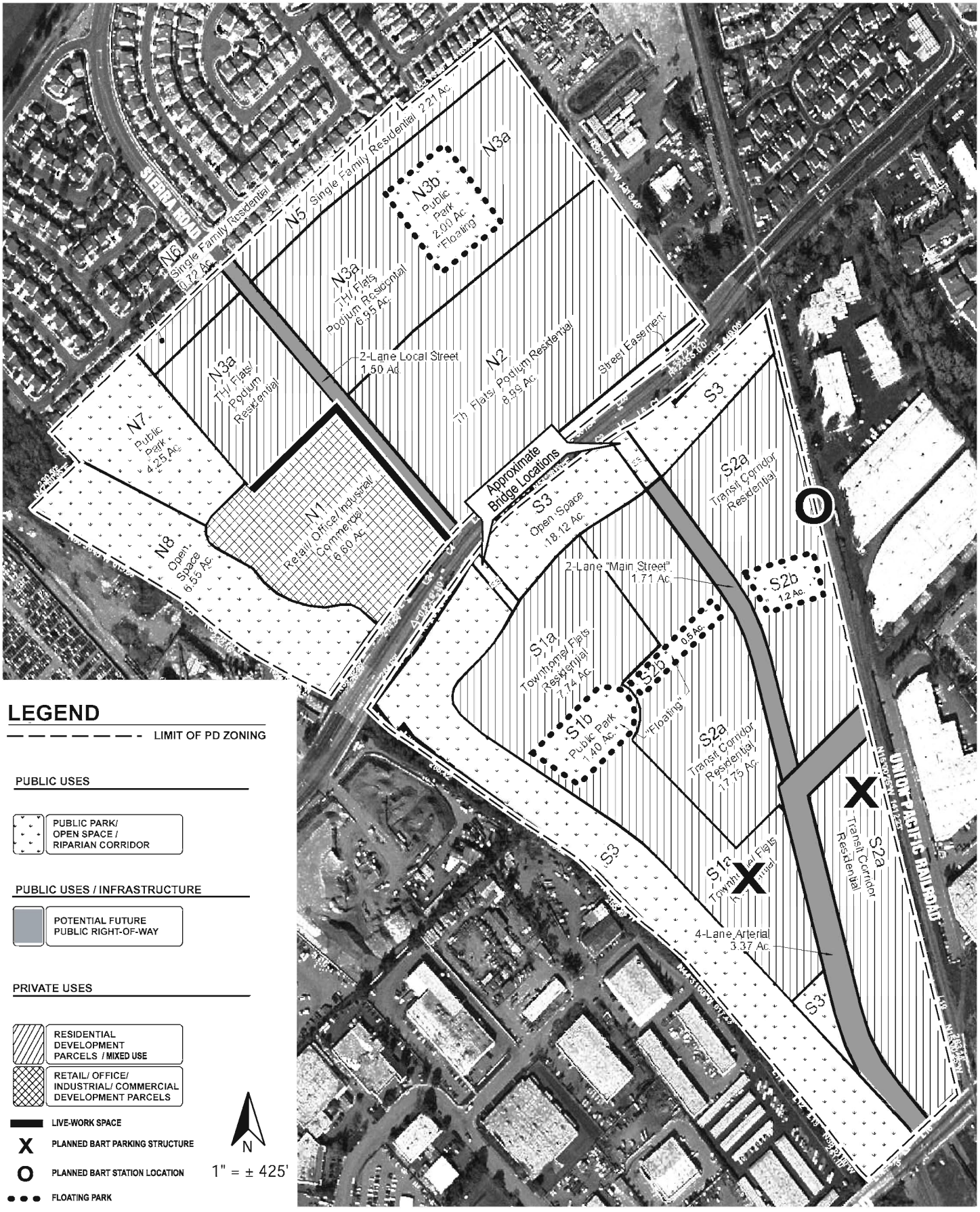
The project proposes to develop up to 215,622 square feet of either commercial or office/industrial uses (e.g., a large retail store, supermarket, or offices) on approximately seven acres of the project site north of Berryessa. The commercial and/or office/industrial uses would be located between the proposed 100-foot setback from the edge of Coyote Creek riparian habitat and the residential development proposed on the remainder of the site (refer to Figure 4). In accordance with the City of San José Live/Work Policy[3], residential uses may also be constructed within the 6.6 acres of the site designated *Combined Industrial/Commercial* land uses, along the residential interface. Under no circumstances would the total number of dwelling units exceed 1,000 units north of Berryessa.

Public Park/Open Space

The project proposes approximately 13 acres of *Public Park/Open Space* uses on the project site north of Berryessa. Approximately seven acres of these *Public Park/Open Space* uses would be located within the proposed 100-foot setback from the edge of Coyote Creek riparian habitat. Consistent with the City of San José Riparian Corridor Study Policy, this would be used as a passive recreation area (e.g., bike and pedestrian trails, park benches, and riparian landscaping) in a manner that would not impact the riparian habitat (e.g., outdoor lighting would not shine into the riparian habitat). The project also includes an approximately four-acre park in the northwest corner of the project site and a two-acre "floating" park at an unspecified location. Although Figure 4 shows the "floating" park located in the northeast portion of the project site north of Berryessa, the exact location of the two-acre "floating" park would be determined at the Planned Development Permit stage.

[3] This policy is intended to encourage mixed uses in appropriate non-residential or existing mixed use areas, to help achieve an incremental reduction in commute traffic, to facilitate the adaptive reuse of otherwise obsolete structures and to promote the growth of arts in the community. In furtherance of this objective, combined studio/workshop space and living quarters for artists, craftspersons, engineers, computer programmers, personal service providers, and others requiring a basic personal workspace and engaged in activities generally compatible with the quasi-residential nature of the project may be located in new buildings or existing buildings (particularly older commercial and industrial buildings) wholly or partially converted for this purpose. The residential facet of this use will be allowed only in combination with individual studio, office, or workshop space of the residents and is intended to provide an integrated working/ living environment. Other uses -- such as galleries, antique shops, restaurants and the like -- may also be incorporated into these projects as deemed appropriate.

RETURN TO TABLE OF CONTENTS



LAND USE PLAN

FIGURE 4

The project does not propose to design or construct any specific improvements on any of the land described as *Public Park/Open Space*. Therefore, this EIR does not evaluate the environmental impacts of any particular design or specific park uses, nor is the "floating" park assumed in any particular location.

South of Berryessa

The project proposes to develop the project site south of Berryessa with high density residential and commercial uses, and to reserve land for park and open space uses.

Multi-family Residential

The PD rezoning would allow up to 2,300 and no less than 1,800 multi-family attached dwelling units to be constructed on approximately 47 acres of the project site south of Berryessa. Residential densities south of Berryessa could range from 20 to 160 dwelling units per acre. The highest densities are proposed near the planned Berryessa BART Station, where a maximum building height of 150 feet is proposed (refer to Figure 4). Building setbacks south of Berryessa would be a minimum of zero to 15 feet from the public rights-of-way.

Commercial

Consistent with the *Transit Corridor Residential (20+ DU/AC)* designation, the PD rezoning would allow up to 150,000 square feet of ground floor local-serving commercial space on the main street frontages of the multi-family residential buildings near the planned Berryessa BART Station (refer to Figure 4). Uses within these ground floor commercial areas would support the surrounding residences and planned Berryessa BART Station and could include neighborhood retail commercial uses and services such as dry cleaners, tailors, salons, or restaurants.

Public Park/Open Space

The project proposes approximately 21 acres of *Public Park/Open Space* uses on the project site south of Berryessa. Approximately 18 acres of these *Public Park/Open Space* uses would be located within the proposed 100-foot setbacks from the edge of the Upper Penitencia Creek and Coyote Creek riparian habitat. Consistent with the City of San José Riparian Corridor Study Policy, the setbacks would be used as passive recreation areas (e.g., bike and pedestrian trails, park benches, and riparian landscaping) in a manner that would not impact the riparian habitat (e.g., outdoor lighting would not shine into the riparian habitat). No specific design has yet been developed for the riparian setback areas and no design is evaluated in this EIR. The project also proposes three "floating" parks on the project site south of Berryessa that would range in size from 0.5 to 1.4 acres. Although Figure 4 shows these "floating" parks centrally located on the site south of Berryessa, their exact location would be determined at the Planned Development Permit stage.

The project does not propose to design or construct any specific improvements on the land designated for *Public Park/Open Space* uses. Therefore, this EIR does not evaluate the environmental impacts of any particular design or specific park uses, and no specific location is proposed for any park south of Berryessa other than the areas within the riparian setbacks.

Parking

The project proposes on-site parking in accordance with the parking standards of the City of San José's Commercial and Residential Design Guidelines, including a 15 percent reduction in spaces, due to the proximity of the proposed project to the planned Berryessa BART Station.[4] The on-site parking provided by the proposed project would be a combination of structured and surface parking.

Vehicular Access

Primary points of access to the proposed project would be from Berryessa and Mabury Road; two public streets will take access from Berryessa Road and one public street will take access from Mabury Road. As shown on the existing General Plan, the project would connect Berryessa Road to the existing terminus of Sierra Road at the north boundary of the project site, however, the project proposes to downgrade the General Plan designation for this segment of Sierra Road from a four-lane Major Collector to a two-lane Major Collector. The public street taking access from Mabury Road will be designated as a Major Collector (60-90 feet) in the General Plan and will connect both Berryessa and Mabury Roads to the planned BART Station. The intersections with Berryessa and Mabury Roads created by the three primary access points would be signalized.

Bridges

The project proposes the construction of two clearspan bridges (i.e., no construction within the creek bank or channel) over Upper Penitencia Creek to provide vehicular access from Berryessa Road to that portion of the project site south of Berryessa. The approximate location of the two proposed bridges is shown on Figure 4. The east bridge is anticipated to be an approximately 74 foot wide, four-lane bridge and the west bridge is anticipated to be an approximately 46 feet wide, two-lane bridge. The two existing bridge crossings from Berryessa Road to the project site would be removed by the proposed project. The existing Berryessa Road pedestrian underpass that is located adjacent to Coyote Creek would not be altered by the project.

Berryessa Road Widening

The project proposes to widen Berryessa Road from two to three lanes in each direction along the project site's frontage to a maximum right-of-way width of 130 feet. This is consistent with the General Plan designation of this segment of Berryessa Road as an Arterial (115-130 feet wide).

[4] Except the on-site parking for development that occurs more than four years prior to the completion of BART and detached single-family residences, which would be in accordance with City of San José's Commercial and Residential Design Guidelines.

SECTION 3 CONSISTENCY WITH ADOPTED PLANS

This section complies with CEQA Guidelines Section 15125(d), which requires that an EIR discuss any inconsistencies between the proposed project and applicable general plans and regional plans.

3.1 SAN JOSÉ 2020 GENERAL PLAN

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

The existing 120.3-acre project site has the following existing General Plan land use designations (refer to Figure 3):

North of Berryessa (57.05 acres)

Transit Corridor Residential (20+ DU/AC)	31.25 acres
Medium Density Residential (8-16 DU/AC)	8 acres
Combined Industrial/Commercial	11 acres
Public Park/Open Space	6.8 acres
Major Collector	
Floating Park	

South of Berryessa (63.25 acres)

Transit Corridor Residential (20+ DU/AC)	27.25 acres
Combined Industrial/Commercial	20 acres
Public Park/Open Space	16 acres
Floating Park	

The project proposes an amendment to the City of San José General Plan Land Use/Transportation Diagram that would change the land use designations of the project site to the following, with a Flexible Land Use Boundary (refer to Figure 3):

North of Berryessa (57.05 acres)

Transit Corridor Residential (20+ DU/AC)	35.65 acres
Medium Density Residential (8-16 DU/AC)	8 acres
Combined Industrial/Commercial	6.6 acres
Public Park/Open Space	6.8 acres
Floating Park	
Major Collector (2-lane)	

South of Berryessa (63.25 acres)

Transit Corridor Residential (20+ DU/AC)	47.25 acres
Public Park/Open Space	16 acres
Floating Park	
Major Collector	

A summary of the proposed project's consistency with applicable General Plan strategies and policies is shown in Table 1.

Table 1
Summary of Consistency with San José General Plan

Name of General Plan Strategy/Policy	Consistent	
	Yes	*No*
Land Use/Transportation Diagram		***x***
Special Strategy Areas		
Bay Area Rapid Transit (BART) Station Area Nodes Strategy	***x***	
Major Strategies		
Economic Development Strategy		***x***
Housing Strategy	***x***	
Sustainable City Strategy	***x***	
Growth Management Strategy	***x***	
Balanced Community Policies		
#1: Achieve Jobs/Housing Balance		***x***
#2: Vary Residential Densities, Higher Densities near Transit	***x***	
Residential Land Use Policies		
#1: Provide Adequate Services/Facilities	***x***	
#3: Higher Density Development near Transit	***x***	
#5: Adequately Mitigate Hazards		***x***
Commercial Land Use Policies		
#2: Locate New Commercial in Existing or New Shopping Centers	***x***	
#11: Maximize Community Access	***x***	
Industrial Land Use Policies		
#2: Develop in Locations that Facilitate Efficient Commute Patterns	***x***	
Economic Development Policies		
#1: Strive for Jobs/Housing Balance		***x***
Urban Design Policies		
#1: Utilize Architectural/Site Design Controls	***x***	
#4: Provide Access to Parks/Open Space Areas	***x***	
#7: Undergrounding of Distribution Utility Lines	***x***	
#10: Building Height Should Not Exceed Limit		***x***
Housing Policies		
#1: Encourage a Variety and Mix of Housing Types	***x***	
Level of Service Policies		
#2: Capital and Facility Needs Generated by New Development Should be Financed by New Development	***x***	
#5: Minimum Level of Service "D" for City Streets During Peak Periods	***x***	

Table 1 **Summary of Consistency with San José General Plan**		
#6: Minimum Level of Service "D" for Sanitary Sewer Lines	***x***	
#7: Cumulative Sewage Treatment Demand Can Be Accommodated	***x***	
#16: Utilize Citywide Level of Service Measures as Benchmarks	***x***	
#20: Communication Between City, School Districts and Developers	***x***	
#21: Early Discussions Between School Districts and Developers	***x***	
#22: Evaluate Impacts of Population and Demographic Changes on Schools	***x***	
#25: City and School Districts Should Cooperate	***x***	
Historic, Archaeological and Cultural Resources Policies		
#1: Preserve Archaeologically Significant Sites, Structures, and Districts		***x***
#8: Perform Cultural Resource Investigations and Mitigations	***x***	
Trails and Pathways Policies		
#1: Control Development Along Trails and Pathways Corridors	***x***	
Riparian Corridor and Upland Wetlands Policies		
#2: Development Should Be Consistent with Riparian Corridor Policy Study	***x***	
Species of Concern Policies		
#4: Offset Loss of Burrowing Owl Habitat	***x***	
Urban Forest Policies		
#2: Preservation of Ordinance-Sized, and Other Significant Trees	***x***	
Water Resources Policies		
#12: Control Quantity and Improve Water Quality of Urban Runoff	***x***	
Air Quality Policies		
#5: Development Within 1,000 feet of Transit Station Should Encourage Usage of Public Transit and Minimize Dependence on Automobile	***x***	
Energy Policies		
#1: Promote Development in Areas Served by Public Transit and Other Existing Services	***x***	
#2: Land Use Decisions Should Consider Proximity of Industrial and Commercial Uses to Reduce Commuting	***x***	
#4: Land Use Decisions Should Consider Energy Efficiency	***x***	
Hazards Policies		
#1: Development Should Only be Permitted in Safe Areas	***x***	
Soils and Geologic Conditions Policies		
#6: Development at Risk Should Incorporate Mitigation Measures	***x***	
#9: Development on Former Agricultural and/or Industrial Property Should Incorporate Mitigation Measures for Soil Contamination	***x***	
Earthquakes Policies		
#3: Development in Areas of Seismic Hazard Should Incorporate Mitigation Measures	***x***	
Flooding Policies		
#1: Provide Protection From 100-Year Flood	***x***	
#7: Provide Adequate Flood Control Retention Facilities	***x***	
Noise Policies		
#1: Adhere to City's Acceptable Noise Level Objectives	***x***	

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

3.1.1 Land Use/Transportation Diagram

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

> **Consistency:** The proposed project is not consistent with the City of San José General Plan Land Use/Transportation Diagram. The amendment to the City of San José General Plan Land Use/Transportation Diagram proposed by the project would re-designate approximately 24 acres of land on the project site from *Combined Industrial/Commercial* to *Transit Corridor Residential (20+ DU/AC).*

3.1.2 Special Strategy Areas

3.1.2.1 *Bay Area Rapid Transit (BART) Station Area Nodes Strategy*

The General Plan defines BART Station Area Nodes as the area within a radius of 3,000 feet from a planned BART station. A Station Area Node is a place in the City where a BART transit station is a focal point of the surrounding area. The general purpose of the BART Station Area Nodes is to direct transit-oriented and pedestrian friendly land use development in close proximity to BART stations. BART Station Areas are suitable for higher residential densities, more intensive job generating uses, and mixed use development, which in turn should support BART ridership. The development potential and the intensity of uses are defined by the Land Use/Transportation Diagram. In addition, new development should incorporate a mix of parks, recreational trails, pedestrian linkages, access to transit, and active ground floor uses. Parking garages in particular should incorporate ground floor retail/commercial uses into the design of the structure.

Berryessa Station Area Node

The entire project site is within the Berryessa Station Area Node. The existing General Plan anticipates a mix of job generating land uses, high density residential and supportive commercial uses, and parks/open space at the Berryessa Station Area Node, and that development at the Berryessa Station Area Node should be coordinated and phased together, so that no one use will be developed separately and in advance of other uses. In particular, residential development should not occur in advance of commensurate job growth. Careful attention should be given to the land use compatibility. New residential uses should be buffered from the existing and planned heavy industrial land uses east of Coyote Creek. New residential development at the edge of existing single-family uses should be of a lower density. The greatest densities, preferably within mixed use developments, should be adjacent to the station. The overall residential density at the Flea Market site should be 55 DU/AC. The planned parks should provide a buffer between existing and proposed uses and provide recreational and open space uses to support the future residences. Development should foster pedestrian activity and connections to the BART station, trails, parks, and possible schools. Due to the preliminary nature of the land use planning for the BART Stations, flexibility in the final distribution of the proposed land use designations should be allowed, consistent with the

relative proportions of each designation as shown on the Land Use/Transportation Diagram.

Consistency: As described in **Section 2, Description of the Proposed Project**, the proposed project is consistent with the Bay Area Rapid Transit (BART) Station Area Nodes Strategy. The project proposes an average density of 55 dwelling units per acre across the project site, with the highest residential densities located above ground-floor retail uses and adjacent to the planned BART station and the lowest residential densities proposed adjacent to the existing single-family development north of the project site. The commercial and/or office/industrial uses and/or the planned parks proposed by the project are located between the existing industrial uses west of the project site and the proposed residential development on the site. The proposed project includes approximately 23 acres of public park and open space uses which will provide pedestrian connections and all roadways within the project site will include pedestrian facilities.

3.1.3 Major Strategies

3.1.3.1 *Economic Development Strategy*

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

> **Consistency:** The proposed project is not consistent with the Economic Development Strategy. Using the City's standard methodology, the proposed amendment to the City of San José General Plan Land Use/Transportation Diagram would decrease the square footage of combined freestanding retail commercial development allowed on the project site from 422,000 square feet to 90,000 square feet, increase the square footage of ground floor retail uses allowed on the project site from 608,000 square feet to 841,000 square feet, and increase the number of housing units allowed on the project site from 3,350 housing units to 4,690 housing units. This amendment to the General Plan Land Use/Transportation Diagram would allow approximately 1,300 additional dwelling units to be built on the project site and would result in approximately 120 fewer jobs on the project site. The project proposes to develop up to 365,622 square feet of permanent commercial/industrial development that does not presently exist.

3.1.3.2 *Housing Strategy*

The goal of the City's Housing Strategy is to provide a wide variety of housing opportunities to meet the needs of all the economic segments of the community. The strategy seeks to maximize housing opportunities on infill parcels already served by the City. It also seeks to provide sufficient housing opportunities for new workers to encourage and support economic development. Finally, the strategy includes financial assistance and other measures to encourage the construction, rehabilitation, and conservation of affordable housing.

> **Consistency:** The proposed project is consistent with the Housing Strategy, because it would result in the redevelopment of an infill site with a variety of housing types.

3.1.3.3 *Sustainable City Strategy*

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

> **Consistency:** The proposed project is consistent with the Sustainable City Strategy. Features of the proposed project support this strategy. For example, the proposed project would locate housing adjacent to planned transit and near job centers.

3.1.3.4 *Growth Management Strategy*

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

> **Consistency:** The proposed project is consistent with the Growth Management Strategy. The project site is an infill site located in a developed urbanized area and is currently served by existing utilities and services.

3.1.3.5 *Urban Conservation/Preservation Strategy*

The Urban Conservation/Preservation Strategy is a statement of the City's commitment to providing its residents a community identity that promotes civic pride. Preservation of specific structures or special areas is a part of the strategy. As stated in the strategy, preservation activities contribute visual evidence to a sense of community that grows out of the historical roots of San José's past and add inestimable character and interest to the City's image.

> **Consistency:** The proposed project is not consistent with the Urban Conservation/Preservation Strategy. Development of the proposed project would result in the loss of the San José Flea Market, a historically significant resource.

3.1.4 Goals and Policies

The General Plan contains hundreds of policies regarding land use development, provision of services and facilities, and the protection of environmental resources. The following discussion focuses on those policies that are most relevant to the pending decisions regarding whether to approve the requested general plan amendments and zonings. Policies that will be addressed during subsequent design-specific entitlements (e.g., PD permits, site development permits, tentative maps, conditional use permits, etc.) are not discussed.

3.1.4.1 *Balanced Community Policies*

Policy #1: The City should foster development patterns which will achieve a whole and complete community in San José, particularly with respect to improving the balance between jobs and economic development on one hand, and housing resources and a resident work force on the other.

> **Consistency:** The proposed project is not consistent with this Balanced Community Policy. Using the City's standard methodology, the proposed amendment to the City of San José General Plan Land Use/Transportation Diagram would decrease the square footage of combined freestanding retail commercial development allowed on the project site, increase the square footage of ground floor retail uses allowed on the project site, and increase the number of housing units allowed on the project site, which would allow approximately 1,300 additional dwelling units to be built on the project site and approximately 120 fewer jobs on the project site. The project proposes to develop up to 365,622 square feet of permanent commercial/ industrial development that does not presently exist.

Policy #2: Varied residential densities, housing types, styles, and tenure opportunities should be equitably and appropriately distributed throughout the community and integrated with the transportation system, including roads, bicycle, and pedestrian facilities. Higher densities are encouraged near passenger rail lines and other major transportation facilities to support the use of public transit.

> **Consistency:** The proposed project is consistent with this Balanced Community Policy. The project proposes the construction of up to 2,818 dwelling units near the planned location of the Berryessa BART Station. All roadways and intersections within the project site would include pedestrian facilities.

3.1.4.2 *Residential Land Use Policies*

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

> **Consistency:** The project is consistent with this Residential Land Use Policy. The project site is an infill site that is located in a developed urbanized area and that is currently served by existing utilities and services.

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

> **Consistency:** The project is consistent with this Residential Land Use Policy. The project proposes the construction of up to 2,818 dwelling units near the planned location of the Berryessa BART Station.

Policy #5: Residential development should be allowed in areas with identified hazards to human habitation only if those hazards are adequately mitigated.

> **Consistency:** The project is not consistent with this Residential Land Use Policy. As discussed in **Section 4.7, Geology and Soils** and **Section 4.9 Hazards and Hazardous**

Materials all geologic or hazardous materials risks would be avoided or mitigated, prior to the construction of the proposed development, except for impacts that could result in the event of a worst-case release at one or more of the eight industrial uses in the project area. There are no measures available to reduce these impacts to a less than significant level. Worst-case chemical releases at one or more of the eight facilities in the project area could be life threatening to occupants of the proposed project.

3.1.4.3 *Commercial Land Use Policies*

Policy #2: New commercial uses should be located in existing or new shopping centers or in established strip commercial areas.

Consistency: The proposed project is consistent with this Commercial Land Use Policy. Commercial uses proposed by the project will be located in a new retail shopping center and/or along the ground floor of residential development facing the main street through the south side of Berryessa.

Policy #11: Commercial land in San José should be distributed in a manner that maximizes community accessibility to a variety of retail commercial outlets and services and minimizes the need for automobile travel.

Consistency: The proposed project is consistent with this Commercial Land Use Policy. The commercial uses proposed by the project will be located adjacent to proposed residential uses and/or adjacent to the planned Berryessa BART Station.

3.1.4.4 *Industrial Land Use Policies*

Policy #2: The City should encourage the development of new industrial areas and the redevelopment of existing older or marginal industrial areas, particularly in locations which facilitate efficient commute patterns.

Consistency: The proposed project is not consistent with this Industrial Land Use Policy. The amendment to the City of San José General Plan Land Use/Transportation Diagram proposed by the project would re-designate approximately 24 acres of land on the project site from *Combined Industrial/Commercial* to *Transit Corridor Residential (20+ DU/AC)*. The project proposes to develop up to 365,622 square feet of permanent commercial/ industrial development that does not presently exist.

3.1.4.5 *Economic Development Policies*

Policy #1: The City should reduce the present imbalance between housing and employment by seeking to obtain and maintain an improved balance between jobs and workers residing in San José. A perfect balance between the number of jobs and employed residents may not be achievable but the City should strive to achieve a minimum ratio of 0.80 jobs/employed resident to attain greater fiscal stability.

Consistency: The proposed project is not consistent with this Economic Development Policy. Using the City's standard methodology, the proposed amendment to the City of San José General Plan Land Use/Transportation Diagram would decrease the square footage of

combined freestanding retail commercial development allowed on the project site from 422,000 square feet to 90,000 square feet, increase the square footage of ground floor retail uses allowed on the project site from 608,000 square feet to 841,000 square feet, and increase the number of housing units allowed on the project site from 3,350 housing units to 4,690 housing units. This amendment to the General Plan Land Use/Transportation Diagram would allow approximately 1,300 additional dwelling units to be built on the project site and would result in approximately 120 fewer jobs on the project site. The project proposes to develop up to 365,622 square feet of permanent commercial/ industrial development that does not presently exist.

3.1.4.6 *Urban Design Policies*

Policy #1: The City should continue to apply strong architectural and site design controls on all types of development for the protection and development of neighborhood character and for the proper transition between areas with different types of land uses.

Consistency: The proposed project is consistent with this Urban Design Policy. All of the development proposed by the project would be reviewed by the City with the intention of applying strong architectural and site design controls to protect and develop neighborhood character and to ensure the proper transition between areas with different types of land uses, in accordance with the City of San José Residential and/or Commercial Design Guidelines.

Policy #4: Residential developments which are adjacent to parks or open spaces should be encouraged to provide direct access to, and common open space contiguous to, such areas.

Consistency: The proposed project is consistent with this Urban Design Policy. All of the residential development proposed by the project would include access to park and open space areas.

Policy #7: The City should require the undergrounding of distribution utility lines serving new development sites as well as proposed redevelopment sites.

Consistency: The proposed project is consistent with this Urban Design Policy. All utility lines within the boundaries of the proposed project would be undergrounded.

Policy #10: Building height, including all elements of a building whether occupied space or building features, should not exceed 50 feet, with the following exceptions: within a reasonable walking distance of an existing or planned passenger rail station, the maximum building height shall not exceed 120 feet ("reasonable walking distance" is generally assumed to be approximately 2,000 feet along a safe pedestrian walkway).

Consistency: The proposed project is not consistent with this Urban Design Policy. The project proposes an amendment to the General Plan that will increase maximum building height from 120 feet to 150 feet on the project site south of Berryessa. Refer to **Section 2, Project Description** for a description of the proposed amendment to the General Plan text.

3.1.4.7 *Housing Policies*

Policy #1: The City encourages a variety and mix in housing types to provide adequate choices for housing to persons of all income levels in San José. Where appropriate, implementation of this policy in large-scale development projects should be considered.

> **Consistency:** The proposed project is consistent with this Housing Policy. The proposed project includes a mix of housing types on the project site, ranging from single-family residential to transit-corridor residential.

3.1.4.8 *Level of Service Policies*

Policy #2: Capital and facility needs generated by new development should be financed by new development. The existing community should not be burdened by increased taxes or by lowered service levels to accommodate the needs created by new growth. The City Council may provide a system whereby funds for capital and facility needs may be advanced and later repaid by the affected property owners.

> **Consistency:** The proposed project is consistent with this Level of Service Policy. Infrastructure (e.g., utility lines, roadway improvements, etc.) needed to accommodate the proposed project would be financed by the project.

Policy #5: The minimum overall performance of City streets during peak travel periods should be level of service "D" ...the City Council has adopted an Area Development Policy for North San José.

> **Consistency:** For the following reasons, the proposed project is consistent with this Level of Service Policy; 1) The proposed project includes measures to reduce all traffic impacts caused by the project to a less than significant level, except those to protected intersections and the intersection of Oakland Road and Hedding Street, 2) Consistent with City Council Policy 5-3, which allows exceptions to this level of service policy, the project proposes to add the intersection of Hedding Street and Oakland Road to the City of San José List of Protected Intersections, and 3) the project will conform to the North San Jose Area Development Policy. For a detailed discussion of the project's compliance with City Council Policy 5-3, refer to **Section 4.2, Transportation and Traffic** and **Section 6.4, Mitigate Oakland/Hedding Alternative**.

Policy #6: The minimum performance standard for sanitary sewer lines should be level of service "D", defined as restricted sewage flow during peak flow conditions. Development which will have the potential to reduce the downstream level of service to worse than "D", or development which would be served by downstream lines already operating at a level of service worse than "D", should be required to provide mitigation measures to improve the level of service to "D" or better.

> **Consistency:** The proposed project is consistent with this Level of Service Policy. With the proposed project, new sanitary sewer lines will be constructed and/or existing lines will be upgraded, as necessary, to maintain LOS D or better.

Policy #7: The City should monitor and regulate growth so that the cumulative sewage treatment demand of all development can be accommodated by San José's share of the treatment capacity of the San José/Santa Clara Water Pollution Control Plant (WPCP).

Consistency: The proposed project is consistent with this Level of Service Policy. The demand for wastewater treatment resulting from the proposed project will not exceed the capacity of the WPCP. Refer to **Section 4.11, Utilities and Service Systems**, for a detailed discussion.

Policy #16: Utilize the following Citywide level of service measures as benchmarks to be used to evaluate major General Plan land use and policy changes, such as expansions of the Urban Service Area or land use changes from non-residential to residential:

- For police protection, achieve a response time of six minutes or less for 60 percent of all Priority 1 calls, achieve a response time of eleven minutes or less for 60 percent of all Priority 2 calls.
- For fire protection, a 4-minute average response time to all calls.
- For parks and recreation, 3.5 acres of neighborhood and community serving recreational lands per 1,000 population, of which a minimum is 1.5 acres of neighborhood, community or locally serving regional/City-wide park lands and up to 2 acres of school playgrounds, and all of which is located within a reasonable walking distance of the project; 7.5 acres of regional/City-wide park lands per 1,000 population; and 500 square feet of community center floor area per 1,000 population.
- For libraries, 2.75 volumes (items) held in the San José Public Library system per capita and .59 square feet of library space per capita.

Consistency: The proposed project is consistent with this Level of Service Policy. The proposed project would conform to these level of service standards. Refer to **Section 5, Availability of Public Services**, for a discussion of project impacts to police and fire department services and park, recreation, school, and library facilities.

Policy #20: The City supports a system of open communication between the City, the public school districts and the development community in order to coordinate the activities of each to achieve the highest quality of education for all public school students.

Consistency: The proposed project is consistent with this Level of Service Policy. Early in the planning process, the project proponent met with the Berryessa Union School District and the East Side Union High School District. In addition, the environmental review process for the proposed project also complies with this policy, including the completion of a public scoping meeting, circulation of the Notice of Preparation (NOP), and circulation of this EIR.

The Berryessa Union School District responded to the Notice of Preparation (refer to **Appendix I, Responses to the NOP**), stating that the elementary and middle schools affected by the proposed project do not have capacity for the students that could be generated by the proposed project and, as a result, the District may need to build a new school facility. In the event the Berryessa Union School District and/or the East Side Union High School District decides construction of a new school facility is warranted to accommodate the new students generated by the proposed project, future development of the facility would require environmental review. There are also specific school site and construction requirements set by the state that would have to be met. Because a specific site for such construction cannot be identified at this time, it cannot be stated conclusively that significant environmental impacts would or would not occur. The construction of one or more schools on land in the vicinity of the proposed project would contribute incrementally to the impacts of

development identified for the project as a whole, but is not expected by itself to have new or substantially different significant adverse environmental impacts. Further discussion at this time of the impacts that might result from building one or more schools in the project area at an unknown location would be speculative.

Policy #21: The City encourages school districts and developers to engage in early discussions regarding the nature and scope of proposed projects and possible fiscal impacts and mitigation measures.

Consistency: The proposed project is consistent with this Level of Service Policy. Refer to the discussion above regarding the project's consistency with Level of Service Policy #20.

Policy #22: The City should cooperate with school districts in identifying and evaluating the impacts of population and demographic changes which may affect the need for new schools, may lead to school closures, may require the re-opening of closed schools, or may lead to the decision that existing school sites should be preserved for meeting future needs.

Consistency: The proposed project is consistent with this Level of Service Policy. Changes in population that would occur under the proposed project are quantified in **Section 5.3, Schools**, of this EIR. These changes are evaluated in the context of projected school capacity, based on information provided by the Berryessa Union School District and the East Side Union High School District. Refer to the discussion above regarding the project's consistency with Level of Service Policy #20.

Policy #25: The City and school districts should cooperate in the joint planning, development, and use of public school facilities combined with other public facilities and services. The City should provide all pertinent information on General Plan amendments, rezonings and other development proposals to all affected school districts in a timely manner.

Consistency: The proposed project is consistent with this Level of Service Policy. Refer to the discussion above regarding the project's consistency with Level of Service Policy #20.

3.1.4.9 *Historic, Archaeological and Cultural Resources Policies*

Policy #1: Because historically or archaeologically significant sites, structures, and districts are irreplaceable resources, their preservation should be key.

Consistency: The proposed project is not consistent with this Historic, Archaeological and Cultural Resources Policy. The Historic Resource Assessment prepared for the Flea Market determined that the Flea Market is eligible for the California Register of Historical Resources. Construction of the proposed project would result in the demolition of the Flea Market.

Policy #8: For proposed development sites which have been identified as archaeologically sensitive, the City should require investigation during the planning process in order to determine whether valuable archaeological remains may be affected by the project and should also require that appropriate mitigation measures be incorporated into the project design.

Consistency: The proposed project is consistent with this Historic, Archaeological and Cultural Resources Policy. Cultural resource investigations were completed for the project site and measures are proposed by the project to avoid impacts to archaeological resources.

3.1.4.10 *Trails and Pathways Policies*

Policy #1: The City should control land development along designated Trails and Pathways Corridors in order to provide sufficient trail right-of-way and to ensure that new development adjacent to the corridors does not compromise safe trail access nor detract from the scenic and aesthetic qualities of the corridor.

Consistency: The proposed project is consistent with this Trails and Pathways Policy. The proposed project does not include development that would encroach into designated Trails and Pathways Corridors. The City of San José's Greenprint, a 20-Year Strategic Plan for Parks, Community Facilities and Programs, shows a proposed trail on the project site along Upper Penitencia Creek and a proposed trail along Coyote Creek on the opposite side of the project site. Coyote and Upper Penitencia Creek are both designated on the General Plan Scenic Routes and Trails Diagram as Trail and Pathway Corridors. The project includes a 100-foot setback on the project site from the edge of the riparian habitat of both Coyote Creek and Upper Penitencia Creek, except along Coyote Creek at the south end of the project site immediately upstream of Mabury Road. The existing setback from the edge of the riparian habitat of Coyote Creek at this location ranges from 40 to 100 feet would remain as is with the proposed project.

3.1.4.11 *Riparian Corridors and Upland Wetlands Policies*

Policy #2: New public and private development adjacent to riparian corridors should be consistent with the provisions of the Riparian Corridor Policy Study.

Consistency: The proposed project is consistent with this Riparian Corridors and Upland Wetlands Policy. In accordance with the City's Riparian Corridor Policy Study, all development proposed by the project would be setback 100 feet from the edge of the riparian habitat of Upper Penitencia and Coyote Creeks, except for the south end of the project site that is near Mabury Road. At this location the existing riparian setback that ranges from 40 to 100 feet would remain. Refer to **Section 3.3, City of San José Riparian Corridor Policy Study** and **Section 4.6, Biological Resources**.

3.1.4.12 *Species of Concern Policies*

Policy #4: New development on undeveloped properties throughout the City contributes to the regional loss of Burrowing Owl habitat. To offset this loss of habitat, the City should require either habitat preservation on or off site or other appropriate measures for habitat acquisition, habitat enhancement and maintenance of local habitat bank.

Consistency: The proposed project is consistent with this Species of Concern Policy. The proposed project would not result in the loss of Burrowing Owl habitat. The loss of riparian habitat that would result from construction of the three proposed outfalls and the two proposed bridges and the demolition of the two existing bridges will be mitigated to ensure

no net loss of riparian habitat. Refer to **Section 4.6, Biological Resources**, for a detailed discussion of the project's impacts to biological resources.

3.1.4.13 *Urban Forest Policies*

Policy #2: Development projects should include the preservation of ordinance-sized, and other significant trees. Any adverse affect on the health and longevity of native oaks, ordinance sized or other significant trees should be avoided through appropriate design measures and construction practices. When tree preservation is not feasible, the project should include appropriate tree replacement.

Consistency: The proposed project is consistent with this Urban Forest Policy. The proposed project would be designed to retain the existing trees on the project to the extent feasible. All trees removed by the project would be replaced at the ratios specified in **Section 4.6, Biological Resources**.

3.1.4.14 *Water Resources Policies*

Policy #12: For all new discretionary development permits for projects incorporating large paved areas or other hard surfaces (e.g., building roofs), or major expansion of a building or use, the City should require specific construction and post-construction measures to control the quantity and improve the water quality of urban runoff.

Consistency: The proposed project is consistent with this Water Resources Policy. The proposed project includes both construction and post-construction features to minimize the degradation of water quality. These features are described in **Section 4.8, Hydrology and Water Quality**.

3.1.4.15 *Air Quality Policies*

Policy #5: In order to reduce vehicle miles traveled and traffic congestion, new development within 1,000 feet of an existing or planned transit station should be designed to encourage the usage of public transit and minimize the dependence on the automobile through the application of site design guidelines.

Consistency: The proposed project is consistent with this Air Quality Policy. The proposed project is designed to support the use of the planned Berryessa BART Station by proposing the highest residential densities adjacent to the planned BART Station and pedestrian facilities on all streets and intersections within the boundary of the project site.

3.1.4.16 *Energy Policies*

Policy #1: The City should promote development in areas served by public transit and other existing services. Higher residential densities should be encouraged to locate in areas served by primary public transit routes and close to major employment centers.

Consistency: The project is consistent with this Energy Policy. The project site is located near the major employment center of North San José and is the planned location of the

Berryessa BART Station. The project proposes an average density of 55 dwelling units per acre on the project site.

Policy #2: Decisions on land use should consider the proximity of industrial and commercial uses to major residential areas in order to reduce the energy used for commuting.

Consistency: The project is consistent with this Energy Policy. The proposed project will place housing at a major transit station that serves the City's jobs centers of Downtown and North San José.

Policy #4: The energy-efficiency of proposed new development should be considered when land use and development review decisions are made. The City's design techniques include provisions for solar access, for siting structures to maximize natural heating and cooling, and for landscaping to aid passive cooling protection from prevailing winds and maximum year-round solar access.

Consistency: The project is consistent with this Energy Policy. The development proposed by the project would meet all existing requirements that pertain to energy efficiency. As described in **Section 4.12, Energy**, there are additional features that could be incorporated into the various developments that would increase energy efficiency, but such features are not part of the project, as currently proposed.

3.1.4.17 *Hazards Policies*

Policy #1: Development should only be permitted in those areas where potential danger to the health, safety, and welfare of the residents of the community can be mitigated to an acceptable level.

Consistency: The proposed project is consistent with this Hazards Policy. As discussed in **Section 4.7, Geology and Soils** and **Section 4.9, Hazards & Hazardous Materials** any geologic or hazardous materials risks will be avoided or mitigated, prior to the construction of the proposed project.

3.1.4.18 *Soils and Geologic Conditions Policies*

Policy #6: Development in areas subject to soils and geologic hazards should incorporate adequate mitigation measures.

Consistency: The proposed project is consistent with this Soils and Geologic Conditions Policy. As discussed in **Section 4.7, Geology**, development of the proposed project would comply with the recommendations of a site specific geotechnical report.

Policy #9: Residential development proposed on property formerly used for agricultural or heavy industrial uses should incorporate adequate mitigation/remediation for soils contamination as recommended through the Development Review process.

Consistency: The proposed project is consistent with this Soils and Geologic Conditions Policy. A Phase II investigation was completed for the project site, which quantified the amount of pesticides and/or pesticide-related metals that are present in the soils on the site. Where such substances were found to be present in concentrations that exceed recommended standards for residences, measures were recommended (and are included in the project) to

mitigate such hazards. These measures are described in **Section 4.9, Hazards & Hazardous Materials**.

3.1.4.19 *Earthquakes Policies*

Policy #3: The City should only approve new development in areas of identified seismic hazard if such hazard can be appropriately mitigated.

Consistency: The proposed project is consistent with this Earthquake Policy. As described in **Section 4.7, Geology and Soils**, there are no fault-related hazard zones on or adjacent to the project site.

3.1.4.20 *Flooding Policies*

Policy #1: New development should be designed to provide protection from potential impacts of flooding during the "1%" or "100-year" flood.

Consistency: The proposed project is consistent with this Flooding Policy. As discussed in **Section 4.8, Hydrology and Water Quality**, all development proposed by the project would be designed to provide protection from the 100-Year Flood.

Policy #7: The City should require new urban development to provide adequate flood control retention facilities.

Consistency: The proposed project would include sufficient on-site stormwater retention so as to meet the requirements of the Santa Clara Valley Pollution Prevention Program, of which the City of San José is a participant. Project consistency with the Santa Clara Valley Pollution Prevention Program is discussed in **Section 4.8, Hydrology and Water Quality**.

3.1.4.21 *Noise Policies*

Policy #1: The City's acceptable noise level objectives are 55 Ldn as the long-range exterior noise quality level, 60 Ldn as the short-range exterior noise quality level, 45 Ldn as the interior noise quality level, and 76 Ldn as the maximum exterior noise level necessary to avoid significant adverse health effects.

Consistency: Based on the noise assessment prepared for the proposed project (see **Section 4.3, Noise**), the development proposed by the project would comply with these objectives.

3.2 COUNCIL POLICY 5-3 (LOS POLICY)

The City Council recently adopted a Transportation Impact Policy (City Policy 5-3), which established the basis for “Protected” intersections. The City of San José identified certain local intersections for which no further physical improvements are planned. These specific intersections, because of the presence of substantial transit improvements, adjacent private development, or a combination of both circumstances, cannot be modified to accommodate additional traffic and operate at LOS D or better, in conformance with all relevant General Plan policies. Council Policy 5-3 provides a process for allowing exceptions to the City’s policy of maintaining LOS D at local

intersections. Pursuant to that policy, a List of Protected Intersections was created and has been subsequently modified by Council action.

> **Consistency:** The proposed project is consistent with Council Policy 5-3. The proposed project includes measures to reduce all traffic impacts caused by the project to a less than significant level, except those to protected intersections and those to the intersection of Oakland Road and Hedding Street. The project proposes to add the intersection of Hedding Street and Oakland Road to the City of San José List of Protected Intersections. The project will also comply with the North San Jose Area Development Policy. For a detailed discussion of the project's compliance with City Council Policy 5-3, refer to **Section 4.2, Transportation and Traffic** and **Section 6.4, Mitigate Oakland/Hedding Alternative**.

3.3 CITY OF SAN JOSÉ RIPARIAN CORRIDOR STUDY POLICY

The City of San José's Riparian Corridor Policy Study provides a guide to protect biotic resources when development occurs along creek systems. The Riparian Corridor Study Policy is designed to minimize impacts to riparian resources and help protect riparian habitat.

The City of San José's Riparian Corridor Study Policy states development adjacent to riparian habitats generally should be set back 100 feet from the outside edge of the riparian habitat (or top of bank, whichever is greater) to reduce expected impacts to riparian habitat and associated creek system. The establishment of an appropriate riparian setback area between the riparian corridor and urban development has the following benefits:

- prevents loss of groundwater recharge;
- provides stormwater detention and filtration;
- minimizes disturbance to wildlife breeding and/or foraging from excessive noise and/or artificial light;
- increases edge habitat, which increases the habitat value of the riparian corridor; and
- helps prevent the introduction of non-native plant and animal species that reduce riparian habitat quality.

Consistency: The proposed project is consistent with the Riparian Corridor Policy Study. Upper Penitencia Creek flows through the middle of the project site adjacent to the south side of Berryessa Road, and Coyote Creek flows along the west boundary of the project site. The existing development on the project site currently extends to the top of bank of both Coyote and Upper Penitencia Creeks. There is no existing riparian setback on the project site, except for the first 900 feet of Coyote Creek located immediately downstream of Mabury Road, which has an existing riparian setback that ranges from 40 to 100 feet.

The project includes a 100-foot setback on the project site from the edge of the riparian habitat of both Coyote Creek and Upper Penitencia Creek, except at the south end of the project site immediately upstream of Mabury Road. At this location, the project proposes to retain the existing riparian setback, which is approximately 40 feet from the edge of the existing riparian habitat. Keeping the existing 40-foot riparian setback at the south end of the project site allows the project's access from Mabury Road to line up with the access to the San José Maintenance Yard across Mabury Road, which is necessary for this intersection to operate safely. Consistent with the City of San José Riparian Corridor Study Policy, the setback areas would be used as a passive recreation area (e.g., bike and pedestrian trails, park benches, and riparian landscaping).

3.4 CITY OF SAN JOSÉ COUNCIL POLICY PRESERVATION OF HISTORIC LANDMARKS

The City's Preservation of Historic Landmarks Council Policy (adopted December 8, 1998) strongly encourages preservation and adaptive reuse of designated landmark structures, which include: any designated City Landmark structure, Contributing Structure in a City Landmark Historic District, a structure designated on the State of California Register of Historic Places, the National Register of Historic Places, a Contributing Structure in a National Register Historic District, or a structure that qualifies for any of the above, based on the applicable City, State, or national qualification criteria. This policy does not apply to single family residential structures. The policy requires that proposals to alter such structures must include a thorough and comprehensive evaluation of the historic and architectural significance of the structure and the economic and structural feasibility of preservation and/or adaptive reuse. Every effort should be made to incorporate existing landmark structures into future development plans.

Consistency: A Historic Resources Assessment was prepared for the proposed project and determined that the San José Flea Market site is eligible as a San José Historic Landmark and may also be eligible for listing in the California Register of Historical Resources, representing a significant local pattern of development (refer to **Section 4.5, Cultural Resources**). The proposed project would demolish the San José Flea Market. Therefore, the proposed project is not consistent with the City's Preservation of Historic Landmarks Council Policy.

3.5 SAN JOSÉ GUIDELINES FOR NEW DEVELOPMENT IN PROXIMITY TO HIGH-PRESSURE GAS PIPELINES

The City has developed guidelines regarding new development in proximity to high-pressure gas pipelines. These guidelines were developed after analysis and evaluation by the Department of Planning (now Planning, Building and Code Enforcement) and the Fire Department of the hazards and risks of locating new development near such gas pipelines. The guidelines state that "only buildings having a low-density occupancy load should be allowed within 250 feet of the edge of right-of-way", in order to minimize exposure of persons to potential hazards. Buildings assumed to have a "low-density occupancy load" include single and multiple family dwellings, offices, industrial buildings, hotels/motels, parking garages and retail stores not part of a shopping mall. In addition, the guidelines state that no building of more than two stories should be allowed within 250 feet of the edge of right-of-way.

Consistency: There is a two-inch plastic high-pressure gas line located on the project site north of Berryessa, a two- and a four-inch steel high-pressure gas line within the Berryessa Road right-of-way, and a 10- and a 12-inch steel high-pressure gas line within the Mabury Road right-of-way. The location of the two-inch plastic high-pressure gas line located on the project site north of Berryessa is shown on Figure 26. Due to the relatively small size of the high-pressure gas lines on the project site and the within the Berryessa Road right-of-way, they do not present a hazard to the proposed project; however, the 10- and a 12-inch steel high-pressure gas lines within the Mabury Road right-of-way do present a hazard to the proposed project.

The project proposes residential structures more than two stories in height within 250 feet of high-pressure gas lines located within the right-of-ways Mabury Road. According to the

City's guidelines, such high-density occupancy load buildings should not be located within 250 feet of high-pressure gas lines. For this reason, the project would not be consistent with the City's Guidelines for New Development in Proximity to High-Pressure Gas Pipelines.

However, the proposed buildings shall include appropriate design measures (i.e., reinforced walls, blast-proof glass, etc.) to reduce the safety hazards associated with the gas line to the satisfaction of the Director of Planning and the Fire Chief (see **Section 4.9 Hazards and Hazardous Materials** of this EIR). A detailed study of the necessary building design measures would be prepared prior to the issuance of a PD Permit. Such design measures typically include, but are not limited to, the following: reinforced or concrete or masonry walls, large-stud wall systems, blast-proof glass and roof systems, tempered or laminated windows and doors, and increased fire ratings for the walls and roof areas near the gas lines.

The project site design and building placement near the pipeline right-of-way shall allow for access for routine and emergency maintenance and repair. The proposed grading and excavation activities in the vicinity of the gas lines shall conform to PG&E's requirements. Implementation of these measures would reduce hazards to the proposed development from the presence of the high-pressure gas pipelines within the Mabury Road right-of-way.

3.6 SANTA CLARA COUNTY CONGESTION MANAGEMENT PROGRAM

The Santa Clara Valley Transportation Authority (VTA) oversees the *Santa Clara County Congestion Management Program* (CMP). The relevant state legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county's share of the increased gas tax revenues. The CMP legislation requires that each CMP contain the following five mandatory elements: 1) a system definition and traffic level of service standard element; 2) a transit service and standards element; 3) a trip reduction and transportation demand management element; 4) a land use impact analysis program element; and 5) a capital improvement element. The Santa Clara County CMP includes the five mandated elements and three additional elements, including: a county-wide transportation model and data base element, an annual monitoring and conformance element, and a deficiency plan element.

Consistency: The proposed project would construct high density, mixed-use, transit-oriented development on land that is adjacent to the planned Berryessa BART Station, which is consistent with the goals and policies of the CMP.

3.7 STATE WATER QUALITY CONTROL BOARD NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

The Porter-Cologne Water Quality Control Act and Federal Clean Water Act requires local municipalities to implement measures to control construction and post-construction pollution entering local storm drainage systems to the maximum extent practicable. To comply with the requirements of the Porter-Cologne Water Quality Control Act and Federal Clean Water Act, the State Water Resources Control Board (SWRCB) implemented a National Pollution Discharge Elimination System (NPDES) permit for the Santa Clara Valley. Subsequent to implementation of the permit, the San Francisco Regional Water Quality Control Board (RWQCB) issued a Municipal Storm Water NPDES Permit to fifteen co-permittees. The fifteen co-permittees are the City of San José, twelve other municipalities within the Santa Clara Basin watershed area, the County of Santa

Clara, and the Santa Clara Valley Water District (SDVWD). Two programs, the Nonpoint Source Pollution Program and the Santa Clara Valley Urban Runoff Pollution Prevention Program, have been implemented under the NPDES permit to regulate construction and post-construction runoff.

Nonpoint Source Management Plan

In 1988 the SWRCB adopted the Nonpoint Source Management Plan in an effort to control nonpoint source pollution in California. In December 1999, the Plan was updated to comply with the requirements of Section 319 of the Clean Water Act and Section 6217 of the Coastal Zone Act Reauthorization Amendment of 1990. The Nonpoint Source Management Plan requires individual permits to control discharge associated with construction activities. The Nonpoint Source Management Plan is administered by the RWQCB under the NPDES General Permit for Construction Activities. Projects must comply with the requirements of the Nonpoint Source Program if:

- they disturb one or more acres of soil; or
- they disturb less than one acre of soil but are part of a larger development that, in total, disturbs one acre or more of soil.

The NPDES General Permit for Construction Activities requires the developer to submit a Notice of Intent (NOI) to the RWQCB and to develop a Stormwater Pollution Prevention Plan (SWPPP) to control discharge associated with construction activities.

> **Consistency:** The proposed project would disturb more than one acre of soil and, therefore, would be required to comply with the Nonpoint Source Program. For a detailed discussion of the project's compliance with the Nonpoint Source Program, refer to **Section 4.8, Hydrology**.

Santa Clara Valley Urban Runoff Pollution Prevention Program

The Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) was developed by the RWQCB to assist co-permittees implement the provisions of the NPDES permit. This program was also designed to fulfill the requirements of Section 304(1) of the Federal Clean Water Act, which mandated that the Environmental Protection Agency develop NPDES application requirements for storm water runoff. The Program's Municipal NPDES storm water permit includes provisions requiring regulation of storm water discharges associated with new development and development of an area-wide watershed management strategy. The permit also identifies recommended actions for the preservation, restoration, and enhancement of the San Francisco Bay Delta Estuary.

> **Consistency:** The development proposed by the project will be designed to comply with City Policies 6-29 and 8-14 to ensure consistency with the SCVURPPP. For a detailed discussion of the project's compliance with the SCVURPPP, refer to **Section 4.8, Hydrology**.

3.8 BAY AREA 2005 OZONE STRATEGY

The Bay Area Air Quality Management District (BAAQMD), in cooperation with the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG), prepared the Bay Area 2005 Ozone Strategy (Ozone Strategy). The Ozone Strategy serves as a roadmap showing how the San Francisco Bay Area will achieve compliance wit the state one-hour air quality standard for ozone as expeditiously as practicable and how the region will reduce transport of ozone and ozone precursors to neighboring air basins. The Ozone Strategy updates Vehicle Miles Traveled (VMT) and other assumptions in the 2000 Clean Air Plan (CAP) related to the reduction of ozone in the atmosphere and serves as the current CAP for the Bay Area. The consistency of the proposed project with this regional plan is primarily a question of consistency with population/employment assumptions utilized in developing the Ozone Strategy, which were based on ABAG *Projections 2002*.

Consistency: It is difficult to compare the population projections used in the *2005 Ozone Strategy* with those used in the San José General Plan because the latter is based on the build-out of land in the City at an unknown date beyond the year 2020. The City is estimating that the population of San José at General Plan build-out will be approximately 1.27 million, which is higher than the 1.15 million people projected for San José by 2025 in *Projections 2002*. San José's estimate is, however, consistent with ABAG's projection of 1.34 million by the year 2030 (*Projections 2005*). BAAQMD staff has indicated that the next update of the CAP will utilize the latest available population projections from ABAG.

The proposed change in land use designation would allow the construction of approximately 1,342 additional residential units on the site. Assuming an average household size of 3.2 persons, the possible increase in population resulting from the proposed General Plan Amendment is approximately 4,294 persons. This would represent an increase of 0.3 percent in population over that identified under San José's approved General Plan.

The proposed amendment to the General Plan, when compared to the existing land use designations for the site, would increase peak-hour vehicle trips. This would, in turn, increase Citywide vehicle miles traveled (VMT). Based on the CUBE model run, the proposed General Plan amendment would increase the Citywide VMT by 0.165 percent and 0.028 percent during the AM and PM peak hours, respectively. The rate of increase in VMT, is expected to be less than the percentage increase in population because the project: 1) is infill, 2) is located near employment centers, and 3) is served by public transit.

SECTION 4 ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION

4.1 LAND USE

Introduction

Many of the policies in the City's General Plan were adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. (See also **Section 3. Consistency with Adopted Plans**) All future development addressed by this EIR would be subject to the land use policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- *Balanced Community Policy #2*: Construct a Variety of Housing Densities/Types
- *Residential Land Use Policy #1*: Provide Adequate Services and Facilities
- *Residential Land Use Policy #3*: Higher Density near Transit Stations/Routes
- *Residential Land Use Policy #5*: Mitigation of Hazards
- *Residential Land Use Policy #11*: Provide for Adequate Open Space/Recreation
- *Residential Land Use Policy #20*: Maximize Energy Efficiency
- *Residential Land Use Policy #22*: Development along Transit Corridors
- *Residential Land Use Policy #23*: Protect Neighborhoods near Transit-Oriented-Development
- *Residential Land Use Policy #24*: Create Pedestrian-friendly Environment
- *Commercial Land Use Policy #1*: Maximize Access to Retail/Commercial Services
- *Urban Design Policy #1*: Utilize Architectural/Site Design Controls
- *Urban Design Policy #2*: Provide Adequate & Energy-efficient Landscaping
- *Urban Design Policy #3*: Design for Circulation within Neighborhoods
- *Urban Design Policy #4*: Access to Park & Open Space Areas
- *Urban Design Policy #6*: Compatibility with Existing Neighborhoods
- *Urban Design Policy #7*: Undergrounding of Utility Lines
- *Urban Design Policy #8*: Designs to Address Security, Aesthetics, Public Safety
- *Urban Design Policy #10*: Limits on Building Height
- *Urban Design Policy #16*: Designs for Development Adjacent to Parks
- *Urban Design Policy #17*: Use of Native Plants near Creeks
- *Urban Design Policy #18*: Sound Attenuation Guidelines
- *Urban Design Policy #24*: Tree Preservation/Replacement
- *Park and Recreation Policy #1*: Provide Parks within Walking Distance of Residences
- *Hazards Policy #1*: Develop When Hazards can be Mitigated to Acceptable Level
- *Earthquakes Policy #3*: Mitigation of Seismic Hazards
- *Industrial Land Use Policy #11*: Protect Industrial Land Uses from Sensitive Receptors
- *Industrial Land Use Policy #14*: Protect Industrial Land Uses from Non-Residential Uses

In addition to the adopted General Plan policies, the City has adopted a number of other policies, programs, and ordinances that are designed to avoid or minimize land use conflicts. These include the following:

- San José Residential Design Guidelines
- San José Commercial Design Guidelines
- San José Industrial Design Guidelines

These design guidelines include parameters for setbacks, building design, landscaping, screening, and lighting, all of which are factors in ensuring land use compatibility.

4.1.1 Existing Conditions

The following discussion identifies the existing conditions on and surrounding the project site in terms of land uses. The existing General Plan Land Use Designations for the project site are shown on Figure 3. An aerial photograph of the project site and surrounding land uses is shown on Figure 5.

City of San José General Plan

North of Berryessa

The existing General Plan for the project site north of Berryessa is configured to maximize compatibility with adjacent land uses, including a 100-foot setback that protects the riparian habitat and separates the proposed residential uses from existing heavy industrial uses located west of Coyote Creek, medium density residential uses adjacent to the existing single-family detached residential neighborhood, and a combined industrial/commercial area that extends from the medium density residential uses along the north boundary to Berryessa Road and further separates proposed multi-family dwellings from the existing the heavy industrial uses west of Coyote Creek.

South of Berryessa

The existing General Plan for the project site south of Berryessa is also configured to maximize compatibility with adjacent land uses, including 100-foot setbacks from the edge of the riparian habitat of both Upper Penitencia and Coyote Creeks that protect the riparian habitat and separate the proposed multi-family residential uses on the project site from the existing heavy industrial uses west of Coyote Creek.

Twenty acres of the project site south of Berryessa are designated *Combined Industrial/Commercial* to provide a balance of jobs and housing on the project site and near the planned BART station.

Project Site

The entire project site is currently developed with the San José Flea Market and ancillary uses such as parking, storage yards, maintenance facilities, food preparation facilities, offices, and a private school.

North of Berryessa

The project site north of Berryessa is completely paved and is mostly used for parking, except for the small area in the northeast corner that is used as a storage yard. The only structures on the northern half of the site are four parking attendant booths. A pedestrian underpass below Berryessa Road that connects the northern half of the project site to the southern half is located adjacent and parallel to Coyote Creek.

South of Berryessa

The main uses on the project site south of Berryessa are the Flea Market operations, parking, storage yards, maintenance facilities, food preparation facilities, offices, and various other uses such as a private school and a church.[5] Most of the structures on the south side are temporary tents used by the Flea Market. There are also, however, permanent structures including the main office building, school, furniture store, maintenance facility, merry-go-round, and some of the restrooms and food service buildings. The project site south of Berryessa is completely paved, except for an area adjacent to Coyote Creek at the south end of the project site.

Pipelines/Rights-of-Ways

The Chevron Pipeline Company and the Santa Clara Valley Water District (SCVWD) both own rights-of-way on the project site south of Berryessa. The locations of the rights-of-way are shown on Figure 5. The Chevron Pipeline Company right-of-way contains an 8-inch buried steel pipeline. The pipeline transports refined petroleum products such as gasoline, diesel, and jet fuel. The California Pipeline Safety Act requires that the pipeline right-of-way must be maintained clear of obstructions (e.g., no structures or vegetation), so that aerial observation can be completed.

The SCVWD right-of-way contains a 66-inch storm drain. Accessibility to the pipeline and vaults within the right-of-way along with clearance above and to the sides to allow for the use of heavy equipment for future maintenance is required by the SCVWD.

Area Surrounding the Project Site

North of Berryessa

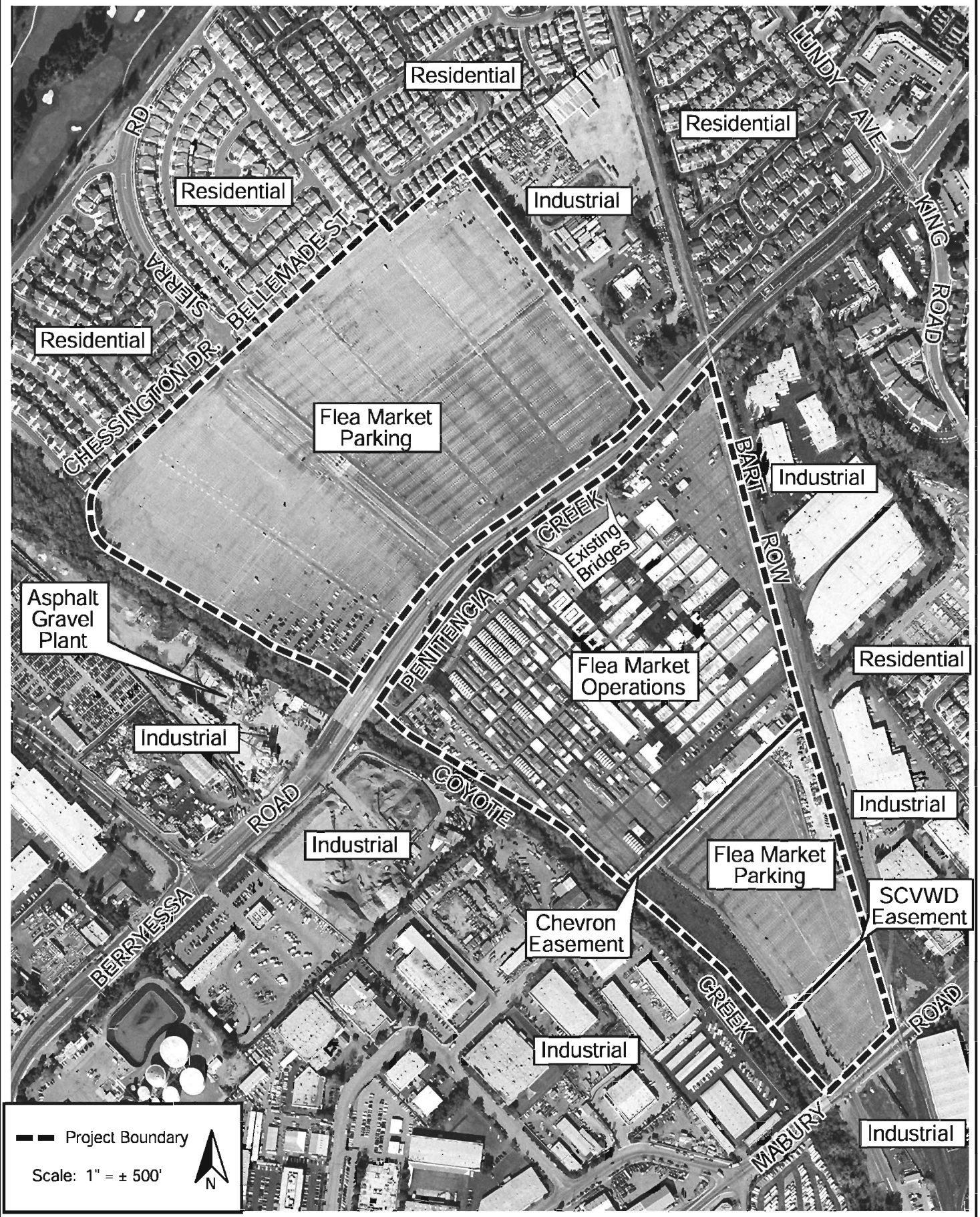
The areas adjacent to the project site north of Berryessa include both industrial and residential uses (refer to Figure 5). Two-story, single-family residences back up to the project site along the north boundary. Industrial uses, including a scrap-metal yard, a truck rental business, and a landscape company are directly adjacent to the east boundary of the site; beyond these uses are railroad tracks. Coyote Creek forms the west boundary of the project site; across Coyote Creek are heavy industrial uses, including an asphalt/gravel plant and an auto wrecking yard, both of which involve substantial outdoor activities, noise, and visible dust on occasion.

South of Berryessa

The areas adjacent to the project site south of Berryessa are predominantly developed with industrial uses (refer to Figure 5). A railroad right-of-way (i.e., the future BART alignment) forms the east boundary; across the right-of-way is an industrial park and residential uses. Mabury Road is the south boundary; across Mabury Road are light industrial and commercial uses, including the City of San José Mabury storage yard and a construction supply retail warehouse. Coyote Creek forms the west boundary; across Coyote Creek are light and heavy industrial uses, including warehouses, incubator buildings, and a gravel yard.

[5] The school and church were established by the family that owns and operates the Flea Market. They are not part of the Flea Market operations.

RETURN TO TABLE OF CONTENTS



AERIAL PHOTOGRAPH FIGURE 5

4.1.2 Land Use Impacts

Thresholds of Significance

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

- convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping & Monitoring Program of the California Resources Agency, to non-agricultural use; or
- conflict with existing zoning for agricultural use, or a Williamson Act contract; or
- involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use; or
- physically divide an established community; or
- conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect; or
- conflict with any applicable habitat conservation plan (HCP) or natural community conservation plan (NCCP).

Land Use Conflicts

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

Land Use Impacts from the Proposed General Plan Amendment

The proposed amendment to the General Plan would reconfigure and reduce the amount of land on the project site designated *Combined Industrial/Commercial*, increase the allowed building height from 120 feet to 150 feet south of Berryessa, downgrade Sierra Road from a four-lane to a two-lane Major Collector from Flickinger Avenue to Berryessa Road and add a Major Collector roadway south of Berryessa, from Mabury Road to Berryessa Road (refer to **Section 2, Description of the Proposed Project**).

North of Berryessa, the proposed amendment would reconfigure and reduce the 11 acres of land designated *Combined/ Industrial Commercial* north of Berryessa to approximately seven acres. This existing 11 acres of *Combined Industrial/Commercial* land currently provides substantial separation between the existing *Transit Corridor Residential (20+ DU/AC)* designated land on the project site and the existing heavy industrial uses west of the project site, across Coyote Creek. The proposed amendment would allow *Transit Corridor Residential (20+ DU/AC)* development approximately 275 feet closer to the existing heavy industrial uses located west of the project site, across Coyote Creek.

This reduced separation would increase the possibility of future land use conflicts between the proposed residential development and the existing heavy industrial uses, compared to the existing land use configuration north of Berryessa and, therefore, would not be consistent with General Plan policies for preserving industrial businesses and protecting lands designated for industrial uses. **[Significant Impact]**

South of Berryessa, the proposed amendment would re-designate approximately 20 acres of *Combined Industrial/Commercial* land to *Transit Corridor Residential (20+ DU/AC).* This land is located at the south end of the project site adjacent to Mabury Road. Coyote Creek and the proposed riparian habitat setback would provide separation from existing light industrial uses that are located west of Coyote Creek, Mabury Road would provide separation from existing light industrial and commercial uses to the south, and the railroad right-of-way would provide separation from existing industrial uses to the east. The industrial uses to the east and west are light industry including warehouses and incubator buildings. This is a different situation than the heavy industrial uses north of Berryessa and west of Coyote Creek. For these reasons, the proposed re-designation of *Combined Industrial/Commercial* land to *Transit Corridor Residential (20+ DU/AC)* and subsequent development of high density residential uses on the south end of the site is not expected to result in any significant land use impacts that cannot be avoided or reduced by conformance with the City's adopted Residential Design Guidelines and applicable General Plan policies. **[Less than Significant Impact]**

Building heights up to 150 feet on the project site south of Berryessa would not conflict with City plans or policies that were adopted for the purpose of avoiding an environmental effect, because there are no sensitive uses (e.g., residences or parks) located adjacent to the project site south of Berryessa.[6]

The Major Collector roadway on the project site south of Berryessa from Mabury to Berryessa Road is proposed to ensure vehicular access to the project site and the planned Berryessa BART Station would be adequate. This Major Collector roadway would be located entirely within the boundaries of the project site and would not affect existing surrounding land uses. **[Less than Significant Impact]**

Land Use Impacts from the Proposed Planned Development (PD) Rezoning Project

North of Berryessa

To maintain compatibility with the existing single-family residences that are located adjacent to the north boundary on Chessington Drive and Bellemade Street, the project proposes to construct up to 47 single-family dwelling units along this interface of the project site (refer to Figure 4). Similar to the adjacent existing single-family residences, the single-family dwelling units proposed by the project along the north boundary would have a maximum height of 35 feet with a 20-foot minimum rear setback and a 15-foot minimum front setback. The proposed single-family detached dwelling units would comply with the City's Residential Design Guidelines, which were adopted with the intent of avoiding impacts to existing residential neighborhoods, ensuring compatibility between adjacent land uses, minimizing environmental intrusions, and minimizing loss of privacy. Residential development in conformance with the Residential Design Guidelines and consistent with

[6] The nearest residential land use south of Berryessa is approximately 270 feet east, across the railroad tracks and behind the light industrial uses.

General Plan policy would not conflict with any applicable City plans or policies adopted for the purpose of avoiding an environmental effect. **[Less than Significant Impact]**

Along the west boundary of the project site, the project proposes a 100-foot setback from the edge of the riparian habitat of Coyote Creek. The combination of the minimum width of the riparian habitat of Coyote Creek along this portion of the site (approximately 100 feet) and the 100-foot riparian setback proposed by the project would provide over 200 feet of separation between development proposed by the project and the existing industrial uses located west of the project site, across Coyote Creek. To further maintain compatibility with the existing industrial uses west of the project site across Coyote Creek, the project proposes commercial and/or office/industrial uses (e.g., a large retail store, supermarket, mixed retail businesses and/or offices) and an approximately four-acre public park along this interface. The creek/riparian setback, industrial/commercial development, and park would not be likely to limit the viability of the industrial uses west of the creek, and would provide approximately 400 feet of separation between the residential development proposed by the project north of Berryessa and the existing heavy industry across the creek. For these reasons, development proposed by the project north of Berryessa would not conflict with General Plan policies for preserving industrial businesses and protecting the viability of lands designated for those uses. **[Less than Significant Impact]**

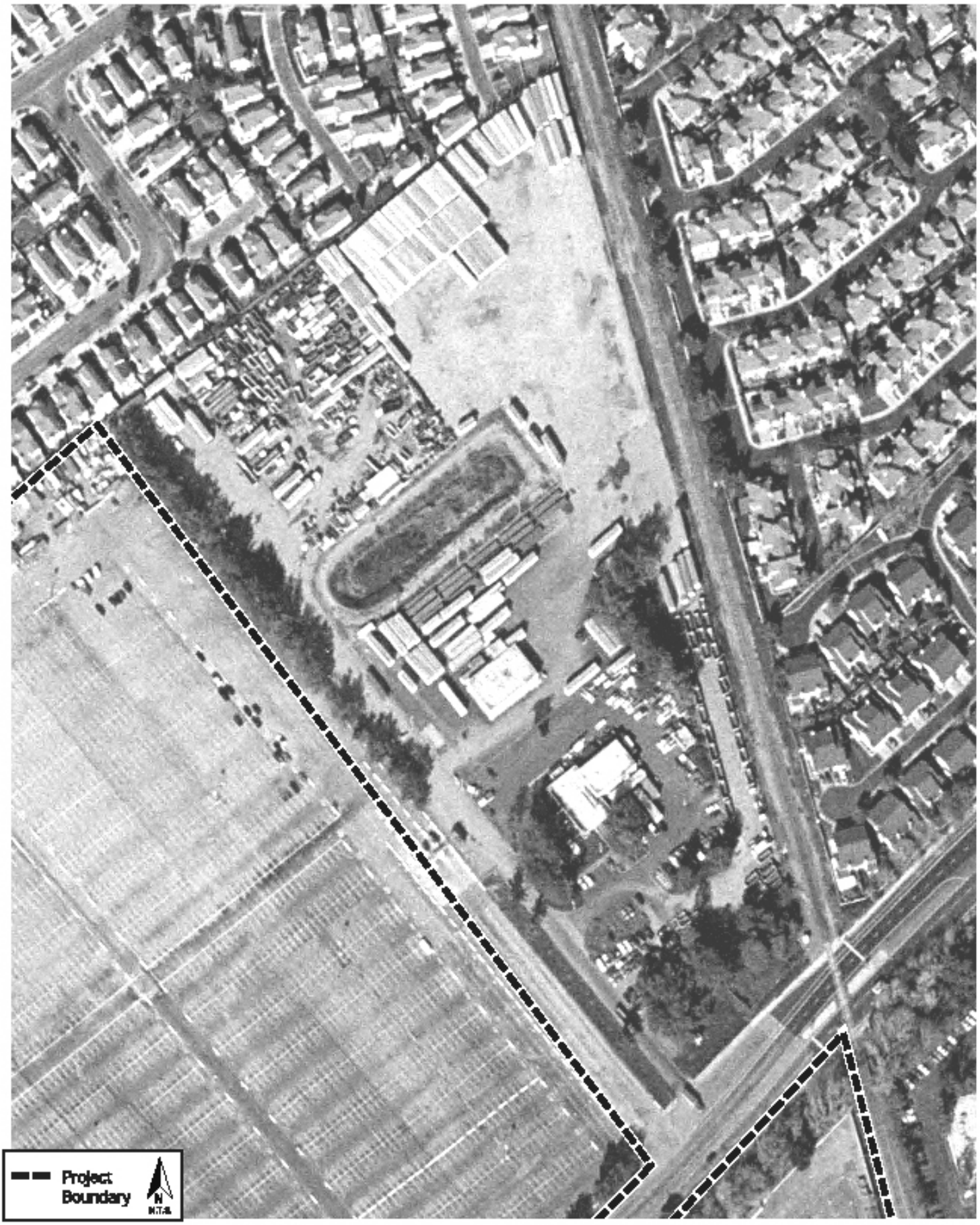
Existing industrial land uses that are located directly adjacent to the east boundary of the project site include a scrap metal yard, a truck rental company, and landscaping company that have extensive outdoor activity areas, and presently include outdoor activities that generate noise and dust (refer to Figure 6). The adjacent site is served by a shared dirt driveway along the boundary of the project site that generates substantial dust from truck traffic. The project proposes the development of single-family and multi-family dwelling units adjacent to these existing industrial uses. Complaints by residents of this future housing that are adversely impacted by the noise, dust, odors, use of hazardous materials, and other byproducts of industrial operations, could result in limitations on hours or operational characteristics being placed on these industrial businesses.

The property upon which these industrial uses are located is the subject of a currently pending General Plan Amendment (GP 03-04-08). It is currently designated *Industrial Park*. If approved, the amendment would change the land use designation on the property from *Industrial Park* to *Transit Corridor Residential (20+ DU/AC)*, which would increase the likelihood of the property being redeveloped in the future with residential uses that are compatible with the proposed project. Even if the General Plan designation is not changed on the adjacent site, the existing uses are not consistent with the existing *Industrial Park* designation and their continued presence on the property is not consistent with General Plan policies. While these uses may be annoying to future residents, impacts to their viability would not be inconsistent with General Plan policies. **[Less than Significant Impact]**

Building Heights

The building heights proposed by the project north of Berryessa would not be incompatible with the adjacent uses. The nearest sensitive uses to the project site north of Berryessa are located immediately adjacent to the north boundary of the project site. At this location, the project proposes to construct single-family detached residences with a maximum height of 35 feet. The project proposes building heights south of the proposed single-family detached dwelling units that will gradually step up in a southerly direction towards Berryessa Road, possibly reaching the maximum allowable height of 120 feet near Berryessa Road. **[Less than Significant Impact]**

RETURN TO TABLE OF CONTENTS



EXISTING INDUSTRIAL USES ADJACENT TO EAST PROJECT BOUNDARY

FIGURE 6

South of Berryessa

Existing industrial uses are located west, south, and east of the project site south of Berryessa (refer to Figure 5). The project site south of Berryessa is also the planned location of the Berryessa BART station. The project proposes to develop the project site south of Berryessa with high density residential uses and local-serving commercial uses that would be compatible with and would support the planned Berryessa BART station. The industrial uses west of the project site, across Coyote Creek, are a mix of heavy and light industry. The heavy industry is located towards Berryessa Road and the light industry is located towards Mabury Road. To maintain compatibility with these existing industrial uses west of Coyote Creek, the project proposes a 100-foot setback from the edge of the riparian habitat of Coyote Creek. The combination of the minimum width of the riparian habitat of Coyote Creek along this portion of the site (i.e., approximately 100 feet) and the proposed 100-foot riparian setback would provide approximately 200 feet of separation between the existing industrial uses located west of the project site and the proposed development of the project site south of Berryessa with residential uses. Consistent with the Residential Design Guidelines, the project proposes a frontage road along the riparian setback. This frontage road will provide at least an additional 50 feet of separation. The separation provided by the riparian habitat, riparian habitat setback, and the frontage road will reduce land use conflicts along this interface to a less than significant level. **[Less than Significant Impact]**

The residential uses proposed by the project south of Berryessa would be a minimum distance of 100 feet from the existing industrial park located east of the project site, across the existing railroad right-of-way. The existing railroad right-of-way provides 75 feet of separation between the project site and the existing industrial park. In addition, the proposed project includes a minimum 25-foot setback from the existing railroad right-of-way. This separation will reduce land use conflicts along this interface to a less than significant level. **[Less than Significant Impact]**

The high density residential development proposed by the project on the south end of the project site would be approximately 100 feet from the property line of the existing industrial uses across Mabury Road. Separation provided by Mabury Road will reduce land use conflicts along this interface to a less than significant level. For a discussion of the noise impacts that could result from placing housing adjacent to Mabury Road and the mitigation measures proposed by the project to reduce these impacts to a less than significant level, refer to **Section 4.3, Noise**. **[Less than Significant Impact]**

Building heights up to 150 feet on the project site south of Berryessa would not be incompatible with adjacent land uses, because there are no sensitive uses (e.g., residences or parks) located adjacent to the project site south of Berryessa. The nearest residential land use south of Berryessa is approximately 270 feet east, across the railroad tracks and behind the light industrial uses. **[Less than Significant Impact]**

Impacts to the Proposed Project

Because the site is already surrounded by urban industrial development, it is subject to impacts from existing noise levels, the use of hazardous materials on nearby sites, and possible soil and/or groundwater contamination from past on-site and/or nearby uses. Truck traffic, use of heavy equipment, outdoor lighting, dust and litter, noise, unsightly outdoor storage, and the use of hazardous materials are aspects of industrial uses that can be incompatible with residential land uses.

The extent to which these conditions could significantly impact future residents of the proposed project, and the mitigation measures for those impacts, are discussed in detail in **Sections 4.3 Noise**, and **Section 4.9 Hazardous Materials** of this EIR.

The project site is the planned location of the Berryessa BART station and the railway right-of-way is located adjacent to the project site south of Berryessa. The primary impacts from the railway on proposed project would be noise and vibration, which are discussed in **Section 4.3 Noise** of this EIR. Some of the residential development allowed by the proposed land use designation change would need to be designed and built with noise attenuation measures to reduce interior noise levels to acceptable levels.

Pipeline Rights-of-Ways

The project proposes the construction of roadways over the existing Chevron Pipeline Company and Santa Clara Valley Water District rights-of-way that are located south of Berryessa (refer to Figure 5). Roadways over the rights-of-way will allow for aerial inspection and heavy equipment accessibility for future repairs. **[Less than Significant Impact]**

Other Land Use Impacts

The proposed project would not affect farmland or agricultural uses in any way or physically divide an established community. Further, there is no HCP or NCCP that is applicable to the project site. **[No Impact]**

Land Use Impacts from Protected Intersection

Adding the intersection of Hedding Street and Oakland Road to the List of Protected Intersections would result in increased congestion at this intersection. Localized traffic diversion can result in the vicinity of congested intersections. Because there are limited alternate routes to US 101 north of Hedding Street and because much of the area north of Hedding Street is developed with industrial uses, congestion at the intersection of Hedding Street and Oakland Road is not expected to result in a substantial diversion of traffic through residential neighborhoods. **[Less than Significant Impact]**

4.1.3 Mitigation and Avoidance Measure for Land Use Impacts

The following measures are included in the proposed rezoning project to avoid land use conflicts upon the residential neighborhood north of the project site and reduce impacts from industrial uses to the west:

MM 4.1-1 The maximum height of single-family detached dwelling units proposed along the north boundary of the project site will be 35 feet.

MM 4.1-2 Building heights south of the proposed single-family detached dwelling units will gradually be stepped up in a southerly direction towards Berryessa Road, possibly reaching the maximum allowable height of 120 feet near Berryessa Road.

MM 4.1-3 The proposed zoning includes a 4.25-acre public park in the northwest corner of the project site. This public park would provide adequate separation between the

proposed residential uses and the existing industrial uses located west of the project site, across Coyote Creek.

4.1.4 Land Use Conclusion

The avoidance measures identified above (**MM 4.1-1** thru **MM 4.1-3**) to avoid land use impacts upon the existing residential neighborhood north of the project site and those from industrial uses to the west of the site are included in the proposed project. **[Less than Significant Impact with Mitigation]**

4.2 TRANSPORTATION AND TRAFFIC

This section is primarily based upon a transportation impact analysis prepared for the proposed project by *Fehr & Peers Associates, Inc.* in April 2006. Their complete report is included in Appendix A of this EIR.

Introduction

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating transportation and traffic impacts resulting from planned development within the City. (See also **Section 3. Consistency with Adopted Plans**) All future development addressed by this EIR would be subject to the transportation policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- *Level of Service Policy #5*: Maintain Specified Levels of Service
- *Transportation Policy #3*: Provide Right-of-Way Dedication and Improvements
- *Transportation Policy #8*: Factor Safety for All Modes into the Design of Streets & Roadways
- *Transportation Policy #9*: Discourage Through Traffic on Neighborhood Streets
- *Transportation Policy #16*: Encourage Pedestrian Travel by Providing Pedestrian Facilities
- *Transportation Policy #43*: Priority Improvements to the Transportation Bicycle Network

In addition to the adopted General Plan policies, the City has adopted the following transportation policy:

Transportation Impact Policy (City Policy 5-3)

The City Council recently adopted an updated Transportation Impact Policy (City Policy 5-3), which identifies thresholds for traffic impacts, defines the method and processes for evaluating and mitigating traffic impacts, and established the basis for "Protected" intersections.

The City of San José may identify certain local intersections for which no further physical improvements are planned. These specific intersections, because of the presence of substantial transit improvements, adjacent private development, or a combination of both circumstances, cannot be modified to accommodate additional traffic and operate at LOS D or better, in conformance with all relevant General Plan policies. Council Policy 5-3 provides a process for allowing exceptions to the City's policy of maintaining LOS D at local intersections. Pursuant to that policy, a List of Protected Intersections was created and has been subsequently modified by Council action.

4.2.1 Existing Setting

The existing transportation system serving the project area is described in the section below. The transportation system includes the roadway network, bicycle and pedestrian facilities, and transit system.

4.2.1.1 *Existing Roadway Network*

The existing roadway network serving the project area includes regional roadway facilities, such as freeways and expressways, as well as local roadway facilities such as arterials, collectors and local streets. The roadway network is shown on Figure 7.

Regional Roadway Facilities

US Highway 101 (US 101) is a freeway that traverses the entire length of the State of California. US 101 accommodates regional travel between San Francisco and Silicon Valley. Full-access interchanges near the project site are provided at McKee Road, Alum Rock Avenue, and Oakland Road/13th Street. US Highway 101 also has a full-access interchange with Interstate 280/Interstate 680 and another with Interstate 880. US 101 has four lanes in each direction in the project area, three mixed flow lanes and one High Occupancy Vehicle (HOV) lane reserved for use by carpools, buses, and motorcycles during peak commute periods.

Interstate 680 (I-680) is an eight-lane freeway linking the San Ramon Valley and Silicon Valley. Access from I-680 to the project site is provided via a full access interchange at Berryessa Road.

Interstate 880 (I-880) is a six-lane north-south freeway located northwest of the site. It extends northward to Oakland and southward through San José. I-880 is designated as SR 17 south of its interchange with I-280. I-880 has interchanges with US 101 and Brokaw Road near the site.

Local Roadway Facilities

Berryessa Road is a four to six-lane east-west arterial linking northern San José with East San José. Berryessa Road becomes Hedding Street at US Highway 101. Berryessa Road bisects the project site approximately in half. Under existing conditions, the land north of Berryessa Road is developed as a parking lot for the San José Flea Market, which is located south of Berryessa Road. The two pieces of property are connected across Berryessa Road by a signalized crosswalk and a pedestrian tunnel.

Brokaw Road is a six-lane east-west arterial located south of the site. Brokaw Road extends eastward from North First Street to Oakland Road. From a point east of Oakland Road to Lundy Avenue, this roadway is designated Murphy Avenue. East of Lundy Avenue, this roadway becomes Hostetter Road and extends eastward toward Piedmont Road.

Capitol Avenue is a north-south four to six-lane arterial that extends from Milpitas to Capitol Expressway. Capitol Avenue is a divided roadway that parallels I-680. The Valley Transit Authority Light Rail Transit travels down the median of Capitol Avenue.

Commercial Street is a two-lane major collector between Oakland Road and Berryessa Road. Commercial Street presently provides a connection to the site for vehicles exiting US 101.

Hedding Street is a four-lane arterial between Winchester Boulevard and US 101. Hedding Street becomes Pruneridge Avenue at Winchester Boulevard and Berryessa Road at US 101.

Jackson Avenue is a north-south four-lane arterial that extends from Story Road to Berryessa Road where it becomes Flickinger Avenue. Jackson Avenue has a two-lane segment between Alum Rock Avenue and Story Road. Major cross streets include Alum Rock Avenue, McKee Road, Mabury Road, and Berryessa Road.

Julian Street is a two-lane arterial that extends west from US 101 through downtown San José. Julian Street has full access interchanges with US 101 and SR 87. A three and four lane segment exists at the SR 87 interchange. Julian Street is a one-way couplet with St. James Street between 11th Street and SR 87. Julian Street becomes McKee Road just east of US 101.

RETURN TO TABLE OF CONTENTS

EXISTING ROADWAY NETWORK FIGURE 7

King Road is a north-south arterial extending from Berryessa Road south to Capitol Expressway. King Road is a two to four-lane arterial near the project site. King Road becomes Lundy Avenue north of Berryessa Road.

Mabury Road is an east-west arterial extending between US 101 and East San José. Just before the US 101 grade separation, Mabury Road becomes a north-south collector street until it terminates at Oakland Road. Mabury Road also connects with Taylor Street west of US 101.

McKee Road is a six-lane arterial that extends east from US 101 to east San José. McKee has full access interchanges with US 101 and I-680. Major north-south cross streets include King Road, Jackson Avenue, Capitol Avenue, and White Road. McKee Road becomes Julian Street just east of US 101.

Santa Clara Street/Alum Rock Avenue is an east-west arterial extending between State Route 87 in downtown San José and East San José (west of SR 87 it becomes The Alameda). Santa Clara Street/Alum Rock Avenue is a four-lane arterial within the project area. Santa Clara Street becomes Alum Rock Avenue at the full-access interchange with US 101.

Sierra Road is a two-lane east-west major collector extending from Flickinger Avenue to Chessington Drive/Bellemade Street north of the project site.

4.2.1.2 *Existing Pedestrian and Bicycle Facilities*

Pedestrian Facilities

Pedestrian facilities comprise sidewalks and pedestrian signals at signalized intersections. The location of pedestrian facilities near the project site was identified during a field visit to the study area.

Sidewalks are generally provided on both sides on Sierra Road, Berryessa Road, and Mabury Road, near the project site. There is a gap, however, in the sidewalk on the north side of Berryessa Road at the project site. Also, there is no sidewalk on the south side of Berryessa Road between Coyote Creek and the railroad tracks. Currently, pedestrians are served by a dirt trail at this location. A narrow sidewalk begins on the south side of Berryessa Road east of the railroad tracks.

Sidewalks are provided on both sides of King Road except for approximately 100 to 200 feet, midblock on the west side between Berryessa Road and Mabury Road. Although the sidewalk is generally in good condition on King Road, a section on the west side of the street near Berryessa Road and a midblock section on the east side of the street were observed to be uneven and in poor condition.

Signalized pedestrian crossings are provided at the Berryessa Road/King Road, and Mabury Road/King Road intersections.

The City of San José's Greenprint, a 20-Year Strategic Plan for Parks, Community Facilities and Programs, shows a proposed trail on the project site along Upper Penitencia Creek and a proposed trail along Coyote Creek on the side opposite the project site. Coyote and Upper Penitencia Creek are both designated on the General Plan Scenic Routes and Trails Diagram as Trail and Pathway Corridors.

Bicycle Facilities

Bicycle facilities include bike paths, bike lanes, and bike routes. Bike paths are paved pathways for use by bicycles that are separated from roadways. Bike lanes are lanes on roadways designated for use by bicycles with special lane markings, pavement legends, and signage. Bike routes are designated with signs only. There is a bicycle path along Upper Penitencia Creek. The bike path begins at Mabury Road, between Lundy Avenue and Jackson Avenue, and extends eastward toward Alum Rock Park. The discussion below describes the bicycle lanes and bicycle routes in the project area, based on the Valley Transportation Authority's (VTA) Santa Clara Valley Bikeways Map and field observations and Figure 8 is a map showing the bicycle facilities in the project area.

Alum Rock Road is a designated bicycle route from US 101 to east of White Street. Although the facility is a designated bicycle route according to the VTA's Bikeways Map, no existing signs indicating that designation were seen on a recent field visit.

Old Bayshore Highway is shown on VTA's Bikeways Map as a bike lane; however, field observations found Old Bayshore Highway is designated a bicycle route (no striped lane) from 10th Street to I-880.

Berger Drive has bicycle lanes from Gish Road to Oakland Road.

Berryessa Road has bicycle lanes from US 101 to Capitol Avenue. West of US 101, Berryessa Road becomes Hedding Street and is a designated bicycle route. East of Capitol Avenue, Berryessa Road is a designated bicycle route.

Brokaw Road/Murphy Avenue/Hostetter Road has bicycle lanes from I-880 to Capitol Avenue. The bicycle lanes continue west of I-880 to the San José Airport. East of Capitol Avenue, Hostetter Road is designated as a bicycle Route.

Capitol Avenue has bicycle lanes from Capitol Expressway to Trade Zone Boulevard.

Flickinger Avenue/Jackson Avenue has bicycle lanes from Hostetter Road to Penitencia Creek. Jackson Avenue is a designated bicycle route near Penitencia Creek. South of the creek, there are bicycle lanes that extend to the San José Regional Medical Center.

Lundy Avenue/King Road has bicycle lanes from Berryessa Road to Trade Zone Boulevard. South of Berryessa Road, King Street is a designated bicycle route.

Mabury Road has bicycle lanes from US 101 to White Street. West of US 101, Mabury Road becomes Taylor Street and is a designated bicycle route. The Mabury Road overpass has a separate bicycle and pedestrian facility to bypass the narrow motor vehicle travel way.

McKee Road is a designated bicycle route from US 101 to east of White Street. West of US 101, McKee Road becomes Julian Street, which is also a designated bicycle route.

Oakland Road has bicycle lanes from US 101 to Calaveras Boulevard in Milpitas. North of Montague Expressway, Oakland Road becomes Main Street.

RETURN TO TABLE OF CONTENTS

EXISTING BICYCLE FACILITIES FIGURE 8

Sierra Road is designated a future bicycle facility from Piedmont Road to Araujo Street in the General Plan Transportation Bicycle Network.

3rd and 4th Streets are designated bicycle routes from Mission Street to Jackson Street, have bicycle lanes from Jackson Street to Julian Street, and are again designated a bicycle route from Julian Street to Reed Street.

10th Street has bicycle lanes from Old Bayshore Highway to Taylor Street. Field observations found that the segment between Hedding Street and Commercial Street is signed as a bike route with bike lane striping. South of Taylor Street to Tully Road, it is designated a bicycle route.

11th Street is a designated a bicycle route from Hedding Street to Story Road.

17th Street has bicycle lanes from Hedding Street to Santa Clara Street and **21st Street** has bicycle lanes from Hedding Street to McKee Road and from Bulldog Boulevard to William Street.

4.2.1.3 *Existing Transit Service*

The Santa Clara Valley Transportation Authority (VTA) operates bus service in Santa Clara County. The discussion below describes the existing transit service in the project area and Figure 9 is a map showing the existing transit facilities in the project area.

Bus Routes

Route 12 is a local bus route that provides service between the Civic Center Light Rail Station and the Eastridge Transit Center. The hours of operation are from 9:30 AM to 7:00 PM with 30-minute headways on weekends. Near the project site, this route operates on Berryessa Road and King Road.

Route 36 is a local bus route that provides local service between Penitencia Creek Transit Center and Valley Fair Shopping Center and Vallco Fashion Park. Near the project site, weekday hours of operation are from 6:00 AM to 7:15 PM with 30-minute headways. Only on weekdays, this route extends to Vallco Fashion Park between 6:00 AM to 9:00 AM and from 3:00 PM to 7:00 PM with 60-minute headways. On weekends, this route operates on 30-minute headways from 8:30 AM to 8:00 PM. Near the project site, this route operates on Berryessa, King, and Mabury Road.

Route 62 is a local bus route between Penitencia Creek Transit Center and Good Samaritan Hospital. The hours of operation are from 5:15 AM to 10:45 PM with 20- to 60-minute headways. Weekend operations are provided on 30- to 60-minute headways between 6:15 AM and 10:00 PM. Near the project site, this route operates on Berryessa Road, King Road, Mabury Road, and Taylor Street.

Route 77 is a local bus route between Eastridge Transit Center and the Great Mall Transit Center. The hours of operation are 5:00 AM to 9:00 PM on weekdays with 15- to 60-minute headways. This route operates on 30- to 60-minute headways between 6:45 AM and 9:00 PM on Saturdays and Sundays. Route 77 operates on Lundy Avenue and King Road near the project site.

RETURN TO TABLE OF CONTENTS

N
Not to scale

EXISTING TRANSIT FACILITIES FIGURE 9

Light Rail

The Alum Rock-Santa Teresa light rail line currently provides service from the Alum Rock station, west through Milpitas and south through Downtown San José to the Santa Teresa station. Passengers can transfer to the Mountain View-Winchester light rail line between the Tasman and Convention Center stations. The light rail line can be reached via automobile, bus, or bicycle, but the nearest station is more than a mile from the project site, which exceeds typical walking distance. The Berryessa station is the closest eastern station, located at Berryessa Road/Capitol Avenue. Hostetter and Penitencia Creek stations are the nearest park-and-ride stations with bicycle lockers. The closest western station is the Civic Center station at Mission Street/First Street. None of the light rail stations between the River Oaks and Tamien stations have park-and-ride facilities. The Civic Center station, however, is connected to the project site by local bus routes 12 and 36, and bicycle facilities along Berryessa Road/Hedding Street, and Mabury Road/Taylor Street.

4.2.1.4 *Existing Traffic Operations*

The operations of key intersections were evaluated during weekday morning (AM) and evening (PM) peak hours. Per the City of San José's Traffic Impact Analysis (TIA) Guidelines, the AM and PM peak periods occur between 7:00 AM and 9:00 AM and between 4:00 PM and 6:00 PM, respectively. Intersection operations were evaluated for the highest one-hour volume counted during each period. New November and December 2005 traffic counts were completed during the AM and PM peak periods at study intersections with counts older than January 2004. Figures showing the existing AM and PM peak-hour turning movement volumes and existing intersection lane configurations and traffic control devices at the study intersections are included in Appendix A.

Level of Service Methodology

The operations of roadway facilities are described with the term level of service. Level of Service (LOS) is a qualitative description of traffic flow based on such factors as speed, travel time, delay, and freedom to maneuver. Six levels are defined from LOS A, as the best operating conditions, to LOS F, or the worst operating conditions. LOS E represents "at-capacity" operations. When volumes exceed capacity, stop-and-go conditions result, and operations are designated as LOS F.

Signalized Intersections

The level of service methodology approved by the City of San José and the Santa Clara Congestion Management Agency (CMA) analyzes a signalized intersection's operation based on average control vehicular delay, which is calculated using the method described in Chapter 16 of the 2000 Highway Capacity Manual (HCM).[7] The average control delay for signalized intersections is calculated using TRAFFIX analysis software and is correlated to a LOS designation, as shown in Table 2. The LOS standard (i.e., minimum acceptable operations) for signalized intersections in the City of San José is LOS D. The LOS standard for regional CMA intersections is LOS E.

Unsignalized Intersections

The unsignalized study intersection of Mabury Road and Taylor Street was evaluated using the methodology contained in Chapter 17 of the 2000 HCM. LOS ratings for stop-sign controlled

[7] Average Control Delay time includes the time for initial deceleration delay, queue move-up time, stopped delay, and final acceleration.

intersections are based on the average control delay expressed in seconds per vehicle. At two-way or side street-controlled intersections, the control delay is calculated for each movement, not for the intersection as a whole. For approaches composed of a single lane, the control delay is computed as the average of all movements in that lane. For all-way stop-controlled locations, a weighted average delay for the entire intersection is identified. Table 3 summarizes the relationship between delay and LOS for unsignalized intersections. LOS D is the minimum acceptable LOS for unsignalized local intersections.

Table 2
Signalized Intersection Level of Service Definitions

Level of Service	Description	Average Control Delay per Vehicle (Seconds)
A	Operations with very low delay occurring with favorable progression and/or short cycle lengths.	≤ 10.0
B+	Operations with low delay occurring with good progression and/or short cycle lengths.	10.1 to 12.0
B		12.1 to 18.0
B-		18.1 to 20.0
C+	Operations with average delays resulting from fair progression and/or longer cycle lengths. Individual cycle failures begin to appear.	20.1 to 23.0
C		23.1 to 32.0
C-		32.1 to 35.0
D+	Operations with longer delays due to a combination of unfavorable progression, long cycle lengths, and high V/C ratios. Many vehicles stop and individual cycle failures are noticeable.	35.1 to 39.0
D		39.1 to 51.0
D-		51.1 to 55.0
E+	Operations with high delay values indicating poor progression, long cycle lengths, and high V/C ratios. Individual cycle failures are frequent occurrences.	55.1 to 60.0
E		60.1 to 75.0
E-		75.1 to 80.0
F	Operations with delays unacceptable to most drivers occurring due to over-saturation, poor progression, or very long cycle lengths.	> 80.0

Source: Santa Clara Valley Transportation Authority (VTA) Congestion Management Program (CMP) Traffic Level of Service Analysis Guidelines, June 2003, and Transportation Research Board, Highway Capacity Manual, 2000.

Table 3
Unsignalized Intersection Level of Service Definitions

Level of Service	Description	Average Control Delay per Vehicle (Seconds)
A	Little or no delay.	≤ 10.0
B	Short traffic delays.	10.1 to 15.0
C	Average traffic delays.	15.1 to 25.0
D	Long traffic delays.	25.1 to 35.0
E	Very long traffic delays.	35.1 to 50.0
F	Extreme traffic delays with intersection capacity exceeded.	> 50.0

Source: Highway Capacity Manual, Transportation Research Board, 2000.

Table 4 **Freeway Level of Service**	
Level of Service	Density (vehicles/mile/lane)
A	≤ 11.0
B	11.0 to 18.0
C	18.1 to 26.0
D	26.1 to 46.0
E	46.1 to 58.0
F	> 58.0
Source: VTA's CMP Traffic Level of Service Analysis Guidelines, June 2003.	

Existing Intersection Levels of Service

Existing intersection lane configurations and peak-hour turning movement volumes were used to calculate the LOS for the key intersections during each peak hour. All local signalized study intersections currently operate at acceptable levels of service (LOS D or better), except the intersection of Montague Expressway and Oakland Road and the intersection of Capitol Expressway and Capitol Road. The results of the LOS analysis for Existing Conditions are shown in Table 5. The unsignalized intersection of Mabury Road and Mabury Road[8] (Study Intersection 38) operates at an unacceptable level of service during both peak hours. All of the CMA intersections operate at an acceptable level of service (LOS E or better), except the intersections of Montague Expressway with Oakland Road and Trade Zone Boulevard, during the PM peak hour.

Table 5 **Existing Intersection Levels of Service**				
Intersection	Peak Hour[1]	Count Date	Delay[2]	LOS[3]
1. Montague Expressway/Oakland Road[4]	AM	2004	**77.7**	**E-**
	PM	09/05	**>80**	**F**
2. Montague Expressway/Trade Zone Blvd.[4]	AM	2004	**58.6**	**E+**
	PM	09/05	**>80**	**F**
3. Trade Zone Boulevard/Lundy Avenue	AM	11/05	25.2	C
	PM	11/05	34.1	C-
4. Hostetter Road/Flickinger Avenue	AM	03/04	26.3	C
	PM	03/04	23.2	C
5. Hostetter Road/I-680	AM	11/05	26.2	C
	PM	11/05	17.0	B
6. Hostetter Road/Capitol Avenue	AM	10/05	48.2	D
	PM	10/05	42.2	D
7. Townsend Avenue/Lundy Avenue	AM	11/05	13.8	B
	PM	11/05	11.9	B+
8. Sierra Road/Lundy Avenue	AM	11/05	29.6	C
	PM	11/05	21.1	C+

[8] Prior to crossing US 101, Mabury Road abruptly veers to the north and parallels the east side of US 101, which forms the intersection of Mabury Road/Mabury Road.

Table 5
Existing Intersection Levels of Service

Intersection	Peak Hour[1]	Count Date	Delay[2]	LOS[3]
9. Gish Road/Oakland Road	AM	11/04	13.5	B
	PM	11/04	13.9	B
10. Younger Avenue/1st Street	AM	11/05	13.2	B
	PM	11/05	21.3	C+
11. Commercial Street/10th Street	AM	11/05	25.8	C
	PM	11/05	24.7	C
12. Commercial Street/Oakland Road	AM	11/05	36.3	D+
	PM	11/05	34.1	C
13. US 101/Oakland Road (North)[4]	AM	10/04	54.3	D-
	PM	10/04	23.0	C+
14. US 101/Oakland Road (South)[4]	AM	10/04	26.6	C
	PM	10/04	26.2	C
15. Hedding Street/San Pedro Street	AM	11/05	27.5	C
	PM	11/05	26.7	C
16. Hedding Street/1st Street	AM	03/05	34.8	C-
	PM	03/05	35.5	D+
17. Hedding Street/4th Street	AM	09/04	36.0	D+
	PM	09/04	39.2	D
18. Hedding Street/7th Street	AM	11/05	11.6	B+
	PM	11/05	8.9	A
19. Hedding Street/10th Street	AM	11/05	13.8	B
	PM	11/05	28.0	C
20. Hedding Street/11th Street	AM	11/05	21.4	C+
	PM	11/05	10.9	B+
21. Hedding Street/Oakland Road	AM	10/04	47.3	D
	PM	10/04	41.9	D
22. Hedding Street/Mabury Road	AM	03/04	19.9	B-
	PM	03/04	18.6	B-
23. Berryessa Road/Commercial Street	AM	03/04	15.9	B
	PM	03/04	23.0	C+
24. Berryessa Road/Lundy Avenue4	AM	10/04	41.7	D
	PM	10/04	44.8	D
25. Berryessa Road/Farragut Way	AM	03/04	23.8	C
	PM	03/04	9.5	A
26. Berryessa Road/Flickinger Avenue	AM	03/04	39.7	D
	PM	03/04	37.8	D+
27. Berryessa Road/I-680	AM	11/05	13.0	B
	PM	11/05	15.1	B
28. Berryessa Road/Capitol Avenue	AM	09/04	50.7	D
	PM	09/04	45.2	D
29. Commodore Drive/King Street	AM	12/05	20.0	B-
	PM	12/05	21.7	C+
30. Taylor Street/SR-87	AM	03/05	45.7	D
	PM	03/05	39.5	D
31. Taylor Street/San Pedro Street	AM	11/04	34.5	C-
	PM	10/04	39.8	D

Table 5
Existing Intersection Levels of Service

Intersection	Peak Hour[1]	Count Date	Delay[2]	LOS[3]
32. Taylor Street/1st Street	AM	10/04	48.1	D
	PM	10/04	53.2	D-
33. Taylor Street/4th Street	AM	10/04	35.7	D+
	PM	10/04	36.0	D+
34. Taylor Street/10th Street	AM	09/04	8.7	A
	PM	09/04	13.3	B
35. Taylor Street/11th Street	AM	09/04	13.9	B
	PM	09/04	9.3	A
36. Taylor Street/13th Street	AM	09/04	11.8	B+
	PM	09/04	13.5	B
37. Taylor Street/17th Street	AM	10/05	12.6	B
	PM	11/05	12.8	B
38. Mabury Road/Mabury Road[5]	AM	11/05	**39.2**	**E**
	PM	11/05	**>50**	**F**
39. Mabury Road/Mabury Yard	AM	03/05	8.2	A
	PM	03/05	7.8	A
40. Mabury Road/King Road	AM	11/05	37.2	D+
	PM	11/05	35.9	D+
41. Mabury Road/Education Park Drive	AM	11/05	14.1	B
	PM	11/05	12.7	B
42. Mabury Road/Jackson Avenue	AM	10/05	37.6	D+
	PM	11/05	33.0	C-
43. Mabury Road/Capitol Avenue	AM	10/04	41.0	D
	PM	11/04	41.3	D
44. Las Plumas Avenue/King Road	AM	11/05	14.4	B
	PM	11/05	16.1	B
45. Julian Street/24th Street	AM	11/05	17.2	B
	PM	11/05	13.5	B
46. Julian Street/US 101	AM	11/05	19.1	B-
	PM	11/05	20.1	C+
47. McKee Road (E)/US 101	AM	11/05	19.7	B-
	PM	11/05	23.5	C
48. McKee Road/33rd Street	AM	11/05	24.8	C
	PM	11/05	23.9	C
49. McKee Road/King Road	AM	11/04	44.1	D
	PM	11/04	45.8	D
50. McKee Road/José Figueres Avenue	AM	11/05	13.4	B
	PM	11/05	15.7	B
51. McKee Road/Jackson Avenue	AM	06/05	39.6	D
	PM	06/05	39.5	D
52. McKee Road/Capitol Avenue	AM	09/04	41.6	D
	PM	09/04	39.4	D
53. Santa Clara Street/24th Street	AM	11/05	28.2	D
	PM	11/05	28.9	D
54. Alum Rock Road/King Road[4]	AM	09/04	31.1	C
	PM	09/04	32.9	C-

Table 5
Existing Intersection Levels of Service

Intersection	Peak Hour[1]	Count Date	Delay[2]	LOS[3]
55. Alum Rock Road/Capitol Avenue[4]	AM	09/04	31.6	C
	PM	09/04	33.1	C-
56. San Antonio Street/King Road	AM	11/05	24.6	C
	PM	11/05	29.1	C
57. San Antonio Street/Jackson Avenue	AM	06/05	32.5	C-
	PM	06/05	30.4	C
58. Capitol Avenue/Capitol Expressway[4]	AM	04/05	29.1	C
	PM	10/04	**57.8**	**E+**
59. Story Road/Capitol Expressway[4]	AM	06/05	54.3	D-
	PM	09/04	54.9	D-
60. I-280/McLaughlin Avenue[4]	AM	10/04	9.9	A
	PM	10/04	15.4	B
61. I-680/King Road (North)[4]	AM	10/04	26.6	C
	PM	10/04	34.7	C-
62. I-680/King Road (South)[4]	AM	10/04	17.7	B
	PM	10/04	34.3	C-

[1] AM = morning peak-hour PM = evening peak-hour.
[2] Whole intersection weighted average control delay expressed in seconds per vehicle for signalized and all-way stop intersections using methodology described in the 2000 Highway Capacity Manual, with adjusted saturation flow rates to reflect Santa Clara County Conditions. For two-way stop controlled unsignalized intersections, total control delay for the worst movement, expressed in seconds per vehicle, is presented. LOS calculations completed using the TRAFFIX software package.
[3] LOS = Level of Service
[4] Designated CMA intersections.
[5] Unsignalized intersection.
Bold text indicates unacceptable operations (LOS E or F).

4.2.1.5 *Background Conditions*

The following discussion describes background traffic conditions in the project area, which are conditions anticipated to exist prior to completion of the proposed project. Traffic volumes for background conditions comprise existing volumes plus traffic generated by approved but not yet constructed projects. Background conditions also include planned intersection or roadway improvements, such as improvements required as mitigation for previously approved projects that have not yet been constructed.

Background Traffic Volumes

Normally, Background Condition traffic volumes consist of existing volumes plus Approved Trip Inventory (ATI) volumes. ATI volumes are traffic projections generated by approved but not yet constructed projects in the study area that are assigned to the roadway system. For areas north and west of I-280/I-680, however, the City of San José uses year 2000 or 2001 traffic counts as a baseline under Background Conditions to account for the overall reduced traffic volumes, due to the economic downturn that occurred after 2001 and the resulting high vacancy rates in the area. The traffic volumes for Background Conditions for this TIA were estimated by adding ATI volumes to historic 2000-2001 traffic volumes. Approved projects of note in the ATI include:

- Phase 1 of the North San José development,
- Phase 1 of the Downtown San José development, and
- The couplet conversion reassignment on 10th and 11th Streets.

Planned Roadway Improvements

The roadway improvements listed in Tier 1A of the Comprehensive County Expressway Planning Study and those in the North San José Deficiency Plan were included under Background Conditions. Other Background Condition improvements included those listed in the traffic mitigation log dated April 11, 2001, and the proposed couplet conversion changes of 3rd, 4th, 10th, and 11th Streets. These improvements are listed below.

1. Montague Expressway /Oakland Road
   - Add 2nd Southbound left-turn lane
   - Widen Montague Expressway to 8-lanes
2. Montague Expressway/Trade Zone Boulevard
   - Add 2nd northbound and southbound left-turn lanes
   - Add eastbound free right on Montague Expressway
3. Hedding Street/10th Street
   - Couplet conversion
4. Hedding Street/11th Street
   - Couplet conversion
5. Hedding Street/Oakland Road
   - Add 2nd eastbound and westbound left-turn lane
6. Taylor Street/10th Street
   - Couplet conversion
7. Taylor Street/11th Street
   - Couplet conversion
8. McKee Road/King Road
   - Add 2nd eastbound and westbound left-turn lanes
9. Story Road/Capitol Expressway
   - Add 3rd eastbound through lane

Background Intersection Level of Service

The LOS for the study intersections were calculated using Background traffic volumes and the planned improvements described above. Existing lane configurations were used for intersections with no planned improvements. The results of the Background Conditions LOS analysis are shown in Table 6.

Table 6
Background Intersection Levels of Service

Intersection	Peak Hour[1]	Delay[2]	LOS[3]
1. Montague Expressway/Oakland Road[4]	AM	**58.6**	**E+**
	PM	**68.4**	**E**
2. Montague Expressway/Trade Zone Blvd.[4 5]	AM	55.5	E+
	PM	55.6	E+

Table 6
Background Intersection Levels of Service

Intersection	Peak Hour[1]	Delay[2]	LOS[3]
3. Trade Zone Boulevard/Lundy Avenue	AM	35.5	D+
	PM	40.1	D
4. Hostetter Road/Flickinger Avenue	AM	27.4	C
	PM	22.4	C+
5. Hostetter Road/I-680	AM	21.2	C+
	PM	15.5	B
6. Hostetter Road/Capitol Avenue	AM	48.6	D
	PM	42.5	D
7. Townsend Avenue/Lundy Avenue	AM	14.6	B
	PM	12.3	B
8. Sierra Road/Lundy Avenue	AM	31.5	C
	PM	21.9	C+
9. Gish Road/Oakland Road	AM	17.5	B
	PM	19.5	B-
10. Younger Avenue/1st Street	AM	13.2	B
	PM	18.2	B-
11. Commercial Street/10th Street	AM	24.2	C
	PM	22.8	C+
12. Commercial Street/Oakland Road	AM	**72.7**	**E**
	PM	43.3	D
13. US 101/Oakland Road (North)[4]	AM	**>80**	**F**
	PM	37.0	D+
14. US 101/Oakland Road (South)[4]	AM	19.6	B_
	PM	**68.6**	**E**
15. Hedding Street/San Pedro Street	AM	31.2	C
	PM	25.1	C
16. Hedding Street/1st Street	AM	38.0	D+
	PM	36.2	D+
17. Hedding Street/4th Street	AM	47.6	D
	PM	43.7	D
18. Hedding Street/7th Street	AM	11.5	B+
	PM	9.2	A
19. Hedding Street/10th Street	AM	**>80**	**F**
	PM	52.7	D-
20. Hedding Street/11th Street	AM	20.6	C+
	PM	9.7	A
21. Hedding Street/Oakland Road	AM	**61.5**	**E**
	PM	45.3	D
22. Hedding Street/Mabury Road	AM	20.7	C+
	PM	17.3	B
23. Berryessa Road/Commercial Street	AM	10.5	B+
	PM	17.2	B
24. Berryessa Road/Lundy Avenue[4]	AM	42.6	D
	PM	43.0	D
25. Berryessa Road/Farragut Way	AM	23.7	C
	PM	9.4	A
26. Berryessa Road/Flickinger Avenue	AM	42.3	D
	PM	40.6	D
27. Berryessa Road/I-680	AM	12.9	B
	PM	15.0	B
28. Berryessa Road/Capitol Avenue	AM	52.8	D-
	PM	46.5	D

Table 6
Background Intersection Levels of Service

Intersection	Peak Hour[1]	Delay[2]	LOS[3]
29. Commodore Drive/King Street	AM	19.6	B-
	PM	23.5	C
30. Taylor Street/SR-87	AM	**74.4**	**E**
	PM	**58.7**	**E+**
31. Taylor Street/San Pedro Street	AM	32.4	C-
	PM	38.7	D+
32. Taylor Street/1st Street	AM	52.7	D-
	PM	**>80**	**F**
33. Taylor Street/4th Street	AM	41.8	D
	PM	34.8	C-
34. Taylor Street/10th Street	AM	47.3	D
	PM	34.2	C-
35. Taylor Street/11th Street	AM	50.4	D
	PM	**>80**	**F**
36. Taylor Street/13th Street	AM	13.9	B
	PM	16.3	B
37. Taylor Street/17th Street	AM	15.2	B
	PM	18.4	B-
38. Mabury Road/Mabury Road[5]	AM	**43.9**	**E**
	PM	**>50**	**F**
39. Mabury Road/Mabury Yard	AM	8.2	A
	PM	6.9	A
40. Mabury Road/King Road	AM	35.6	D+
	PM	35.9	D+
41. Mabury Road/Education Park Drive	AM	14.0	B
	PM	17.5	B
42. Mabury Road/Jackson Avenue	AM	35.8	D+
	PM	36.3	D+
43. Mabury Road/Capitol Avenue	AM	42.2	D
	PM	42.3	D
44. Las Plumas Avenue/King Road	AM	13.5	B
	PM	16.7	B
45. Julian Street/24th Street	AM	18.1	B-
	PM	12.4	B
46. Julian Street/US 101	AM	18.1	B-
	PM	27.0	C
47. McKee Road (E)/US 101	AM	20.5	C+
	PM	23.6	C
48. McKee Road/33rd Street	AM	26.7	C
	PM	21.3	C+
49. McKee Road/King Road	AM	42.9	D
	PM	42.1	D
50. McKee Road/José Figueres Avenue	AM	25.2	C
	PM	26.4	C
51. McKee Road/Jackson Avenue	AM	42.0	D
	PM	44.5	D
52. McKee Road/Capitol Avenue	AM	42.9	D
	PM	39.5	D
53. Santa Clara Street/24th Street	AM	28.1	C
	PM	29.7	C
54. Alum Rock Road/King Road[4]	AM	31.9	C

Table 6
Background Intersection Levels of Service

Intersection	Peak Hour[1]	Delay[2]	LOS[3]
	PM	35.4	D+
55. Alum Rock Road/Capitol Avenue[4]	AM	30.6	C
	PM	28.7	C
56. San Antonio Street/King Road	AM	25.0	C
	PM	28.3	C
57. San Antonio Street/Jackson Avenue	AM	41.5	D
	PM	39.3	D
58. Capitol Avenue/Capitol Expressway[4]	AM	30.8	C
	PM	**64.0**	**E**
59. Story Road/Capitol Expressway[4]	AM	**62.4**	**E**
	PM	**57.0**	**E+**
60. I-280/McLaughlin Avenue[4]	AM	11.0	B+
	PM	16.3	B
61. I-680/King Road (North)[4]	AM	24.7	C
	PM	31.6	C
62. I-680/King Road (South)[4]	AM	21.4	C+
	PM	29.4	C

Notes:
[1] AM = morning peak-hour PM = evening peak-hour.
[2] Whole intersection weighted average control delay expressed in seconds per vehicle for signalized and all-way stop intersections using methodology described in the 2000 Highway Capacity Manual, with adjusted saturation flow rates to reflect Santa Clara County Conditions. For two-way stop controlled unsignalized intersections, total control delay for the worst movement, expressed in seconds per vehicle, is presented. LOS calculations completed using the TRAFFIX software package.
[3] LOS = Level of Service
[4] Designated CMA intersection.
[5] Unsignalized intersection.
Bold text indicates unacceptable operations.

City of San José Intersections

The following signalized study intersections would operate at an unacceptable LOS E or worse during one or both of the peak hours under Background Conditions:

- Montague Expressway and Oakland Road (AM and PM peak hour)
- Montague Expressway and Trade Zone Boulevard (AM and PM peak hour)
- Commercial Street and Oakland Road (AM peak hour)
- US 101 and Oakland Road (Northbound) (AM peak hour)
- US 101 and Oakland Road (Southbound) (PM peak hour)
- Hedding Street and 10th Street (AM peak hour)
- Hedding Street and Oakland Road (AM peak hour)
- Taylor Street and SR 87 (AM and PM peak hour)
- Taylor Street and 1st Street (PM peak hour)
- Taylor Street and 11th Street (PM peak hour)
- Capitol Avenue and Capitol Expressway (PM peak hour)
- Story Road and Capitol Expressway (AM and PM peak hour)

The unsignalized intersection of Mabury Road and Mabury Road will continue to operate LOS E and F during the AM and PM peak hours, respectively. The remaining study intersections will operate at LOS D or better under this scenario.

Congestion Management Agency (CMA) Intersections

The CMA study intersections would operate at LOS E or better during the peak hours. The planned improvements on Montague Expressway at Oakland Road and Trade Zone Boulevard will improve operations to acceptable levels of service during both peak hours under Background Conditions.

4.2.2 *Transportation and Traffic Impacts*

General Plan Amendment Study Methodology

The City of San José's traffic forecasting model was developed to help the City project both AM and PM peak hour traffic impacts attributable to proposed changes to the City's General Plan. The model is implemented using the CUBE transportation planning software system. The City's model includes the following four elements:

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

The fundamental structure of the model includes a computer readable representation of the street system (i.e., highway network) that defines street segments (i.e., links) identified by end points (i.e., nodes). Each roadway link is further represented by key characteristics (i.e., link attributes) that describe the length, travel speeds, and vehicular capacity of the roadway segment. Transit systems are represented in the model by transit networks that are also identifiable by links and nodes. Small geographic areas (i.e., traffic analysis zones, which are also called TAZs) are used to quantify the planned land use activity throughout the City's planning area.

In addition to providing projected peak hour and peak period volumes and ratios comparing projected traffic volume to available roadway capacity (i.e., v/c ratios) on each roadway segment, the model provides information on vehicle-miles and vehicle-hours of travel by facility type (i.e., freeway, expressways, arterial streets, etc.). These informational reports can be used to compare projected conditions under the current General Plan with conditions under the proposed land use amendments. The San José traffic forecasting model is intended for use as a macro analysis tool that projects probable future conditions and is best used when comparing alternative future scenarios.

General Plan Amendment Thresholds of Significance

For proposed amendments to the General Plan that are not exempt and are located outside the three special policy subareas (North San José, Evergreen, and Edenvale/South San José), the determination of significance is based on the extent to which the proposed land use change would contribute to projected peak hour travel and congestion in the vicinity of the proposed amendment. The analysis completed for these amendments needs to include both a quantification of increased trips across regional screenlines near the project site and a proximity analysis. The significant impact criteria applicable to the proposed project are described below.

Screenline Analysis

Proposed amendments to the General Plan that are not exempt and are located outside the three special policy subareas require a screenline analysis, which quantifies trips across regional screenlines near the project site. Regional screenlines are delineated along transportation barriers, manmade or natural, that have a substantial capacity-constraining effect on local and regional travel. Regional screenlines are an excellent method for capturing travel characteristics at a macroscopic level. Aspects of travel behavior, such as the volume and capacity of multiple roadway links, can be evaluated as a group. Instead of evaluating individual link volume and capacity, links affected by an amendment are evaluated collectively at or near all of the screenlines within the site's proximity area by summing up volume and capacity ratios as the aggregated V/C ratio.[9]

Aggregated volume-to-capacity ratios (Agg. V/C) and aggregated volume-to-capacity ratios for congested links (Agg. E/F V/C) are computed at the regional screenline that is impacted by a proposed amendment. The screenline analysis measures area-wide traffic tendencies and impacts. Because regional screenlines are typically contiguous lines stretching for miles, aggregated V/C is computed for screenline links that are within 2.5 miles of a project site.

Roadway links are grouped by level of congestion. Roadway links with a volume-to-capacity ratio (V/C ratio) greater than 0.9 are treated as congested links. Average roadway capacities are also computed and paired with aggregated V/C for evaluation of significant impacts. Average link capacity is calculated by dividing the total capacity of all evaluated links by the number of links evaluated, and is compared to the total increase in volumes on all links evaluated. Average congested link capacity is calculated for congested links only, and is compared to the total increase in volumes on the congested links evaluated.

A traffic impact from an amendment to the General Plan would be significant if the screenline analysis concludes that the proposed amendment to the General Plan causes one of the following to occur during the AM or PM peak hour:

- The aggregated V/C ratios of nearby regional screenlines increase in the peak direction by at least 0.01 and total volumes on the same links increase in the peak direction by at least five percent (5%) of average link capacity; or
- The aggregated E/F link V/C ratios of nearby regional screenlines increase in the peak direction by at least 0.005 and total volumes on the same E/F links increase in the peak direction by at least 2.5 percent (2.5%) of average congested link capacity.

Proximity Analysis

All proposed amendments to the General Plan that are not exempt from preparing a CUBE analysis, whether they are located within or outside of a special policy subarea, require preparation of a proximity analysis. The proximity area is the geographic area near the project site within which approximately 20,000 vehicle miles traveled (VMT) occur under the adopted General Plan base condition. Generally, the radius of the proximity area will vary from 0.5 to 1.5 miles, depending on the density of the roadway network and travel activity near the project site, and is the same for both the AM and PM peak hour analyses. The proximity analysis provides specific information on the anticipated traffic operations within the area surrounding a proposed GPA site. Specific quantitative

[9] The volume to capacity ratio (V/C) is a comparison of projected traffic volume to available roadway capacity.

differences are identified, including overall VMT and congested VMT that would occur under the project condition compared to the existing General Plan base case.

Proximity analysis provides information on local traffic changes at a macro level. A proposed land use amendment that would intensify land use would generally be expected to result in higher overall VMT and congested VMT proximate to the proposed amendment. These increases are then compared to the threshold of significance below.

- A traffic impact from a proposed land use amendment would be significant if the proximity analysis concludes that either one or both of the following occurs in either the AM or PM peak hour:
  - The overall VMT within the site's proximity area increases by at least one percent (1%) and 200 vehicle-miles; and/or
  - The congested VMT within the site's proximity area increases by at least one-half (1/2) the amount of the measured increases in overall proximity VMT and 100 vehicle-miles; and/or
- A traffic impact from a proposed network amendment would be significant if the proximity analysis concludes that:
  - Vehicle Miles Traveled (VMT) and Vehicle Hours Traveled (VHT) both increase by 0.10 percent for all roadways in the Santa Clara County **(this applies only to analyses that include Network changes)**.

The amendment to the General Plan proposed by the project includes land use changes [i.e., redesignating 24.4 acres of land on the project site from *Combined Industrial/Commercial* to *Transit Corridor Residential (20+ DU/AC)*] and network changes (i.e., downgrading Sierra Road from Flickinger Avenue to Berryessa Road from a four-lane to a two-lane *Major Collector* and adding a *Major Collector* on the project site from Mabury to Berryessa Road). For this reason, the following three scenarios were analyzed:

- land use change only,
- network change only;
- and a combination of both the land use and network change.

Land Use Change Only

Compared to the existing General Plan, this amendment to the General Plan Land Use/Transportation Diagram would allow approximately 1,300 additional dwelling units to be built on the project site and would result in approximately 120 fewer jobs on the project site. The households and jobs data and peak hour trip analysis are contained in Appendix A.

To analyze the long-term impacts, the proposed land use change was incorporated into the City's CUBE traffic model without any other land use changes. This is referred to as the project scenario. A screenline analysis and a proximity analysis were performed to determine the impacts of the proposed land use change to the transportation system.

Screenline Analysis

The screenline analysis identifies the volume-to-capacity ratios of links at the regional screenline (approximately 2.5 miles from the project site) that may be affected by the proposed GPA. Screenline analysis measures the area-wide tendencies and impacts of the proposed project by aggregating the V/C ratios of the identified links. The segment analysis divides the links into the following two groups for analysis:

- all links; and
- links that are operating at LOS E or F.

A 2.5-mile radius around the project site was used to identify links to be used in the aggregated V/C computation. Figures 9 and 10 show the links included in the analysis and the volume and V/C ratios that are listed in Tables 8 and 9.

Analysis of just the proposed land use designation changes identified two sets of links for evaluation. The first set of links (Link Set 1) is located east of US 101. The peak direction of travel for Link Set 1 is westbound during the AM peak hour and eastbound during the PM peak hour. The second set of links (Link Set 2) is located south of Jackson Street and Mabury Road. The peak direction of travel for Link Set 2 is northbound during the AM peak hour and southbound during the PM peak hour.

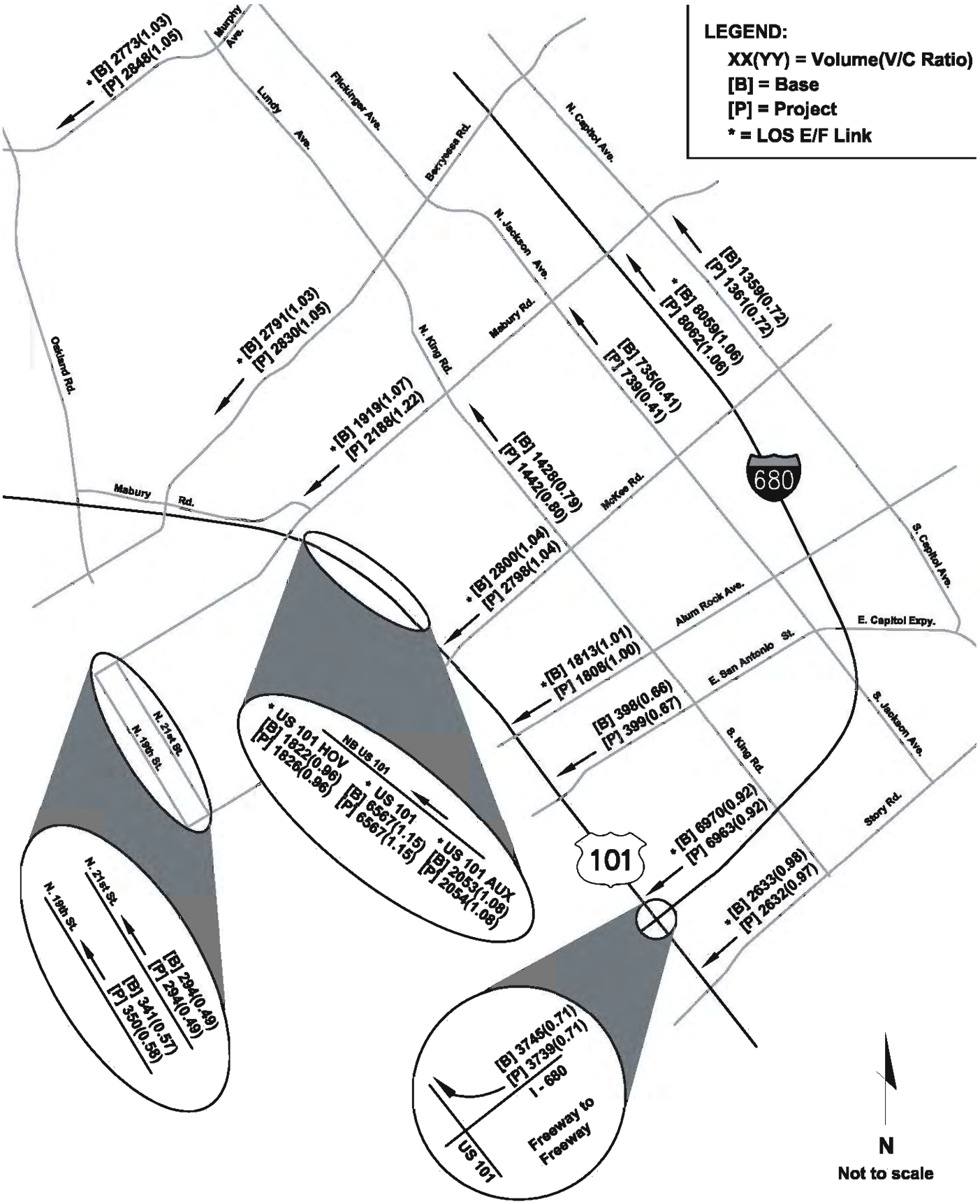
During the AM peak hour, the results of the Aggregated V/C analysis for the land use only scenario showed that for all links in Link Set 1 there is an increase in the V/C ratio by 0.013 and an increase in the volume of 365 vehicles. The LOS E/F links within Link Set 1 showed an increase in the V/C ratio of 0.017 and an increase in the volume of 369 vehicles. Both analyses of Link Set 1 exceed the impact criteria described above for screenline analyses. The proposed land use changes would result in significant increases in westbound traffic during the morning peak period on all roadways crossing the screenline east of US 101. **[Significant Impact]**

The results of the Link Set 2 analysis during the AM peak hour showed that for all links there is an increase in the V/C ratio of 0.002 and an increase in the volume of 38 vehicles. For the LOS E/F links there was no change in the V/C ratio and a small increase in the volume of 8 vehicles. For Link Set 2, these changes do not exceed the impact criteria described above for screenline analyses. **[Less than Significant Impact]**

During the PM peak hour, the results of the Aggregated V/C analysis for the land use only scenario show that for Link Set 1 there would be an increase in the V/C ratio of 0.013 and an increase in the volume of 361 vehicles. For the LOS E/F links there would be an increase in the V/C ratio of 0.016 and an increase in the volume of 366 vehicles. Both of these increases exceed the impact criteria described above for screenline analyses. **[Significant Impact]**

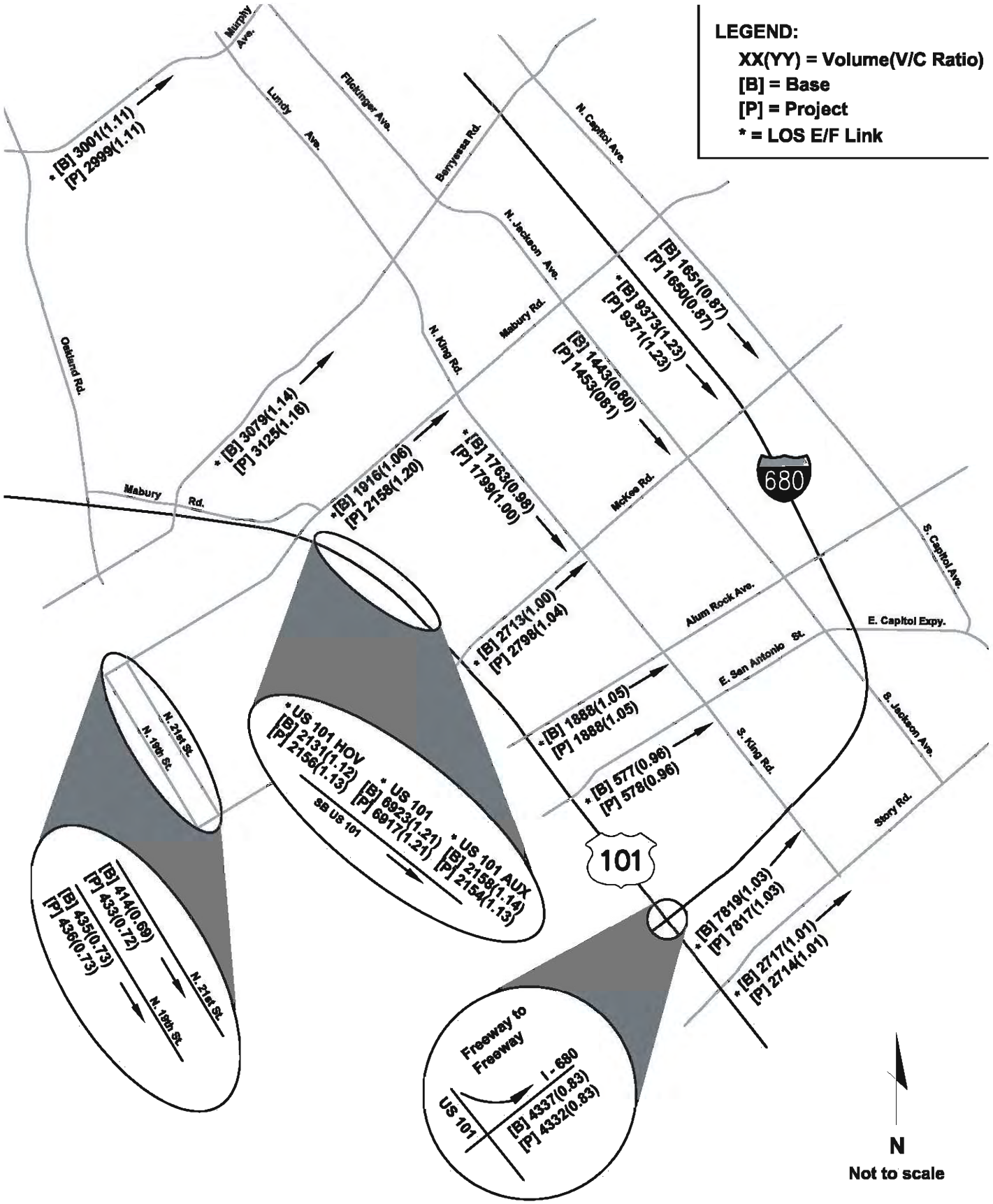
The results for Link Set 2 during the PM peak hour shows that for all links there is an increase in the V/C ratio of 0.003 and an increase in the volume of 78 vehicles. For the LOS E/F links there is an increase in the V/C ratio of 0.003 and an increase in the volume of 49 vehicles. Neither of these changes exceeds the impact criteria described above for screenline analyses. **[Less than Significant Impact]**

RETURN TO TABLE OF CONTENTS



AM PEAK HOUR SCREENLINE ANALYSIS (LAND USE ONLY) FIGURE 10

RETURN TO TABLE OF CONTENTS



PM PEAK HOUR SCREENLINE ANALYSIS (LAND USE ONLY) FIGURE 11

Table 7
AM Peak Direction Screenline Analysis for Land Use Only

Link Name	***LOS E/F Link***	***Capacity***	***Base***		***Project***	
			Volume	***V/C***	***Volume***	***V/C***
Link Set 1 – E. of US-101						
Story	Y	2700	2633	0.98	2632	0.97
I-680	Y	7600	6970	0.92	6963	0.92
Freeway to Freeway	N	5250	3745	0.71	3739	0.71
San Antonio	N	600	398	0.66	399	0.67
Alum Rock	Y	1800	1813	1.01	1808	1.00
McKee	Y	2700	2800	1.04	2798	1.04
Mabury	Y	1800	1919	1.07	2188	1.22
Berryessa	Y	2700	2791	1.03	2830	1.05
Murphy	Y	2700	2773	1.03	2848	1.05
Total Volume		27,850	25,842	0.928	26,206	0.941
Total E/F Links Volume		22,000	21,699	0.986	22,068	1.003
Average Link Capacity		3,094	5% of 3,094 = *154*			
Average E/F Link Capacity		3,143	2.5% of 3,143 = *78*			
			All Links		**E/F Links**	
	Change in V/C		0.013		0.017	
	Change in Volume		365		369	
	Impact Criteria		0.01 V/C & 154 Vol.		0.005 V/C & 78 Vol.	
	Significant Impact		**YES**		**YES**	
Link Set 2 – S. of Jackson and Mabury						
N. 19th	N	600	341	0.57	350	0.58
N. 21st	N	600	294	0.49	294	0.49
US-101HOV	Y	1900	1822	0.96	1826	0.96
US-101	Y	5700	6567	1.15	6567	1.15
US-101 Aux	Y	1900	2053	1.08	2054	1.08
King	N	1800	1428	0.79	1442	0.80
Jackson	N	1800	735	0.41	739	0.41
I-680	Y	7600	8059	1.06	8062	1.06
Capitol	N	1900	1359	0.72	1361	0.72
Total Volume		23,800	22,656	0.952	22,694	0.954
Total E/F Links Volume		17,100	18,500	1.082	18,508	1.082
Average Link Capacity		2,644	5% of 2,644 = *132*			
Average E/F Link Capacity		4,275	2.5% of 4,275 = *106*			
			All Links		**E/F Links**	
	Change in V/C		0.002		0.000	
	Change in Volume		38		8	
	Impact Criteria		0.01 V/C & 132 Vol.		0.005 V/C & 106 Vol.	
	Significant Impact		**NO**		**NO**	

Source: City of San José CUBE model run results June 2006.

Table 8
PM Peak Direction Screenline Analysis for Land Use Only

Link Name	*LOS E/F Link*	*Capacity*	*Base*		*Project*	
			Volume	*V/C*	*Volume*	*V/C*
Link Set 1 – E. of US-101						
Story	Y	2700	2717	1.01	2714	1.01
Freeway to Freeway	N	5250	4337	0.83	4332	0.83
I-680	Y	7600	7819	1.03	7817	1.03
San Antonio	Y	600	577	0.96	578	0.96
Alum Rock	Y	1800	1888	1.05	1888	1.05
McKee	Y	2700	2713	1.00	2798	1.04
Mabury	Y	1800	1916	1.06	2158	1.20
Berryessa	Y	2700	3079	1.14	3125	1.16
Murphy	Y	2700	3001	1.11	2999	1.11
Total Volume		27,850	28,047	1.007	28,408	1.020
Total E/F Links Volume		22,600	23,710	1.049	24,076	1.065
Average Link Capacity		3,094	5% of 3,094 = *154*			
Average E/F Link Capacity		2,825	2.5% of 2,825 = *70*			
			All Links		**E/F Links**	
	Change in V/C		0.013		0.016	
	Change in Volume		361		366	
	Impact Criteria		0.01 V/C & 154 Vol.		0.005 V/C & 70 Vol.	
	Significant Impact		**YES**		**YES**	
Link Set 2 – S. of Jackson						
N. 19th	N	600	435	0.73	436	0.73
N. 21st	N	600	414	0.69	433	0.72
US-101Aux	Y	1900	2158	1.14	2154	1.13
US-101	Y	5700	6923	1.21	6917	1.21
US-101 HOV	Y	1900	2131	1.12	2156	1.13
King	Y	1800	1763	0.98	1799	1.00
Jackson	N	1800	1443	0.80	1453	0.81
I-680	Y	7600	9373	1.23	9371	1.23
Capitol	N	1900	1651	0.87	1650	0.87
Total Volume		23,800	26,292	1.105	26,370	1.108
Total E/F Links Volume		18,900	22,349	1.182	22,397	1.185
Average Link Capacity		2,644	5% of 2,644 = *132*			
Average E/F Link Capacity		3,780	2.5% of 3,780 = *94*			
			All Links		**E/F Links**	
	Change in V/C		0.003		0.003	
	Change in Volume		78		49	
	Impact Criteria		0.01 V/C & 132 Vol.		0.005 V/C & 94 Vol.	
	Significant Impact		**NO**		**NO**	

Source: City of San José CUBE model run results June 2006.

Proximity Analysis

The proximity analysis provides specific information on traffic operations within the area surrounding the proposed General Plan amendment site. The proximity area may vary from 0.5 to 1.5 miles, depending on the density of the roadway network and travel activity near the project site. For the analysis, specific quantitative differences are identified, including overall VMT, congested VMT, and the number of congested links that would occur under the project condition compared to the existing General Plan base case.

The proximity analysis provides information on traffic changes near the project site. The change in VMT for all links as well as the congested links was determined by comparing the project model run to the base model run results. The results are shown in Table 9.

The results of the proximity analysis show that the all links analysis increase by 364 VMT and 1.79 percent during the AM peak hour and 498 VMT and 2.35 percent during the PM peak hour. These values represent in a substantial increase in vehicle travel proximate to the project site and exceed the identified threshold of significance. Therefore, the proposed land use change would cause a significant increase in vehicle activity during both peak hours in the project vicinity. **[Significant Impact]**

The congested roadway links in the project vicinity would also be significantly impacted during both peak hours. **[Significant Impact]**

Table 9
VMT Proximity Analysis for Land Use Only

	AM	**PM**
All Links		
Project	20,676.07	21,710.3
Base	20,311.98	21,211.97
Growth	**364.09**	**498.33**
Growth %	**1.79%**	**2.35%**
Congested Links		
Project	11,710	10,708.3
Base	11,288.02	10,343.85
Growth	**421.98**	**364.45**
Growth %	3.74%	3.52%
½ of all link VMT growth	182	249

Proximity Radius = 0.6 miles
Source: City of San José CUBE model run results June 2006.

Network Change Only

Currently the City of San José's General Plan designates Sierra Road as a four-lane major collector Flickinger Avenue to Berryessa Road. This network configuration is included in the City's CUBE model and represents the "Base" scenario. The network changes proposed by the project include

downgrading Sierra Road from Flickinger Avenue to Berryessa Road from a four-lane to a two-lane *Major Collector* and adding a *Major Collector* on the project site from Mabury to Berryessa Road.

To analyze the long-term impacts of just the network change, the proposed network change was incorporated into the City's CUBE traffic model without any other network or land use changes. This is referred to as the project scenario. A VMT and VHT, aggregated V/C ratio analysis, and a proximity analysis were performed to determine the impacts of the proposed network change on the transportation system.

VMT and VHT Comparison

Changes in VMT and VHT are indicators of changes in the amount of travel on the roadway system caused by the proposed network only GPA. The changes in VMT and VHT are dependent on the size (number of lanes) and location of the roadway network change being added or subtracted. VMT and VHT may increase or decrease with the addition of a new arterial roadway depending on travel patterns, speed and capacity, and if it is oriented in the peak direction of travel. Table 10 shows the VMT and VHT comparison within Santa Clara County for the network change only analysis.

Table 10
VMT and VHT Comparison Within Santa Clara County for Network Only

	VMT		**VHT**	
	AM	PM	AM	PM
Project	3,893,312	4,540,678	193,941	344,320
Base	3,899,745	4,547,567	197,569	344,436
Growth	*-6,434*	*-6,889*	*-3,628*	*-116*
Threshold	***0.10%***	***0.10%***	***0.10%***	***0.10%***
Project Growth %	***-0.165%***	***-0.151%***	***-1.836%***	***-0.034%***
Source: City of San José CUBE model run results June 2006.				

The results of the VMT and VHT analysis show the projected growth with the network change would result in a decrease during both peak hours for the vehicle miles and vehicle hours traveled. Therefore, the proposed network change would result in a positive impact to the transportation system. **[Beneficial Impact]**

Screenline Analysis

The screenline analysis identifies the volume-to-capacity ratios of links at the regional screenline that may be affected by the proposed network change. Screenline analysis measures the area-wide tendencies and impacts of the proposed network change by aggregating the V/C ratios of the identified links. The segment analysis divides the links into the following two groups for analysis:

- all links; and
- links that are operating at LOS E or F.

A 2.5 mile radius around the project site is used to identify links to be used in the network change only screenline analysis. Figures 11 and 12 present the links included in the analysis and the volume and V/C ratios that are outlined in Tables 12 and 13.

The analysis identified two sets of links for evaluation, similar to the land use analysis above. The first set of links (Link Set 1) is east of US 101. The peak direction of travel for Link Set 1 is westbound during the AM peak hour and eastbound during the PM peak hour. The second set of links (Link Set 2) is south of Jackson Street. The peak direction of travel for Link Set 2 is northbound during the AM peak hour and southbound during the PM peak hour.

During the AM peak hour, the results of the screenline analysis for the network change only scenario show that for Link Set 1 there is a decrease in the V/C ratio of 0.002 and in the volume of 69 vehicles. The LOS E/F links show a decrease in the V/C ratio of 0.002 and a decrease in the volume of 52 vehicles. The impact of the network change alone would result in a decrease in volume and congestion on Link Set 1. **[Beneficial Impact]**

The results for Link Set 2 during the AM peak hour show that for all links there is a decrease in the V/C ratio of 0.004 and in the volume of 97 vehicles. For the LOS E/F links, there is an increase in the V/C ratio of 0.002 and in the volume of 38 vehicles. The impacts to Link Set 2 do not exceed the threshold of significance described above. **[Less than Significant Impact]**

During the PM peak hour, the impacts to Link Set 1 do not exceed the thresholds described above for screenline analyses. **[Less than Significant Impact]**

The results for Link Set 2 during the PM peak hour show that for all links there is an increase in the V/C ratio of 0.003 and in the volume of 74 vehicles. The LOS E/F links showed a decrease the V/C ratio of 0.004 and in the volume of 84 vehicles. These changes do not exceed the impact criteria described above for screenline analyses. **[Less than Significant Impact]**

Proximity Analysis

The proximity analysis done for network changes is similar to that described earlier for just the land use designation change. The change in VMT for all links, as well as the congested links, was determined by comparing the results of project model run to the base model run. The results are summarized in Table 13.

The proximity analysis found a decrease by of VMT during the AM peak hour and an increase of 478 vehicle miles during the PM peak hour. The PM peak hour increase exceeds the threshold of an increase of 1% and 200 vehicle miles identified above for proximity analyses. Therefore, the proposed network change would cause a significant increase in vehicle activity during the PM peak hour on all roadway links near the project site. **[Significant Impact]**

The analysis found a decrease of 62 VMT on the congested links during the AM peak hour and an increase of 520 VMT during the PM peak hour. The PM peak hour value indicates that the project would cause a significant impact on already congested roadway links in the project vicinity. **[Significant Impact]**

Table 11
AM Peak Direction Screenline Analysis for Network Only

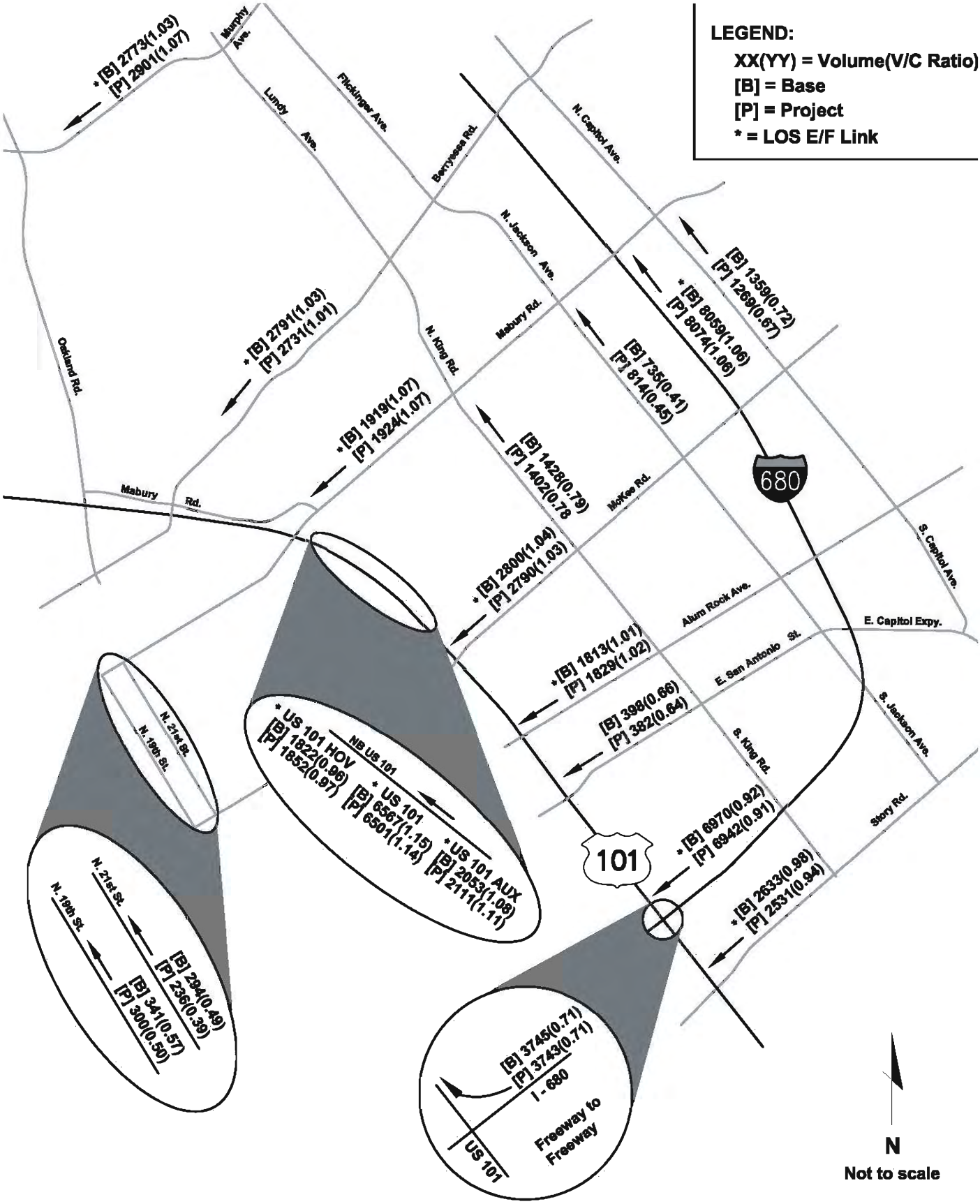
Link Name	LOS E/F Link	Capacity	Base		Project	
			Volume	V/C	Volume	V/C
Link Set 1 – E. of US-101						
Story	Y	2700	2633	0.98	2531	0.94
I-680	Y	7600	6970	0.92	6942	0.91
Freeway to Freeway	N	5250	3745	0.71	3743	0.71
San Antonio	N	600	398	0.66	382	0.64
Alum Rock	Y	1800	1813	1.01	1829	1.02
McKee	Y	2700	2800	1.04	2790	1.03
Mabury	Y	1800	1919	1.07	1924	1.07
Berryessa	Y	2700	2791	1.03	2731	1.01
Murphy	Y	2700	2773	1.03	2901	1.07
Total Volume		27,850	25,842	0.928	25,773	0.925
Total E/F Links Volume		22,000	21,699	0.986	21,647	0.984
Average Link Capacity		3,094	5% of 3,094 = *154*			
Average E/F Link Capacity		3,143	2.5% of 3,143 = *78*			
			All Links		**E/F Links**	
	Change in V/C		-0.002		-0.002	
	Change in Volume		-69		-52	
	Impact Criteria		0.01 V/C & 154 Vol.		0.005 V/C & 78 Vol.	
	Significant Impact		**NO**		**NO**	
Link Set 2 – S. of Jackson						
N. 19th	N	600	341	0.57	300	0.50
N. 21st	N	600	294	0.49	236	0.39
US-101HOV	Y	1900	1822	0.96	1852	0.97
US-101	Y	5700	6567	1.15	6501	1.14
US-101 Aux	Y	1900	2053	1.08	2111	1.11
King	N	1800	1428	0.79	1402	0.78
Jackson	N	1800	735	0.41	814	0.45
I-680	Y	7600	8059	1.06	8074	1.06
Capitol	N	1900	1359	0.72	1269	0.67
Total Volume		23,800	22,656	0.952	22,559	0.948
Total E/F Links Volume		17,100	18,500	1.082	18,538	1.084
Average Link Capacity		2,644	5% of 2,644 = *132*			
Average E/F Link Capacity		4,275	2.5% of 4,275 = *106*			
			All Links		**E/F Links**	
	Change in V/C		-0.004		0.002	
	Change in Volume		-97		38	
	Impact Criteria		0.01 V/C & 132 Vol.		0.005 V/C & 106 Vol.	
	Significant Impact		**NO**		**NO**	

Source: City of San José CUBE model run results June 2006.

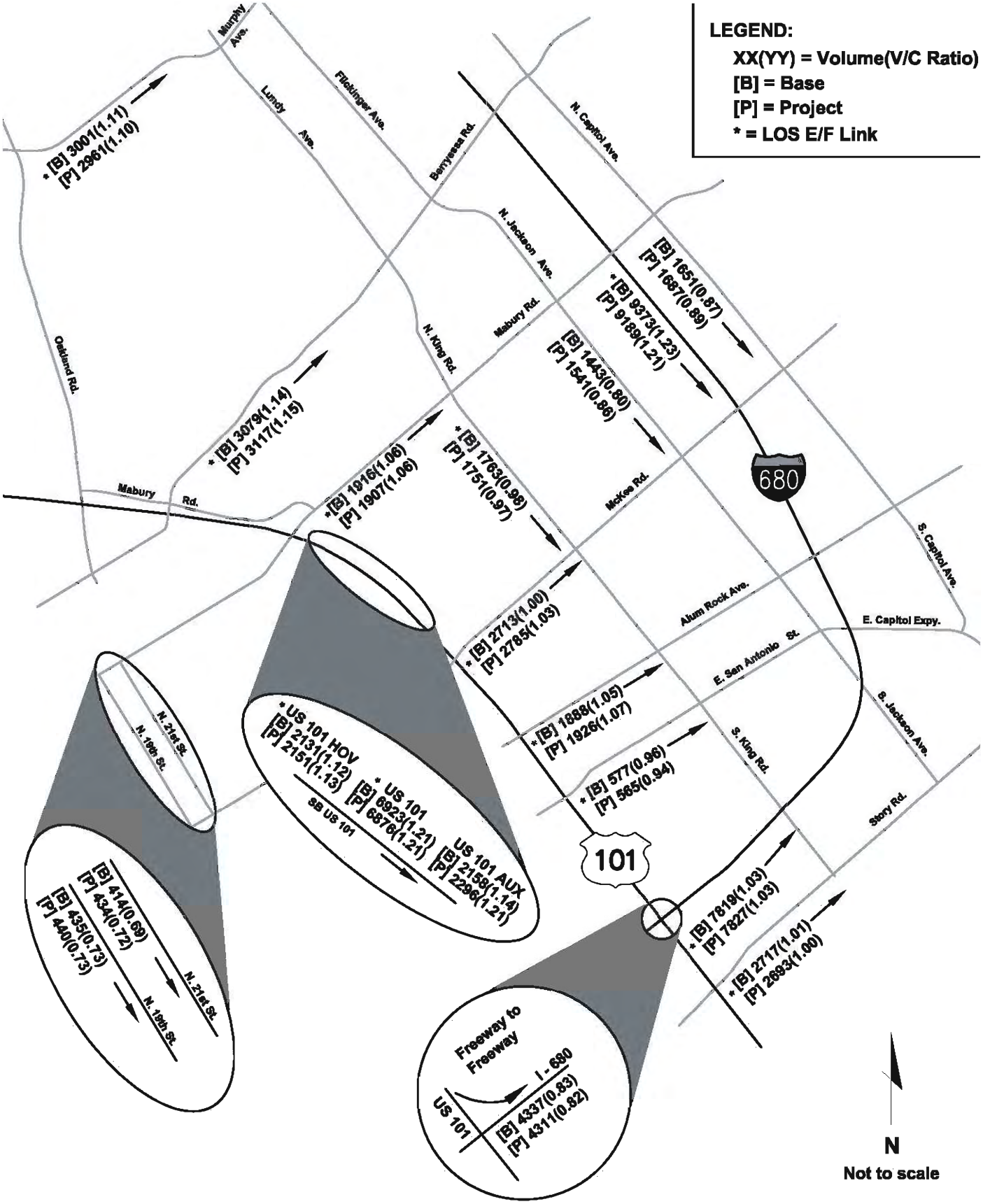
Table 12
PM Peak Direction Screenline Analysis for Network Only

Link Name	LOS E/F Link	Capacity	Base		Project	
			Volume	V/C	Volume	V/C
Link Set 1 – E. of US-101						
Story	Y	2700	2717	1.01	2693	1.00
Freeway to Freeway	N	5250	4337	0.83	4311	0.82
I-680	Y	7600	7819	1.03	7827	1.03
San Antonio	Y	600	577	0.96	565	0.94
Alum Rock	Y	1800	1888	1.05	1926	1.07
McKee	Y	2700	2713	1.00	2785	1.03
Mabury	Y	1800	1916	1.06	1907	1.06
Berryessa	Y	2700	3079	1.14	3117	1.15
Murphy	Y	2700	3001	1.11	2961	1.10
Total Volume		27,850	28,047	1.007	28,091	1.009
Total E/F Links Volume		22,600	23,710	1.049	23,781	1.052
Average Link Capacity		3,094	5% of 3,094 = *154*			
Average E/F Link Capacity		2,825	2.5% of 2,825 = *70*			
			All Links		**E/F Links**	
	Change in V/C		0.002		0.003	
	Change in Volume		44		70	
	Impact Criteria		0.01 V/C & 154 Vol.		0.005 V/C & 70 Vol.	
	Significant Impact		**NO**		**NO**	
Link Set 2 – S. of Jackson						
N. 19th	N	600	435	0.73	440	0.73
N. 21st	N	600	414	0.69	434	0.72
US-101 Aux	Y	1900	2158	1.14	2296	1.21
US-101	Y	5700	6923	1.21	6876	1.21
US-101 HOV	Y	1900	2131	1.12	2151	1.13
King	Y	1800	1763	0.98	1751	0.97
Jackson	N	1800	1443	0.80	1541	0.86
I-680	Y	7600	9373	1.23	9189	1.21
Capitol	N	1900	1651	0.87	1687	0.89
Total Volume		23,800	26,292	1.105	26,366	1.108
Total E/F Links Volume		18,900	22,349	1.182	22,264	1.178
Average Link Capacity		2,644	5% of 2,644 = *132*			
Average E/F Link Capacity		3,780	2.5% of 3,780 = *94*			
			All Links		**E/F Links**	
	Change in V/C		0.003		-0.004	
	Change in Volume		74		-84	
	Impact Criteria		0.01 V/C & 132 Vol.		0.005 V/C & 94 Vol.	
	Significant Impact		**NO**		**NO**	

Source: City of San José CUBE model run results June 2006.



AM PEAK HOUR SCREENLINE ANALYSIS (NETWORK ONLY) FIGURE 12



PM PEAK HOUR SCREENLINE ANALYSIS (NETWORK ONLY) FIGURE 13

Table 13 VMT Proximity Analysis for Network Only		
	AM	**PM**
All Links		
Project	20,231.01	21,689.78
Base	20,311.98	21,211.97
Growth	**-80.97**	**477.81**
Growth %	**-0.40%**	**2.25%**
Congested Links		
Project	11,226	10,864.26
Base	11,288.02	10,343.85
Growth	**-62.02**	**520.41**
Growth %	-0.55%	5.03%
½ of all link VMT growth	100	238
Proximity Radius = 0.6 miles Source: City of San José CUBE model run results June 2006.		

Land Use and Network Change Combination

This scenario evaluates the combination of the proposed project, both the land use and network changes [i.e., redesignating 24.4 acres of land on the project site from *Combined Industrial/Commercial* to *Transit Corridor Residential (20+ DU/AC)* and downgrading Sierra Road from Flickinger Avenue to Berryessa Road from a four-lane to a two-lane *Major Collector* and adding a *Major Collector* on the project site from Mabury to Berryessa Road].

To analyze the long-term impacts, the land use and network changes proposed by the project were incorporated into the City's CUBE traffic model without any other network or land use changes. This is referred to as the project scenario. A VMT and VHT comparison, screenline, and proximity analysis was performed to determine the impacts of the land use and network changes proposed by the project.

VMT and VHT Comparison

Changes in VMT and VHT are indicators of changes in the amount of travel on the roadway system caused by the proposed land use and network changes. The changes in VMT and VHT are dependent on the sizes and locations of the land use and network changes. VMT and VHT may increase or decrease with a change in size or location of a particular land use or the addition of a new roadway depending on travel patterns, speed and capacity, and if it is oriented in the peak direction of travel. Table 14 summarizes the VMT and VHT comparison within Santa Clara County.

The VMT analysis shows an increase of vehicle miles during the AM and PM peak hours; however the increase during the PM peak hour was less than 0.1%. Therefore, the proposed land use and network change would result in a less than significant impact to the transportation system.

The VHT analysis shows a decrease of vehicle hours during the AM peak hour, and an increase during the PM peak hour. Because one of the impacts is positive, the overall impact to VHT is less than significant.

Table 14
VMT and VHT Comparison Within Santa Clara County for Land Use & Network Combined

	VMT		VHT	
	AM	PM	AM	PM
Project	3,906,179	4,548,839	196,127	349,084
Base	3,899,745	4,547,567	197,569	344,436
Growth	*6,434*	*1,272*	*-1,442*	*4,649*
Threshold	***0.10%***	***0.10%***	***0.10%***	***0.10%***
Project Growth %	***0.165%***	***0.028%***	***-0.730%***	***1.350%***

Source: City of San José CUBE model run results June 2006.

Screenline Analysis

The screenline analysis identifies the volume-to-capacity ratios of links at the regional screenline that may be affected by the proposed land use and network changes. Screenline analysis measures the area-wide tendencies and impacts of the proposed project by aggregating the V/C ratios of the identified links. The segment analysis divides the links into the following two groups for analysis:

- all links; and
- links that are operating at LOS E or F.

A 2.5 mile radius around the project site is used to identify links to be used in the aggregated V/C computation. Figures 13 and 14 show the links included in the analysis and the volume and V/C ratios that are outlined in Tables 15 and 16.

The land use and network change combination analysis identified two sets of links for evaluation, similar to the previously identified link sets above. The first set of links (Link Set 1) is east of US 101. The peak direction of travel for Link Set 1 is westbound during the AM peak hour and eastbound during the PM peak hour. The second set of links (Link Set 2) is south of Jackson Street. The peak direction of travel for Link Set 2 is northbound during the AM peak hour and southbound during the PM peak hour.

During the AM peak hour, the results of the screenline analysis for the project scenario show that all links in Link Set 1 increase the V/C ratio by 0.010 and the volume by 287 vehicles. The LOS E/F links decrease the V/C ratio by 0.009 and the volume by 208 vehicles. Both of these changes exceed the impact criteria described above for screenline analyses. **[Significant Impact]**

During the AM peak hour, the results of the screenline analysis for the project scenario show a decrease in the V/C ratio for all roadway links. For congested links, the increase is below the threshold. The project would not result in a significant increase in vehicles on roadway links south of Jackson. **[Less than Significant Impact]**

During the PM peak hour, the project scenario will cause increase in the V/C ratio by 0.013 and the volume by 356 vehicles on all of the links in Link Set 1. For the congested links, there would an increase in the V/C ratio of 0.012 and in volume by 269 vehicles. The project would cause significant impacts to the screenline roadways east of US 101 in the PM peak hour. **[Significant Impact]**

During the PM peak hour, the screenline analysis for the project scenario shows an increase in the V/C ratio of 0.013 and the volume by 312 vehicles. For the congested links, there is an increase in the V/C ratio of 0.006 and the volume by 116 vehicles. These are significant impacts to all study roadways in Link Set 2 during the PM peak hour. **[Significant Impact]**

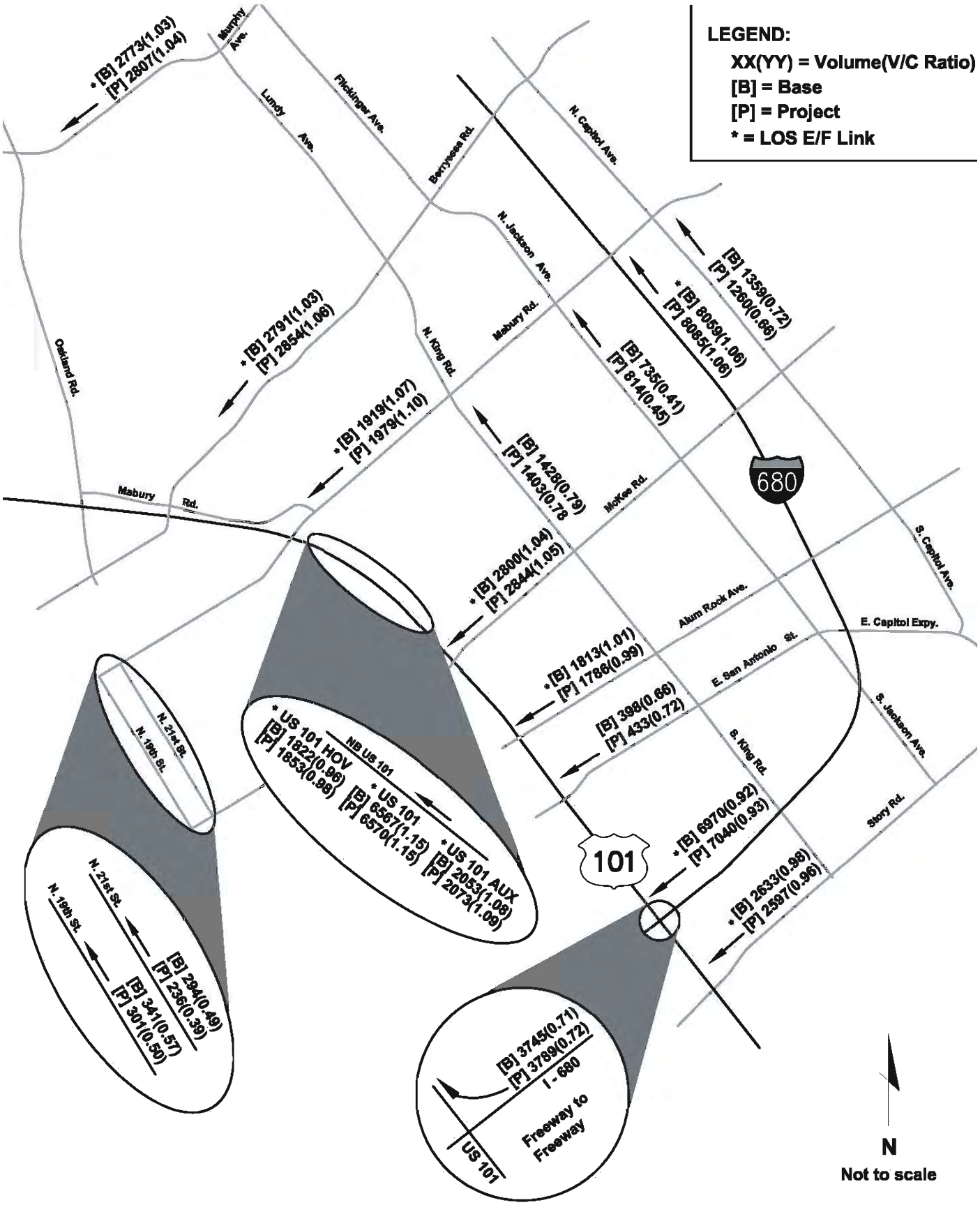
Proximity Analysis

The proximity analysis provides specific information on traffic operations within the area surrounding the project site, as in the previous two runs.

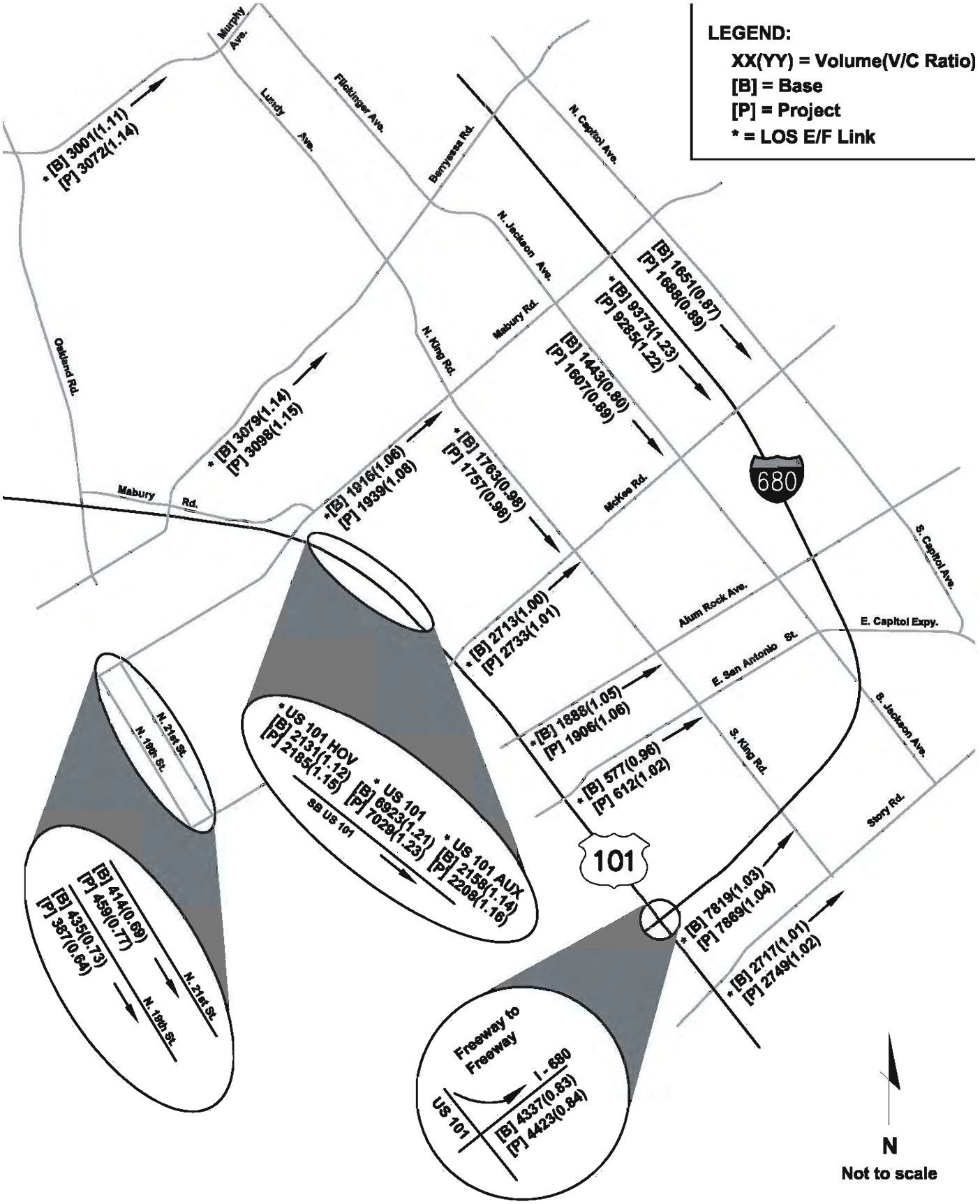
The proximity analysis provides information on traffic changes near the project site. The change in VMT for all links, as well as the congested links, was determined by comparing the project model run to the base model run results. The results are shown in Table 17.

The results of the proximity analysis show that for all links the VMT increases by 259 and 402 vehicle miles during the AM and PM peak hours, respectively. The changes in both peak-hour values exceed the threshold of an increase of 1% and 200 vehicle miles described above for proximity analyses. Therefore, the proposed project would cause a significant impact during both peak hours on all roadway links in the project vicinity. **[Significant Impact]**

The proposed project would result in an increase of 490 vehicle miles during the AM peak hour and an increase of 948 vehicle miles during the PM peak hour on congested links. The project would result in a significant increase in traffic on congested links in the project vicinity, during both peak hours. **[Significant Impact]**



AM PEAK HOUR SCREENLINE ANALYSIS (LAND USE & NETWORK) FIGURE 14



PM PEAK HOUR SCREENLINE ANALYSIS (LAND USE & NETWORK) FIGURE 15

Table 15
AM Peak Direction Screenline Analysis for Land Use & Network Combined

Link Name	LOS E/F Link	Capacity	Base		Project	
			Volume	V/C	Volume	V/C
Link Set 1 – E. of US-101						
Story	Y	2700	2633	0.98	2597	0.96
I-680	Y	7600	6970	0.92	7040	0.93
Freeway to Freeway	N	5250	3745	0.71	3789	0.72
San Antonio	N	600	398	0.66	433	0.72
Alum Rock	Y	1800	1813	1.01	1786	0.99
McKee	Y	2700	2800	1.04	2844	1.05
Mabury	Y	1800	1919	1.07	1979	1.10
Berryessa	Y	2700	2791	1.03	2854	1.06
Murphy	Y	2700	2773	1.03	2807	1.04
Total Volume		27,850	25,842	0.928	26,129	0.938
Total E/F Links Volume		22,000	21,699	0.986	21,907	0.996
Average Link Capacity		3,094	5% of 3,094 = *154*			
Average E/F Link Capacity		3,143	2.5% of 3,143 = *78*			
			All Links		**E/F Links**	
	Change in V/C		0.010		0.009	
	Change in Volume		287		208	
	Impact Criteria		0.01 V/C & 154 Vol.		0.005 V/C & 78 Vol.	
	Significant Impact		**YES**		**YES**	
Link Set 2 – S. of Jackson						
N. 19th	N	600	341	0.57	301	0.50
N. 21st	N	600	294	0.49	236	0.39
US-101HOV	Y	1900	1822	0.96	1853	0.98
US-101	Y	5700	6567	1.15	6570	1.15
US-101 Aux	Y	1900	2053	1.08	2073	1.09
King	N	1800	1428	0.79	1403	0.78
Jackson	N	1800	735	0.41	814	0.45
I-680	Y	7600	8059	1.06	8085	1.06
Capitol	N	1900	1359	0.72	1260	0.66
Total Volume		23,800	22,656	0.952	22,595	0.949
Total E/F Links Volume		17,100	18,500	1.082	18,582	1.087
Average Link Capacity		2,644	5% of 2,644 = *132*			
Average E/F Link Capacity		4,275	2.5% of 4,275 = *106*			
			All Links		**E/F Links**	
	Change in V/C		-0.003		0.005	
	Change in Volume		-61		82	
	Impact Criteria		0.01 V/C & 132 Vol.		0.005 V/C & 106 Vol.	
	Significant Impact		**NO**		**NO**	

Source: City of San José CUBE model run results June 2006.

Table 16
PM Peak Direction Screenline Analysis for Land Use & Network Combined

Link Name	LOS E/F Link	Capacity	Base		Project	
			Volume	V/C	Volume	V/C
Link Set 1 – E. of US-101						
Story	Y	2700	2717	1.01	2749	1.02
Freeway to Freeway	N	5250	4337	0.83	4423	0.84
I-680	Y	7600	7819	1.03	7869	1.04
San Antonio	Y	600	577	0.96	612	1.02
Alum Rock	Y	1800	1888	1.05	1906	1.06
McKee	Y	2700	2713	1.00	2733	1.01
Mabury	Y	1800	1916	1.06	1939	1.08
Berryessa	Y	2700	3079	1.14	3098	1.15
Murphy	Y	2700	3001	1.11	3072	1.14
Total Volume		27,850	28,047	1.007	28,403	1.020
Total E/F Links Volume		22,600	23,710	1.049	23,980	1.061
Average Link Capacity		3,094	5% of 3,094 = *154*			
Average E/F Link Capacity		2,825	2.5% of 2,825 = *70*			
			All Links		**E/F Links**	
	Change in V/C		0.013		0.012	
	Change in Volume		356		269	
	Impact Criteria		0.01 V/C & 154 Vol.		0.005 V/C & 70 Vol.	
	Significant Impact		**YES**		**YES**	
Link Set 2 – S. of Jackson						
N. 19th	N	600	435	0.73	387	0.64
N. 21st	N	600	414	0.69	459	0.77
US-101 Aux	Y	1900	2158	1.14	2208	1.16
US-101	Y	5700	6923	1.21	7029	1.23
US-101 HOV	Y	1900	2131	1.12	2185	1.15
King	Y	1800	1763	0.98	1757	0.98
Jackson	N	1800	1443	0.80	1607	0.89
I-680	Y	7600	9373	1.23	9285	1.22
Capitol	N	1900	1651	0.87	1688	0.89
Total Volume		23,800	26,292	1.105	26,604	1.118
Total E/F Links Volume		18,900	22,349	1.182	22,464	1.189
Average Link Capacity		2,644	5% of 2,644 = *132*			
Average E/F Link Capacity		3,780	2.5% of 3,780 = *94*			
			All Links		**E/F Links**	
	Change in V/C		0.013		0.006	
	Change in Volume		312		116	
	Impact Criteria		0.01 V/C & 132 Vol.		0.005 V/C & 94 Vol.	
	Significant Impact		**YES**		**YES**	

Source: City of San José CUBE model run results June 2006.

Table 17 VMT Proximity Analysis for Land Use & Network		
	AM	**PM**
All Links		
Project	20,571.36	21,613.67
Base	20,311.98	21,211.97
Growth	**259.38**	**401.7**
Growth %	**1.28%**	**1.89%**
Congested Links		
Project	11,777.85	11,292.24
Base	11,288.02	10,343.85
Growth	**489.83**	**948.39**
Growth %	4.34%	9.17%
½ of all link VMT growth	129	200
Proximity Radius = 0.6 miles Source: City of San José CUBE model run results June 2006.		

Impacts of the Proposed Rezoning

As described in **Section 2. Description of the Proposed Project**, the proposed rezoning would allow for the development of up to 2,818 dwelling units, up to 215,622 square feet of combined commercial/ industrial uses on the north side of Berryessa Road, and up to 150,000 square feet of commercial uses on the south side of Berryessa Road. The maximum development size and highest trip generating uses were used to estimate project-generated traffic. Refer to **Section 2. Description of the Proposed Project** of this EIR for additional details regarding the proposed project.

Thresholds of Significance for Near-term Traffic Impacts

Signalized Intersections

For the purposes of this EIR, a traffic impact to a signalized intersection is considered significant if the project would:

- cause the level of service at any City of San José intersection operating at LOS D or better under Background Conditions to deteriorate to LOS E or F; or
- cause an increase in the critical movement delay at any non-protected City of San José intersection operating at LOS E or F under Background Conditions of four (4) or more seconds and an increase in the critical V/C ratio by 0.01 or more; or
- cause an increase in the critical movement delay at any protected City of San José intersection operating at LOS E or F under Background Conditions of two (2) or more seconds and an increase in the critical V/C ratio by 0.005 or more; or
- cause the level of service at a regional CMA intersection operating at LOS E or better under Background Conditions to deteriorate to LOS F; or

- cause an increase in the critical movement delay at any regional CMA intersection operating at LOS F under Background Conditions of four (4) or more seconds and an increase in the critical V/C ratio by 0.01 or more; or
- cause a freeway segment to operate at LOS F, or contribute traffic in excess of one percent (1%) of segment capacity to a freeway segment already operating at LOS F; or
- impede the development or function of planned pedestrian or bicycle facilities; or
- conflict with adopted plans or policies supporting alternative transportation; or
- create an operational safety hazard.

Unsignalized Intersections

For the purposes of this EIR, a traffic impact to an unsignalized intersection is considered significant if the project would:

- cause an unsignalized intersection operating at LOS D or better under Background Conditions to deteriorate to LOS E or worse and the Manual on Uniform Traffic Control Devices (MUTCD) Peak Hour Volume Warrant is met under Project Conditions; or
- cause an unsignalized intersection operating at LOS E or worse under Background Conditions to deteriorate and the MUTCD Peak Hour Volume Warrant is met under Project Conditions.

Project Conditions

Project Conditions are the conditions identified to occur if the project is implemented as proposed. The City's methodology requires that the analysis include the project traffic without mitigation, and then characterize the conditions that would exist with the mitigation, even when the mitigation is proposed. On top of the Background Conditions defined previously is added net new traffic generated by the proposed project. The traffic is added to the roadway system using a three-step process: (1) estimated trip generation, (2) trip distribution, and (3) trip assignment. Step one (trip generation) estimates the amount of added traffic to the roadway network. The amount of traffic generated by the existing flea market uses is subtracted from the proposed project traffic volumes to determine the net new traffic that would be added to the roadway system were the project to be approved. Step two (trip generation) identifies the likely direction of travel to and from the project site. Step three (trip assignment) assigns the project trips to specific street segments and intersection turning movements. These procedures are described further in the following sections.

Trip Generation

The gross amount of traffic added to the surrounding roadway system by the proposed development was estimated by applying the appropriate AM and PM peak hour trip generation rates to the proposed project.[10] The gross number of project generated trips was then reduced to account for mixed-use, live/work, and pass-by trips and the existing trips generated by the San José Flea Market. The mixed-use reduction is an estimate of the percentage of internal project trips from one complimentary land use to another (e.g., residential trips to retail or office uses on the project site). The live/work reduction is an estimate of the percentage of trips not generated by live/work units

[10] The trip generation rates used included the residential and retail rates from the City of San José's Interim Guidelines for Traffic Impact Analysis of Land Developments and the office rates from Trip Generation (7th Edition) by the Institute of Transportation Engineers (ITE).

because living and working quarters are located in the same building. The pass-by reduction is an estimate of the percentage of retail trips that are already on the adjacent roadway system (e.g., Mabury or Berryessa Road) and, therefore, are not new trips generated by the project. The mixed-use and pass-by trip reductions used for this analysis are those published in the VTA's Transportation Impact Analysis Guidelines and the Institute of Transportation Engineers' (ITE) Trip Generation, respectively. Driveway counts were completed to determine the amount of traffic generated by the existing San José Flea Market facility.[11] The net amount of traffic added to the surrounding roadway system by the proposed development is estimated to be 2,392 AM peak-hour trips (987 inbound and 1,405 outbound) and 2,421 PM peak-hour trips (1,491 inbound and 930 outbound). The project trip generation rates and estimates are shown in Table 18.

Table 18
Project Trip Generation Rates and Estimates

Item	Daily		AM Peak Hour				PM Peak Hour			
	Rate	Trips	Rate	In	Out	Total	Rate	In	Out	Total
Existing[1]										
San José Flea Market (A)		**3,800**		**104**	**23**	**127**		**79**	**215**	**294**
Proposed Retail[2]										
North of Berryessa (none)	N/A	0	N/A	0	0	0	N/A	0	0	0
South of Berryessa (152,700 square feet)	40.00	6,108	0.80	85	37	122	3.60	275	275	550
Total Gross Retail		***6,108***		***85***	***37***	***122***		***275***	***275***	***550***
Residential-Retail Mixed-Use Reduction[4,5]		*-794*		*-11*	*-5*	*-16*		*-36*	*-36*	*-72*
Pass-By Trip Reduction[3]		*-1,329*		*-19*	*-8*	*-27*		*-60*	*-60*	*-120*
Net Retail Subtotal (B)		**3,985**		**55**	**24**	**79**		**179**	**179**	**358**
Proposed Residential[2]										
Condos										
North of Berryessa (none)	N/A	0	N/A	0	0	0	N/A	0	0	0
South of Berryessa (1,835 dwelling units)	7.5	13,763	0.75	482	894	1,376	0.75	894	482	1,376
Live/Work Units										
North of Berryessa (none)	N/A	0	N/A	0	0	0	N/A	0	0	0
South of Berryessa (64 dwelling units)	7.5	480	0.75	17	31	48	0.75	31	17	48
Townhomes										
North of Berryessa (470 dwelling units)	7.5	3,525	0.75	124	229	353	0.75	229	124	353
South of Berryessa (313 dwelling units)	7.5	2,347	0.75	82	153	235	0.75	153	82	235

[11] The San José Flea Market is open Wednesday through Sunday from dawn till dusk and generates 127 AM peak-hour trips and 294 PM peak-hour trips.

Table 18
Project Trip Generation Rates and Estimates

Item	Daily		AM Peak Hour				PM Peak Hour			
	Rate	**Trips**	**Rate**	**In**	**Out**	**Total**	**Rate**	**In**	**Out**	**Total**
Single Family Homes										
North of Berryessa (135-dwelling units)	9.9	1,337	0.99	47	87	134	0.99	87	47	134
South of Berryessa (none)	N/A	0	N/A	0	0	0	N/A	0	0	0
Total Gross Residential		***21,452***		***752***	***1,394***	***2,146***		***1,394***	***752***	***2,146***
Live/Work Reduction[7]		*-168*		*-6*	*-11*	*-17*		*-11*	*-6*	*-17*
Residential-Retail Mixed-Use Reduction[4,5]		*-794*		*-5*	*-11*	*-16*		*-36*	*-36*	*-72*
Office-Residential Mixed-Use Reduction[4,6]		*-72*		*-1*	*-9*	*-10*		*-8*	*-2*	*-10*
Net Residential Subtotal (C)		**20,418**		**740**	**1,363**	**2,103**		**1,339**	**708**	**2,047**
Proposed Office[3]										
North of Berryessa (215,622-square foot)	11.18	2,411	1.61	305	42	347	1.48	54	266	320
South of Berryessa (none)	N/A	0	N/A	0	0	0	N/A	0	0	0
Total Gross Office		***2,411***		***305***	***42***	***347***		***54***	***266***	***320***
Office-Residential Mixed-Use Reduction[4,6]		*-72*		*-9*	*-1*	*-10*		*-2*	*-8*	*-10*
Net Office Subtotal (D)		**2,339**		***296***	***41***	***337***		***52***	***258***	***310***
Net Proposed Use Only (B + C+ D)		**26,742**		**1,091**	**1,428**	**2,519**		**1,570**	**1,145**	**2,715**
Net New Project Trips (B + C + D - A)		**22,942**		**987**	**1,405**	**2,392**		**1,491**	**930**	**2,421**

Notes:

[1]Existing trip generation from driveway counts completed on June 9 and June 16, 2001. The estimated gross combined AM and PM peak hour retail volume represents approximately 11 percent of the daily traffic volume. Thus, the daily traffic volume for the existing flea market was estimated using a 11 percent factor. The existing San José Flea Market is open Wednesday through Sunday from dusk till dawn.

[2]Retail and residential trip generation rates from the City of San José's *Interim Guidelines for Traffic Impact Analysis of Land Developments*, June 1994.

[3]Office trip generation rates and pass-by reduction (25% off net-retail for daily and peak hour) the Institute of *Transportation Engineers' Trip Generation, 7th Edition*, 2003.

[4]Mixed-use development trip reductions from VTA's *Transportation Impact Analysis Guidelines*, 1998. Mixed-use reduction pairs grouped north or south of Berryessa Road.

[5]Residential-Retail mixed-use reduction is 13% off smaller trip generator south of Berryessa Road (retail).

[6]Office-Residential mixed-use reduction is 3% off smaller trip generator north of Berryessa Road (office).

[7]Live/Work reduction is 35% off live/work units. Metropolitan Transportation Commission's (MTC) data indicates that trips between home and work represent up to 35% of the trips generated in the peak hours.

Trip Distribution

The major directions of approach and departure form the trip distribution pattern for the traffic generated by the proposed project. The directions of approach and departure for the project traffic were estimated based on the existing travel patterns in the area and the relative locations of employment centers. The distribution for each land use type (e.g., retail, residential, and office) was further refined using the City of San José's Travel Demand Model. For a more detailed discussion, refer to Appendix A.

Trip Assignment

The placement of project generated traffic onto the roadway system is trip assignment. Traffic generated by the proposed project was assigned based on the directions of approach and departure discussed above, information from previous studies, and knowledge of the travel patterns in the area. The peak-hour trip assignments for the proposed project were added to the background traffic volumes to create project condition intersection volumes.

Project Transportation Improvements

The proposed project will widen Berryessa Road to six lanes and Mabury Road to four lanes along the project site frontage, install two full access signalized intersections that will provide access to the project site north and south of Berryessa, and add two right-in right-out driveways from the project site north of Berryessa onto Berryessa Road. The existing signalized intersection at the south end of the project site on Mabury Road will be modified to provide full access to the project site from Mabury Road.

The widening of Berryessa and Mabury Roads will require modifications and/or reconstruction of existing bicycle, pedestrian, and transit facilities to provide safe and effective transportation connections. The existing bicycle lanes will be maintained on both Berryessa Road and Mabury Road, and continuous sidewalks will be provided along the entire project frontage on both streets.

Project Intersection Levels of Service

Intersection LOS calculations were completed to evaluate intersection operations under Project Conditions. The results of the LOS analysis for Project Conditions are summarized in Table 19. The corresponding LOS calculation sheets are included in Appendix A of this EIR.

Table 19
Background and Project Conditions Intersection Levels of Service

Intersection	Peak Hour[1]	Background		Project			
		Delay[2]	LOS	Delay[2]	LOS	Δ in Crit Delay[3]	Δ in Crit V/C[4]
1. Montague Expressway / Oakland Road[5]	AM	58.6	E+	58.8	E+	+0.5	+0.004
	PM	68.4	E	69.5	E	+1.3	+0.011
2. Montague Expressway / Trade Zone Boulevard[5]	AM	55.5	E+	56.2	E+	+0.9	+0.009
	PM	55.6	E+	56.6	E+	+2.1	+0.005

Table 19
Background and Project Conditions Intersection Levels of Service

Intersection	Peak Hour[1]	Background		Project			
		Delay[2]	LOS	Delay[2]	LOS	Δ in Crit Delay[3]	Δ in Crit V/C[4]
3. Trade Zone Boulevard / Lundy Avenue	AM	35.5	D+	36.7	D+	+1.7	+0.011
	PM	40.1	D	40.3	D	+5.6	+0.004
4. Hostetter Road / Flickinger Avenue	AM	27.4	C	27.6	C	+0.1	+0.007
	PM	22.4	C+	23.3	C	+1.4	+0.018
5. Hostetter Road / I-680	AM	21.2	C+	21.0	C+	-0.1	+0.006
	PM	15.5	B	15.4	B	-0.1	+0.005
6. Hostetter Road / Capitol Avenue	AM	48.6	D	49.4	D	+1.1	+0.020
	PM	42.5	D	42.4	D	+0.2	+0.010
7. Townsend Avenue / Lundy Avenue	AM	14.6	B	14.4	B	+0.0	+0.043
	PM	12.3	B	11.9	B+	+0.1	+0.045
8. Sierra Road / Lundy Avenue	AM	31.5	C	33.6	C-	+4.0	+0.066
	PM	21.9	C+	23.4	C	+2.2	+0.076
9. Gish Road / Oakland Road	AM	17.5	B	17.5	B	+0.1	+0.009
	PM	19.5	B-	19.8	B-	+0.5	+0.014
10. Younger Avenue / 1st Street	AM	13.2	B	12.9	B	-0.1	+0.011
	PM	18.2	B-	18.0	B-	0.0	+0.014
11. Commercial Street / 10th Street	AM	24.2	C	24.5	C	+0.3	+0.009
	PM	22.8	C+	22.9	C+	+0.2	+0.009
12. Commercial Street / Oakland Road	AM	72.5	E	**>80**	**F**	**+68.8**	**+0.158**
	PM	47.4	D	**63.5**	**E**	**+24.9**	**+0.095**
13. US 101 / Oakland Road (North)[5]	AM	>80	F	**>80**	**F**	**+100.2**	**+0.229**
	PM	41.7	D	**79.3**	**E-**	**+52.4**	**+0.143**
14. US 101 / Oakland Road (South)[5]	AM	21.6	C+	27.3	C	+8.4	+0.118
	PM	68.6	E	**>80**	**F**	**+50.7**	**+0.122**
15. Hedding Street / San Pedro Street	AM	31.2	C	31.1	C	+0.1	+0.008
	PM	25.1	C	24.9	C	-0.3	+0.008
16. Hedding Street / 1st Street	AM	38.0	D+	39.5	D	+2.4	+0.037
	PM	36.2	D+	37.2	D+	+8.1	+0.032
17. Hedding Street / 4th Street	AM	47.6	D	50.4	D	+3.3	+0.033
	PM	43.8	D	45.5	D	+2.5	+0.038
18. Hedding Street / 7th Street	AM	11.5	B+	11.4	B+	0.0	+0.032
	PM	9.2	A	8.9	A	-0.5	+0.036
19. Hedding Street / 10th Street	AM	>80	F	**>80**	**F**	**+16.0**	**+0.038**
	PM	51.3	D-	**60.4**	**E**	**+15.9**	**+0.053**
20. Hedding Street / 11th Street	AM	20.6	C+	21.0	C+	+0.4	+0.038
	PM	9.4	A	10.2	B+	+0.7	+0.006
21. Hedding Street / Oakland Road	AM	61.5	E	**>80**	**F**	**+47.8**	**+0.171**
	PM	45.3	D	51.0	D	+9.1	+0.159

Table 19
Background and Project Conditions Intersection Levels of Service

Intersection	Peak Hour[1]	Background		Project			
		Delay[2]	LOS	Delay[2]	LOS	Δ in Crit Delay[3]	Δ in Crit V/C[4]
22. Hedding Street / Mabury Road	AM	20.7	C+	21.0	C+	+0.6	+0.082
	PM	17.3	B	18.0	B	+1.1	+0.130
23. Berryessa Road / Commercial Street	AM	10.5	B+	13.2	B	+6.5	+0.167
	PM	17.2	B	18.7	B-	+2.8	+0.157
24. Berryessa Road / Lundy Avenue[5]	AM	42.6	D	45.5	D	+4.8	+0.080
	PM	43.0	D	46.5	D	+7.2	+0.112
25. Berryessa Road / Farragut Way	AM	23.7	C	22.7	C+	-0.1	+0.038
	PM	9.4	A	9.7	A	-0.4	+0.015
26. Berryessa Road / Flickinger Avenue	AM	42.3	D	43.9	D	+2.9	+0.049
	PM	40.6	D	41.6	D	+1.3	+0.030
27. Berryessa Road / I-680	AM	12.9	B	12.8	B	-0.1	+0.006
	PM	15.0	B	15.0	B	-0.1	+0.004
28. Berryessa Road / Capitol Avenue	AM	52.8	D-	53.3	D-	+0.7	+0.007
	PM	46.5	D	46.7	D	+0.3	+0.006
29. Commodore Drive / King Street	AM	19.6	B-	20.1	C+	+1.7	+0.072
	PM	23.5	C	33.4	C-	+18.8	+0.100
30. Taylor Street / SR 87	AM	74.4	E	77.1	E-	+1.9	+0.014
	PM	58.7	E+	60.7	E	+3.0	+0.010
31. Taylor Street / San Pedro Street	AM	32.4	C-	33.4	C-	+0.1	0.000
	PM	38.4	D+	38.6	D+	+0.1	+0.012
32. Taylor Street / 1st Street	AM	52.7	D-	53.6	D-	+1.3	+0.019
	PM	>80	F	**>80**	**F**	**+6.8**	**+0.022**
33. Taylor Street / 4th Street	AM	41.8	D	43.5	D	+2.9	+0.040
	PM	34.8	C-	36.5	D+	+2.6	+0.049
34. Taylor Street / 10th Street	AM	47.5	D	54.5	D-	+9.9	+0.038
	PM	33.3	C-	37.3	D+	+6.8	+0.041
35. Taylor Street / 11th Street	AM	50.3	D	**58.0**	**E+**	**+12.9**	**+0.043**
	PM	>80	F	**>80**	**F**	**+24.4**	**+0.060**
36. Taylor Street / 13th Street	AM	13.9	B	15.0	B	+2.4	+0.077
	PM	16.3	B	18.0	B	+3.1	+0.054
37. Taylor Street / 17th Street	AM	15.2	B	14.8	B	+0.3	+0.075
	PM	18.4	B-	19.7	B-	+2.5	+0.076
38. Mabury Road / Mabury Road	AM	43.9	E	**>50**	**F**	**N/A**	**N/A**
	PM	>50	F	**>50**	**F**	**N/A**	**N/A**
39. Mabury Road / Mabury Yard	AM	8.2	A	29.4	C	+29.1	+0.268
	PM	6.9	A	17.6	B	+6.0	+0.094
40. Mabury Road / King Road	AM	35.6	D+	38.5	D+	+7.0	+0.095
	PM	35.9	D+	37.7	D+	+2.9	+0.077

Table 19
Background and Project Conditions Intersection Levels of Service

Intersection	Peak Hour[1]	Background		Project			
		Delay[2]	LOS	Delay[2]	LOS	Δ in Crit Delay[3]	Δ in Crit V/C[4]
41. Mabury Road / Education Park Drive	AM	14.0	B	14.7	B	+0.5	+0.015
	PM	17.5	B	18.2	B-	+1.1	+0.026
42. Mabury Road / Jackson Avenue	AM	35.8	D+	36.2	D+	+0.8	+0.020
	PM	36.3	D+	36.5	D+	+0.2	+0.007
43. Mabury Road / Capitol Avenue	AM	42.2	D	42.3	D	+0.1	+0.003
	PM	42.3	D	42.6	D	+0.5	+0.011
44. Las Plumas Avenue / King Road	AM	13.5	B	14.1	B	+0.4	+0.054
	PM	16.7	B	16.1	B	-0.7	+0.039
45. Julian Street / 24th Street	AM	18.1	B-	18.1	B-	0.0	0.000
	PM	12.4	B	12.5	B	+0.1	+0.001
46. Julian Street (W) / US 101	AM	18.1	B-	19.1	B-	+1.7	+0.052
	PM	27.2	C	28.8	C	+2.9	+0.033
47. McKee Road (E) / US 101	AM	20.5	C+	21.6	C+	+4.2	+0.015
	PM	24.3	C	25.0	C	0.0	0.000
48. McKee Road / 33rd Street	AM	26.7	C	26.4	C	-0.1	+0.025
	PM	21.3	C+	21.1	C+	0.0	+0.024
49. McKee Road / King Road	AM	42.9	D	48.4	D	+7.3	+0.066
	PM	42.1	D	45.5	D	+5.7	+0.059
50. McKee Road / José Figueres Avenue	AM	25.2	C	25.4	C	+0.2	+0.008
	PM	26.4	C	26.8	C	+0.5	+0.012
51. McKee Road / Jackson Avenue	AM	42.0	D	42.5	D	+0.7	+0.013
	PM	44.5	D	44.8	D	+0.4	+0.006
52. McKee Road / Capitol Avenue	AM	42.9	D	43.0	D	+0.2	+0.003
	PM	39.5	D	39.7	D	+0.2	+0.006
53. Santa Clara Street / 24th Street	AM	28.1	C	28.2	C	+0.1	+0.002
	PM	29.7	C	29.8	C	+0.2	+0.003
54. Alum Rock Road / King Road[5]	AM	31.9	C	32.5	C-	+0.8	+0.018
	PM	35.4	D+	35.9	D+	+0.3	+0.006
55. Alum Rock Road / Capitol Avenue[5]	AM	30.6	C	30.7	C	+0.2	+0.004
	PM	28.7	C	28.9	C	+0.2	+0.004
56. San Antonio Street / King Road	AM	25.0	C	25.0	C	0.0	+0.008
	PM	28.3	C	28.2	C	-0.1	+0.006
57. San Antonio Street / Jackson Avenue	AM	41.5	D	41.6	D	+0.2	+0.006
	PM	39.3	D	39.4	D	+0.1	+0.001
58. Capitol Avenue / Capitol Expressway[5]	AM	30.8	C	30.9	C	+0.3	+0.003
	PM	64.0	E	64.9	E	+1.6	+0.004
59. Story Road / Capitol Expressway[5]	AM	62.4	E	63.1	E	+1.3	+0.004
	PM	57.0	E+	57.3	E+	0.0	+0.004

Table 19
Background and Project Conditions Intersection Levels of Service

Intersection	Peak Hour[1]	Background		Project			
		Delay[2]	LOS	Delay[2]	LOS	Δ in Crit Delay[3]	Δ in Crit V/C[4]
60. I-280 / McLaughlin Avenue[5]	AM	11.0	B+	11.1	B+	+0.3	+0.004
	PM	16.3	B	16.3	B	0.0	0.000
61. I-680 / King Road (North)[5]	AM	24.6	C	24.5	C	+0.2	+0.008
	PM	32.0	C	31.8	C	0.0	+0.004
62. I-680 / King Road (South)[5]	AM	21.6	C+	21.4	C+	+0.2	+0.002
	PM	29.4	C	29.5	C	+0.3	+0.007

Notes:

[1] AM = morning peak-hour, PM = evening peak-hour.

[2] Whole intersection weighted average control delay expressed in seconds per vehicle for signalized and all-way stop intersections using methodology described in the 2000 *Highway Capacity Manual*, with adjusted saturation flow rates to reflect Santa Clara County Conditions. For two-way stop controlled unsignalized intersections, total control delay for the worst movement, expressed in seconds per vehicle, is presented. LOS calculations completed using the TRAFFIX level of service analysis software package.

[3] Change in critical movement delay between Background and Project Conditions. A decrease in the critical delay indicates project trips were added to movements with low delays thus causing a decrease in the overall critical delay.

[4] Change in the critical volume-to-capacity ratio (V/C) between Background and Project Conditions.

[5] Designated CMP intersection.

Bold type indicates significant impact.

City of San José Intersection Analysis

Using the thresholds of significance listed at the beginning of this section, the results shown in Table 19 indicate the project would have a significant impact at the following City of San José intersections:

- Commercial Street / Oakland Road (AM and PM peak hour)
- US 101 / Oakland Road (North) (AM and PM peak hour)
- US 101 / Oakland Road (South) (PM peak hour)
- Hedding Street / 10th Street (AM and PM peak hour)
- Hedding Street / Oakland Road (AM peak hour)
- Taylor Street / 1st Street (PM peak hour)
- Taylor Street / 11th Street (AM and PM peak hour)
- Mabury Road /Mabury Road (AM and PM peak hour)

The project would result in significant impacts associated with increased congestion at eight local City of San José intersections. **[Significant Impact]**

CMA Intersection Analysis

Using the thresholds of significance listed at the beginning of this section, the results shown in Table 19 indicate the project would have a significant impact at the following CMA regional intersections:

- US 101 / Oakland Road (North) (PM peak hour)
- US 101 / Oakland Road (South) (PM peak hour)

The project would result in significant impacts to two CMA designated regional intersections. **[Significant Impact]**

Freeway Segment Operations

According to CMA guidelines, freeway segments with project traffic equal to or greater than one percent of the freeway segment's capacity must be evaluated. Segments of US 101, SR 87, I-280, I-880, and I-680 were reviewed during the AM and PM peak hours to determine if a significant amount of project traffic would be added to these freeway segments.

Table 20
Mixed-Flow Lanes: Project Freeway Segment Levels of Service

Direction	From/To	From/To	Capacity (Veh.)	Peak Hour	Existing Conditions		Project Conditions			
					Density	LOS	Project Trips	Density	LOS	Percent Impact
NB SR 87	I-280	Alma Ave.	4,400	AM	32	D	57	32	D	1.30
				PM	31	D	68	32	D	1.55
	Julian St.	I-280	4,400	AM	25	C	25	25	C	0.57
				PM	14	B	32	14	B	0.73
	Coleman Ave.	Julian St.	4,400	AM	44	D	21	44	D	0.48
				PM	17	B	28	17	B	0.64
SB SR 87	Alma Ave.	I-280	4,400	AM	30	D	71	31	D	1.61
				PM	93	F	**47**	**95**	**F**	**1.07**
	I-280	Julian St.	4,400	AM	15	B	34	15	B	0.77
				PM	120	F	22	121	F	0.50
	Julian St.	Coleman Ave.	4,400	AM	13	B	29	13	B	0.66
				PM	89	F	18	89	F	0.41
NB US 101	Story Rd.	Tully Rd.	6,900	AM	43	D	117	44	D	1.70
				PM	27	D	156	28	D	2.27
	I-280	Story Rd.	6,900	AM	18	B	117	19	C	1.70
				PM	20	C	144	21	C	2.09
	Santa Clara St.	I-280	6,900	AM	66	F	**167**	**68**	**F**	**2.43**
				PM	25	C	237	26	D	3.43
	McKee Rd.	Santa Clara St.	6,900	AM	85	F	**106**	**87**	**F**	**1.54**
				PM	22	C	131	23	C	1.89
	Oakland Rd.	McKee Rd.	6,900	AM	92	F	**106**	**95**	**F**	**1.54**
				PM	36	D	145	37	D	2.10
	I-880	Oakland Rd.	6,900	AM	80	F	**234**	**84**	**F**	**3.39**
				PM	24	C	143	25	C	2.07
	Old Bayshore	I-880	6,900	AM	107	F	**104**	**110**	**F**	**1.50**

Table 20
Mixed-Flow Lanes: Project Freeway Segment Levels of Service

Direction	From/To Hwy.	From/To	Capacity (Veh.)	Peak Hour	Existing Conditions		Project Conditions			
					Density	LOS	Project Trips	Density	LOS	Percent Impact
				PM	22	C	61	22	C	0.88
	1st St.	Old Bayshore Hwy.	6,900	AM	91	F	**133**	**94**	**F**	**1.93**
				PM	32	D	82	32	D	1.19
	SR 87	1st St.	6,900	AM	74	F	**165**	**77**	**F**	**2.39**
				PM	22	C	100	23	C	1.45
SB US 101	Tully Rd.	Story Rd.	6,900	AM	24	C	168	25	C	2.43
				PM	77	F	**84**	**79**	**F**	**1.21**
	Story Rd.	I-280	6,900	AM	14	B	156	15	B	2.26
				PM	57	E	**88**	**58**	**F**	**1.27**
	I-280	Santa Clara St.	6,900	AM	19	C	237	20	C	3.43
				PM	79	F	**123**	**82**	**F**	**1.79**
	Santa Clara St.	McKee Rd.	6,900	AM	21	C	154	22	C	2.24
				PM	67	F	**77**	**68**	**F**	**1.11**
	McKee Rd.	Oakland Rd.	6,900	AM	16	B	157	17	B	2.28
				PM	62	F	**78**	**63**	**F**	**1.14**
	Oakland Rd.	I-880	6,900	AM	17	B	166	18	B	2.41
				PM	95	F	**179**	**101**	**F**	**2.60**
	I-880	Old Bayshore Hwy.	6,900	AM	16	B	75	16	B	1.08
				PM	114	F	**77**	**118**	**F**	**1.12**
	Old Bayshore Hwy.	1st St.	6,900	AM	17	B	70	17	B	1.01
				PM	102	F	**79**	**105**	**F**	**1.14**
	1st St.	SR 87	6,900	AM	15	B	113	16	B	1.64
				PM	81	F	**134**	**84**	**F**	**1.94**
EB I-280	McLaughlin Ave.	US 101	9,200	AM	23	C	26	23	C	0.28
				PM	33	D	34	33	D	0.37
	10th St.	McLaughlin Ave.	9,200	AM	27	D	92	27	D	1.00
				PM	48	E	119	49	E	1.29
	SR 87	10th St.	9,200	AM	20	C	100	20	C	1.09
				PM	65	F	**130**	**66**	**F**	**1.41**
	Bird Ave.	SR 87	9,200	AM	17	B	69	17	B	0.75
				PM	76	F	**95**	**77**	**F**	**1.03**
	US 101	McLaughlin Ave.	9,200	AM	111	F	35	112	F	0.38
				PM	22	C	23	22	C	0.25

Table 20
Mixed-Flow Lanes: Project Freeway Segment Levels of Service

Direction	From/To	From/To	Capacity (Veh.)	Peak Hour	Existing Conditions		Project Conditions			
					Density	LOS	Project Trips	Density	LOS	Percent Impact
WB I-280	McLaughlin Ave.	10th St.	9,200	AM	74	F	**124**	**75**	**F**	**1.35**
				PM	28	D	79	28	D	0.86
	10th St.	SR 87	9,200	AM	86	F	**134**	**88**	**F**	**1.46**
				PM	29	D	86	29	D	0.93
WB I-280	SR 87	Bird Ave.	9,200	AM	102	F	**98**	**104**	**F**	**1.07**
				PM	85	F	60	86	F	0.65
NB I-680	King Rd.	US 101	9,200	AM	26	C	26	26	D	0.28
				PM	25	C	34	25	C	0.37
	Capitol Expwy.	King Rd.	9,660	AM	23	C	20	23	C	0.21
				PM	40	D	26	40	D	0.27
	Alum Rock Ave.	Capitol Expwy.	9,200	AM	44	D	24	44	D	0.26
				PM	26	C	30	26	D	0.33
	McKee Rd.	Alum Rock Ave.	9,200	AM	61	F	24	61	F	0.26
				PM	29	D	30	29	D	0.33
	Berryessa Rd.	McKee Rd.	9,200	AM	44	D	18	44	D	0.20
				PM	26	C	21	26	D	0.23
	Hostetter Rd.	Berryessa Rd.	9,200	AM	34	D	95	34	D	1.03
				PM	28	D	61	28	D	0.66
	Capitol Ave.	Hostetter Rd.	9,200	AM	33	D	95	33	D	1.03
				PM	22	C	60	22	C	0.65
	Montague Expwy.	Capitol Ave.	9,200	AM	29	D	140	30	D	1.52
				PM	21	C	89	21	C	0.97
SB I-680	US 101	King Rd.	9,200	AM	108	F	35	109	F	0.38
				PM	25	C	23	25	C	0.25
	King Rd.	Capitol Expwy.	11,500	AM	85	F	27	78	F	0.23
				PM	22	C	17	20	C	0.15
	Capitol Expwy.	Alum Rock Ave.	9,200	AM	78	F	23	78	F	0.25
				PM	27	D	15	27	D	0.16
NB I-880	Alum Rock Ave.	McKee Rd.	9,200	AM	53	E	31	53	E	0.34
				PM	53	E	21	53	E	0.23
	McKee Rd.	Berryessa Rd.	9,200	AM	24	C	22	24	C	0.24
				PM	55	E	15	55	E	0.16
	Berryessa Rd.	Hostetter Rd.	9,200	AM	21	C	71	21	C	0.77
				PM	68	F	**92**	**69**	**F**	**1.00**

Table 20
Mixed-Flow Lanes: Project Freeway Segment Levels of Service

Direction	From/To	From/To	Capacity (Veh.)	Peak Hour	Existing Conditions		Project Conditions			
					Density	LOS	Project Trips	Density	LOS	Percent Impact
	Hostetter Rd.	Capitol Ave.	9,200	AM	28	D	70	28	D	0.76
				PM	90	F	**92**	**91**	**F**	**1.00**
	Capitol Ave.	Montague Expwy.	9,200	AM	22	C	103	22	C	1.12
				PM	66	F	**135**	**67**	**F**	**1.47**
NB I-880	Coleman Ave.	The Alameda	6,900	AM	72	F	**69**	**73**	**F**	**1.00**
				PM	32	D	95	32	D	1.38
	SR 87	Coleman Ave.	6,900	AM	47	E	69	48	E	1.00
				PM	39	D	95	40	D	1.38
	1st St.	SR 87	6,900	AM	34	D	69	34	D	1.00
				PM	25	C	95	25	C	1.38
	US 101	1st St.	6,900	AM	41	D	52	41	D	0.75
				PM	37	D	71	37	D	1.03
	Brokaw Rd.	US 101	6,900	AM	36	D	125	37	D	1.81
				PM	32	D	72	32	D	1.04
	Montague Expwy.	Brokaw Rd.	6,900	AM	30	D	182	31	D	2.64
				PM	22	C	105	23	C	1.52
	Great Mall Pkwy.	Montague Expwy.	6,900	AM	26	C	138	27	D	2.00
				PM	26	C	81	26	D	1.17
SB I-880	The Alameda	Coleman Ave.	6,900	AM	34	D	98	35	D	1.42
				PM	53	E	60	54	E	0.87
	Coleman Ave.	SR 87	6,900	AM	35	D	98	36	D	1.42
				PM	52	E	60	53	E	0.87
	SR 87	1st St.	6,900	AM	30	D	98	31	D	1.42
				PM	90	F	60	91	F	0.87
	1st St.	US 101	6,900	AM	28	D	73	28	D	1.06
				PM	114	F	45	116	F	0.65
	US 101	Brokaw Rd.	6,900	AM	26	C	79	26	D	1.14
				PM	83	F	**122**	**85**	**F**	**1.77**
	Brokaw Rd.	Montague Expwy.	6,900	AM	25	C	116	26	C	1.68
				PM	81	F	**177**	**84**	**F**	**2.57**
	Montague Expwy.	Great Mall Pkwy.	6,900	AM	27	D	91	27	D	1.32
				PM	53	E	135	54	E	1.96

Notes:
[1]Density based on volume from VTA's *2004 CMP Monitoring Data* (March 2005).
[2]NB - Northbound; SB - Southbound; EB - Eastbound; WB - Westbound.
Bold type indicates significant impact.

Table 20
Mixed-Flow Lanes: Project Freeway Segment Levels of Service

Direction	From/To	From/To	Capacity (Veh.)	Peak Hour	Existing Conditions		Project Conditions			
					Density	LOS	Project Trips	Density	LOS	Percent Impact
NB US 101	Story Rd.	Tully Rd.	1,800	AM	28	D	21	28	D	1.15
				PM	10	A	20	10	A	1.09
	I-280	Story Rd.	1,800	AM	21	C	21	21	C	1.15
				PM	13	B	26	13	B	1.47
	Santa Clara St.	I-280	1,800	AM	53	E	30	54	E	1.64
				PM	5	A	16	5	A	0.90
	McKee Rd.	Santa Clara St.	1,800	AM	56	E	19	57	E	1.04
				PM	15	B	24	15	B	1.34
	Oakland Rd.	McKee Rd.	1,800	AM	52	E	19	52	E	1.04
				PM	11	A	16	11	B	0.90
	I-880	Oakland Rd.	1,800	AM	75	F	**41**	**77**	**F**	**2.29**
				PM	10	A	20	10	A	1.12
	Old Bayshore	I-880	1,800	AM	80	F	**18**	**81**	**F**	**1.02**
				PM	12	B	11	12	B	0.60
	1st St.	Old Bayshore	1,800	AM	85	F	**24**	**87**	**F**	**1.31**
				PM	12	B	11	12	B	0.60
	SR 87	1st St.	1,800	AM	68	F	**29**	**69**	**F**	**1.62**
				PM	9	A	14	9	A	0.77
SB US 101	Tully Rd.	Story Rd.	1,800	AM	6	A	14	6	A	0.79
				PM	43	D	18	43	D	0.98
	Story Rd.	I-280	1,800	AM	7	A	26	7	A	1.45
				PM	34	D	18	34	D	0.98
	I-280	Santa Clara St.	1,800	AM	6	A	25	6	A	1.40
				PM	64	F	**25**	**65**	**F**	**1.41**
	Santa Clara St.	McKee Rd.	1,800	AM	5	A	13	5	A	0.70
				PM	41	D	16	41	D	0.89
	McKee Rd.	Oakland Rd.	1,800	AM	3	A	10	3	A	0.54
				PM	35	D	16	35	D	0.89
	Oakland Rd.	I-880	1,800	AM	5	A	17	5	A	0.92
				PM	50	E	40	51	E	2.23
	I-880	Old Bayshore	1,800	AM	4	A	6	4	A	0.35
				PM	68	F	18	69	F	0.99
SB US 101	Old Bayshore	1st St.	1,800	AM	8	A	11	8	A	0.61
				PM	54	E	18	54	E	0.99
	1st St.	SR 87	1,800	AM	6	A	15	6	A	0.83
				PM	50	E	28	51	E	1.58

Notes:
[1]Density based on volume from VTA's *2004 CMP Monitoring Data* (March 2005).
[2]NB - Northbound; SB - Southbound; EB - Eastbound; WB - Westbound.
Bold type indicates significant impact.

The results of the freeway level of service analysis indicate that the proposed project would create a significant impact on the following mixed-flow and HOV freeway segments:

AM Peak Hour

- Northbound US 101 between I-280 and SR 87 (7 segments)
- HOV Northbound US 101 between Oakland Road and SR 87 (4 segments)
- Westbound I-280 between McLaughlin Avenue and Bird Street (3 segments)
- Northbound I-880 between The Alameda and Coleman Avenue (1 segment)

PM Peak Hour

- Southbound SR 87 between I-280 and Alma Avenue (1 segment)
- Southbound US 101 between SR 87 and Tully Road (9 segments)
- HOV Southbound US 101 between Santa Clara Street and I-280 (1 segment)
- Eastbound I-280 between Bird Avenue and 10th Street (2 segments)
- Southbound I-680 between Montague Expressway and Berryessa Road (3 segments)
- Southbound I-880 between Montague Expressway and US 101 (2 segments)

The increased congestion resulting from the proposed project would significantly impact 18 freeway segments in the project area. **[Significant Impact]**

Bicycle Facilities

The proposed network of on-street bicycle lanes and off-street multi-use paths (shown on Figure 16) will encourage bicycle travel, provide appropriate linkages to the existing bicycle lanes on Berryessa Road and Mabury Road, and connect with future multi-use paths along Coyote Creek and Upper Penitencia Creek. Important bicycle design elements include the crossings of the new full-access signalized intersections, the Upper Penitencia Creek multi-use path crossings of the new public streets, and the crossing at Mabury Road and Mabury Yard. Overall, the project will enhance bicycle travel and will not conflict with any existing or planned facilities and operations. The project will not adversely impact bicycle facilities. **[Less than Significant Impact]**

Pedestrian Facilities

All public streets on the proposed project site will include sidewalks on both sides and a separate multi-use path will link parcels adjacent to the riparian setbacks of Upper Penitencia Creek and Coyote Creek. The existing pedestrian under crossing of Berryessa Road adjacent to Coyote Creek will be maintained and new signalized crosswalks will be provided at the full-access signalized intersections.

At several study intersections, mitigation measures include the addition of turn lanes, which will increase crossing distances and increase the exposure of pedestrians to vehicle traffic. Signal timings and crossing times will be adjusted to account for the additional crossing distances, so that adverse impacts to pedestrian facilities will not occur from the additional turn lanes. No uncontrolled turning movements (e.g., a free right-turn lane) are proposed by the project or required as mitigation.

Because the proposed project will enhance the pedestrian environment and will not conflict with any existing or planned pedestrian facilities and operations, the project will not adversely impact pedestrian facilities. **[Less than Significant Impact]**

Transit Facilities

The widening of Berryessa Road and Mabury Road and the construction of new street and driveway intersections may require relocation of existing bus stops or installation of new transit stops. The design of the new bus stop locations will be reviewed by the Valley Transportation Authority (VTA) to verify conformance with appropriate standards. Conformance with VTA standards will ensure that all new stops have safe and direct access for bicyclist and pedestrians and include appropriate amenities (e.g., shelters).

The proposed project will not conflict with other off-site existing or planned transit facilities and operations, as far as could be determined at the time of preparation of this EIR. The project site is the planned location of the Berryessa BART Station, which will also include VTA bus and shuttle service. Detailed design guidelines and a station master plan for the Berryessa BART Station have not been finalized at this time. Thus, impacts to the BART station and the VTA bus transfer station cannot be identified at this time. The proposed project would not adversely impact any existing transit facilities, or adopted facility plans. **[Less than Significant Impact]**

Vehicular Site Access

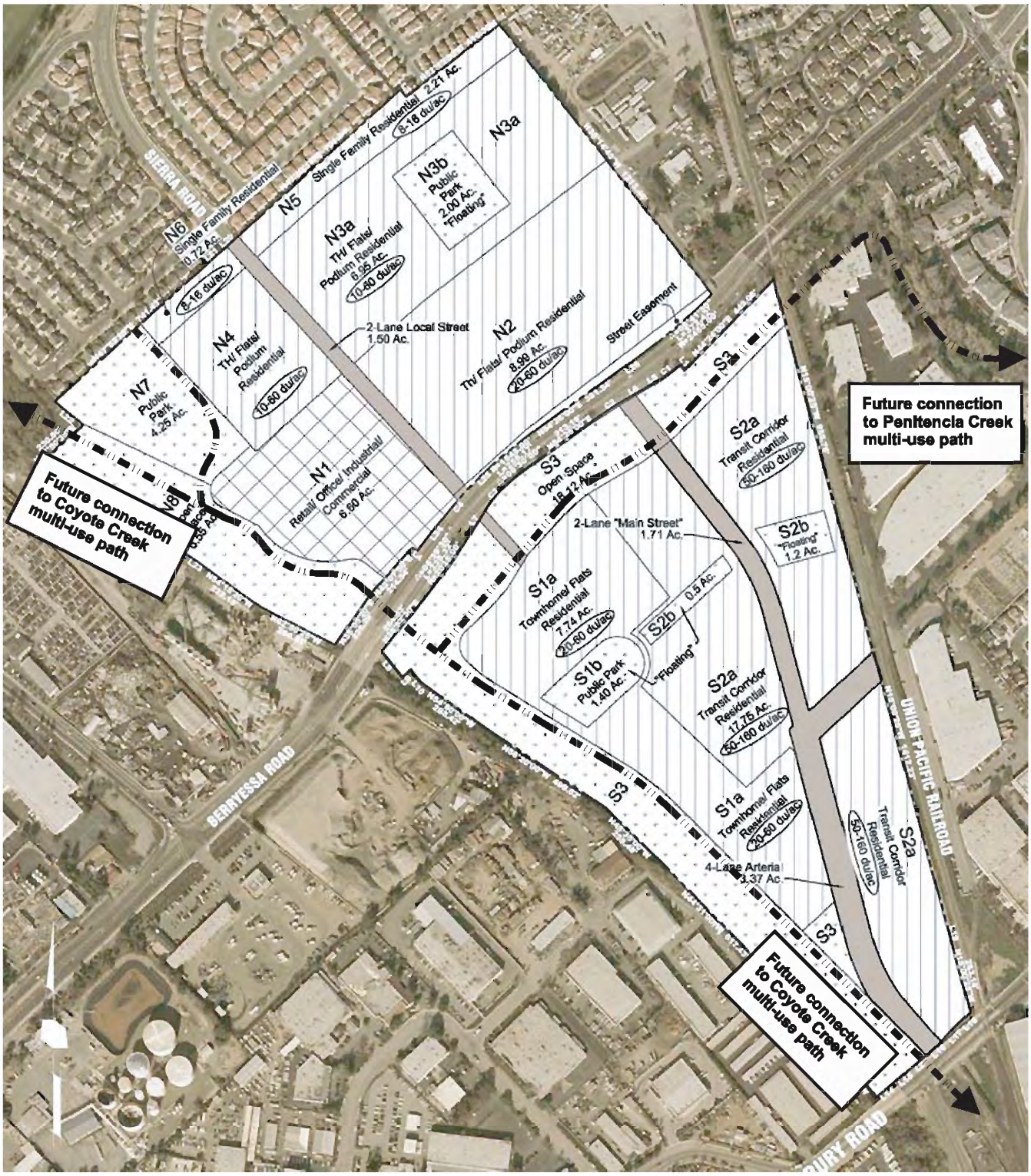
As shown on Figure 4, primary access to the project site will be provided via Berryessa Road and Mabury Road. Sierra Road would provide secondary access to the project site north of Berryessa.

Both the north and south sides of the project site from Berryessa Road will include two full-access signalized driveways, and the north side of Berryessa Road will also include two right-turn only driveways. The new signalized driveways and the right-in-right-out driveways on Berryessa Road will operate at an acceptable level of service (refer to Appendix A). The only access point on Mabury Road is the existing signalized intersection, which will operate acceptably with construction of a new north leg serving the site. The extension of Sierra Road through the project site north of Berryessa will provide secondary access.

Based on review of the projected roadway volumes on and adjacent to the project site, the proposed project would not result in significant safety or LOS impacts due to site access. **[Less than Significant Impact]**

Construction Traffic Impacts

The proposed project is a mixed-use development that is expected to develop over a five to ten year timeframe. During construction of project phases, building activities will generate traffic volumes in the form of construction workers and truck deliveries to supply materials and equipment. Most construction-generated vehicles would arrive at the site prior to the AM peak commute hour and depart prior to the evening commute peak hour. Truck deliveries are expected to be made at any time during normal construction hours, but are more likely to occur during the earlier part of the day.



LEGEND

- Multi-Use Path

PROPOSED ON-SITE BICYCLE FACILITIES FIGURE 16

The number of on-site employees is expected to vary between 150 and 300 persons (depending on the building type under construction) plus truck deliveries. As noted above, the number of vehicles traveling during the peak hour will be limited due to scheduled work hours and industry operations. Assuming that 20 percent of construction employees travel during the peak hours, the project could generate up to 60 trips during either peak hour. This generation rate will vary over the course of the year as activities change with the weather and construction schedules.

Trucks are generally expected to access the site from the west on either Mabury or Berryessa Road, traveling through the industrial areas between US 101 and the project site. Construction traffic is not anticipated to travel through residential areas. The highest number of truck trips expected during either peak hour is estimated to be 30 on a given day, and that number could vary at certain times depending on construction activities.

Overall, construction is expected to typically result in fewer than 100 peak hour trips. This level of activity would not normally generate the need for a specific traffic analysis and quantification of impacts because the volumes are negligible from a traffic operations standpoint.

With development of the project and implementation of phased mitigation measures, capacity enhancements will occur while construction is on-going. These improvements will lessen the impact of construction traffic. For this reason and those stated above, temporary construction traffic would not result in significant impacts.

4.2.3 *Mitigation and Avoidance Measures for Traffic Impacts*

The following measures are included in the proposed project to avoid traffic impacts on the surrounding roadway system:

MM 4.2-1 The City of San José's procedures require that all projects obtain a Public Works Clearance prior to the issuance of the first Building Permit associated with the project. The Public Works Clearance for this project will require the execution of a Construction Agreement that guarantees the completion of the proposed public improvements including all of the proposed off-site traffic mitigations listed below, to the satisfaction of the Director of Public Works. This agreement will include privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.

Proposed Mitigation
Within the Oakland Road Corridor

For the purposes of this discussion, the Oakland Road Corridor includes the intersections of Oakland Road with Commercial Street and the US 101 ramps. The following roadway improvements would reduce the project's near-term intersection impacts within the Oakland Road Corridor to a less than significant level.

The City is currently preparing a traffic study with the possibility of creating an Area Development Policy for the Oakland/Mabury/Route 101 Corridor. The policy will be intended to facilitate building out the transit hub surrounding the future BART station by providing the necessary regional traffic capacity. This project may have any opportunity to participate in the Area Development Policy in the future.

MM-4.2-2 ***Commercial Street and Oakland Road***

Mitigation of the project's impact at Commercial Street and Oakland Road requires a second westbound left-turn lane. During the AM peak hour, this improvement would reduce the change in average critical delay and critical volume-to-capacity (V/C) below the defined thresholds. To accommodate eastbound and westbound left-turning vehicles with this lane addition requires implementation of lead-lag phasing. The lane reconfiguration can be completed within the existing right-of-way and will not result in the loss of parking spaces.

MM-4.2-3 ***US 101 and Oakland Road (North)***

The improvements required to mitigate the project's impact at this intersection to less than significant levels during both peak hours include the conversion of a southbound through lane to a shared through-right lane, and the addition of a second northbound left-turn lane.

A no-right-turn-on-red condition on the southbound approach with the second right-turn lane will minimize the potential for vehicle-pedestrian conflicts. The conversion of the southbound through lane to a shared through-right lane requires the removal of the existing right-turn median island and elimination of the existing free right turn movement. Right-of-way acquisition on the west side of Oakland Road may be needed to complete this mitigation. The right-of-way consists of the landscaping between the existing fast food restaurant drive-thru and Oakland Road (i.e., will not affect structures or result in the loss of parking spaces).

The provision of the second northbound left-turn lane requires the widening of the Oakland Road bridge structure over US 101. As described in measure MM-4.2-1, the project will obtain Public Works Clearance (i.e., guarantee construction of the bridge construction and all other off-site improvements), prior to issuance of a building permit for the proposed project. The widening of the Oakland Road bridge structure requires Caltrans approval.

The City is currently preparing a traffic study with the possibility of creating an Area Development Policy for the Oakland/Mabury/Route 101 Corridor. The policy will be intended to facilitate building out the transit hub surrounding the future BART station by providing the necessary regional traffic capacity. This project may have any opportunity to participate in the Area Development Policy in the future.

MM-4.2-4 ***US 101 and Oakland Road (South)***

During the PM peak hour, a second right-turn lane is needed on the US 101 southbound offramp to mitigate the project's impact to a less than significant level at this intersection. During the PM peak hour, this improvement reduces the increase of the average critical delay and the critical volume-to capacity (V/C) below the impact thresholds. Based on field measurements and observations, the additional eastbound right-turn lane might need additional right-of-way acquisition from the existing business that is located adjacent to the south side of the existing off-ramp. The right-of-way that would be required from the business is currently occupied by landscaping

(i.e., will not affect structures or result in the loss of parking spaces). A no-right-turn-on-red condition on the US 101 southbound offramp is recommended with the second right-turn lane to minimize the potential for vehicle-pedestrian conflicts and to reduce the possible sight distance issue for drivers in vehicles on the off-ramp.

The City is currently preparing a traffic study with the possibility of creating an Area Development Policy for the Oakland/Mabury/Route 101 Corridor. The policy will be intended to facilitate building out the transit hub surrounding the future BART station by providing the necessary regional traffic capacity. This project may have any opportunity to participate in the Area Development Policy in the future.

Proposed Mitigation
Outside of the Oakland Road Corridor

MM 4.2-5 ***Mabury Road and Mabury Road***

The improvement required to mitigate the project's impact at this intersection to a less than significant level during each peak hour is signalization of this intersection. The signalization of the Mabury Road and Mabury Road intersection would create acceptable traffic operations, LOS B+ and LOS B-, during the AM and PM peak hours, respectively. This intersection also meets MUTCD's peak hour warrants for the AM and PM peak hours under Project Conditions. The Mabury Road and Mabury Road signalization would be completed in a manner to accommodate future construction of the US 101/Mabury Road interchange and other local improvements. The signalization of this intersection can be completed within the existing right-of-way.

Proposed Mitigation for
Freeway Segments

MM 4.2-5 According to the Congestion Management Agency Transportation Impact Analysis Guidelines, if a project causes a freeway impact that cannot be reduced to a less than significant level, the Lead Agency (i.e., the City of San José) must implement, or require the project's sponsor to implement, the "Immediate Actions" list in Appendix D of the Draft Countywide Deficiency Plan as part of the project's approval (refer to Appendix A). All relevant items on the list are included in the proposed project, including sidewalks, crosswalks, multi-use paths, and bicycle lanes.

These actions encourage the use of non-automobile modes and help to maximize the efficiency of the existing transportation system. They will also reduce the number of peak hour vehicle trips and minimize the project's impact. However, these actions will not reduce the project impact to a less than significant level because they would not reduce the project's contribution to the freeway segment to less than one percent of existing peak hour capacity. Therefore, the impact to the freeway segments listed above will be significant and unavoidable.

4.2.4 Protected Intersections

Protected Intersection Concept

The City Council recently adopted a Transportation Impact Policy which established the basis for "Protected" intersections. The City found that to continue to expand some local intersections in order to increase their vehicular capacity would, under certain circumstances, result in a deterioration of environmental conditions near those intersections, and an erosion of the City's ability to both encourage infill development in designated Special Strategy Areas, and to support a variety of multi-modal transportation systems. This adopted Council Policy 5-3 states that it establishes a threshold for environmental impact and addresses the specific methods for implementing the General Plan Level of Service (LOS) Policy for Traffic.

The City of San José may identify certain local intersections for which no further physical improvements are planned. These specific intersections, because of the presence of substantial transit improvements, adjacent private development, or a combination of both circumstances, cannot be reasonably modified to accommodate additional traffic and operate at LOS D or better, in conformance with all relevant General Plan policies.

Council Policy 5-3 provides a process for allowing exceptions to the City's policy of maintaining LOS D at local intersections. Pursuant to that policy, a List of Protected Intersections was adopted and has been subsequently modified by Council action. The intersections of Taylor Street/1st Street and Taylor Street/11th Street were designated as Protected after certification of the Final EIR (FEIR) entitled *Modifications to the City of San José's Transportation Impact Policy (LOS EIR).* The intersection of Hedding Street/10th Street was designated as Protected after certification of the FEIR for the *Downtown Strategy 2000 Plan*.

Protected Intersection Off-setting Improvements

As specified in revised Council Policy 5-3 and discussed in the *LOS EIR*, and as provided for in CEQA Guidelines Section15152, this EIR is tiering from the analysis included in *Transportation Impact Policy FEIR* and in the *Downtown Strategy 2000 Plan FEIR*, for the analyses of project impacts at three protected intersections and adding the intersection of Oakland Road and Hedding Street to the List of Protected Intersections.

According to the City's LOS Policy, the project would result in significant impacts at the intersections of Hedding Street/10th Street, Taylor Street/1st Street, and Taylor Street/11th Street. Because these intersections are on the List of Protected Intersections, the project is not proposing mitigation to increase vehicular capacity at any of the three intersections.

In order for this analysis of project impacts to tier from the *LOS EIR*, the project may either: 1) reduce its size in order to not result in significant impacts at the three protected intersections; or 2) propose physical improvements to other segments of the citywide transportation system, in order to improve system capacity and/or enhance non-auto travel modes. Under the second option, first priority will be improvements proximate to the neighborhoods impacted by project traffic. Neighborhood outreach must occur prior to and concurrent with the project review and approval process.

The project proposes to complete physical improvements to other segments of the citywide transportation system. By funding these improvements to the City's overall multi-modal transportation system, the proposed project would contribute substantially to achieving General Plan goals for improving and expanding the City's multi-modal transportation system. Neighborhood outreach started in the summer of 2006. The development project would, therefore, be consistent with the City's General Plan Multi-modal Transportation Policies, and the City Council's Transportation Impact Policy 5-3.

To be found consistent with the General Plan LOS Policy, the proposed project must provide offsetting transportation system improvements for its impacts at the three protected intersections. However, as described in the *Implementation Appendix* of the *Transportation Impact Policy*, the impacts to the protected intersections will still be significant for the purposes of CEQA. These offsetting improvements are not "mitigation" as defined by CEQA. Rather, their provision was the basis of the overriding considerations adopted by the City Council in approving the revised Council Policy 5-3. Should the Council decide to approve this project, those improvements would be taken into consideration in adopting a statement of overriding considerations for its impacts at those intersections.

Adding a Protected Intersection

The proposed project would add the intersection Hedding Street and Oakland Road to the City's List of Protected Intersections. As stated in City of San José Transportation Impact Policy 5-3, the City Council may decide that an intersection should be added to the List of Protected Intersections, if the intersection is an infill location within a Special Planning Areas shown on Exhibit 1 of Policy 5-3.

The intersection of Hedding Street and Oakland Road is an infill location and within the boundaries of a Special Planning Area shown on Exhibit 1 of Policy 5-3. Therefore, Hedding Street and Oakland Road is eligible to be added to the City of San José List of Protected Intersections.

The following discussion provides information on the impacts that would result from adding the intersection of Hedding Street and Oakland Road to the List of Protected Intersections, including an analysis of future intersection operating conditions. A discussion of the physical impacts that could occur from protecting the intersection of Hedding Street and Oakland Road (e.g., noise, air quality, and land use impacts) is included in each respective section of this EIR.

A traffic analysis was prepared to evaluate the future operation of the Hedding Street and Oakland Road intersection, if it were added to the City of San José List of Protected Intersections (refer to Appendix A). This analysis of future conditions includes traffic from the proposed project, currently pending General Plan amendments, and other reasonably foreseeable development (e.g., North San José, Downtown San José, and the Goodwill redevelopment site), as well as currently approved mitigation at the intersection of Hedding Street and Oakland Road. Under protected intersection status, no further improvements to expand vehicular capacity would be made beyond improvements previously approved. As a result, future operation of the intersection of Hedding Street and Oakland Road would substantially degrade from LOS E and D under background conditions during the AM and PM peak hours to LOS F and E under the protected intersection future condition during the AM and PM peak hours, respectively. **[Significant Unavoidable Impact]**

The LOS for this intersection under existing, background, project with mitigation, project without mitigation, and the protected intersection future conditions is shown in Table 21. Although

anticipated to be completed in the future, the Mabury/US 101 interchange is not funded at this time, does not have a Caltrans approval, and is not presently in the City's five-year capital improvement program; therefore, this improvement is not assumed under the protected intersection future condition. Upon completion, the Mabury/US 101 interchange would improve traffic operations in the project area, including the intersection of Hedding Street and Oakland Road.

Table 21
Hedding Street/Oakland Road Protected Intersection Peak Hour Level of Service

	Existing		Background		Project w/o Mitigation		Project w/ Mitigation		Protected Future	
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
AM	47.3	D	61.5	E	96.2	F	57.4	E+	135.0	F
PM	41.9	D	45.3	D	51.0	D	45.3	D	66.7	E

4.2.5 Conclusions Regarding Transportation and Traffic Impacts

The proposed project includes mitigation measures to reduce significant near-term traffic impacts at the intersections of Commercial Street and Oakland Road, US 101 and Oakland Road (North), US 101 and Oakland Road (South), and Mabury Road and Mabury Road to a less than significant level. **[Less than Significant Impact with Mitigation]**

The proposed project would significantly impact three protected intersections. **[Significant Unavoidable Impact]**

The proposed project would add the intersection of Hedding Street and Oakland Road to the City's List of Protected Intersections. **[Significant Unavoidable Impact]**

The proposed project would significantly impact 18 freeway segments on four freeways. Feasible measures to reduce the impacts to freeways segment are proposed by the project, but the impacts cannot be reduced to a less than significant level. **[Significant Unavoidable Impact]**

The General Plan level analysis of the proposed land use and network changes determined that the changes would result in significant traffic impacts both individually (e.g., land use changes only) and combined. There is no feasible mitigation to reduce these impacts to a less than significant level. **[Significant Unavoidable Impact]**

4.3 NOISE

This section is primarily based upon an acoustical analysis prepared for the proposed project by *Illingworth & Rodkin, Inc* in March 2006. The report is included in Appendix B of this EIR.

4.3.1 Introduction and Regulatory Framework

Noise is measured in "decibels" (dB) which is a numerical expression of sound levels on a logarithmic scale. A noise level that is 10 dB higher than another noise level has 10 times more sound energy and is perceived as being twice as loud. Sounds less than 5 dB are just barely audible, and then only in the absence of other sounds. Intense sounds of 140 dB are so loud that they are painful and can cause damage with only a brief exposure. These extremes are not commonplace in our normal working and living environments. An "A-weighted decibel" (dBA) filters out some of the low and high pitches that are not as audible to the human ear. Thus, noise impact analyses commonly use the dBA. Because excessive noise levels can adversely affect human activities (such as conversation and sleeping) and human health, Federal, State, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. The noise guidelines are almost always expressed using one of several noise averaging methods such as Leq, Ldn, or CNEL.[12] Using one of these descriptors is a way for a location's overall noise exposure to be measured, realizing that there are specific moments when noise levels are higher (e.g., when a leaf blower is operating) and specific moments when noise levels are lower (e.g., during lulls in traffic flows on streets or in the middle of the night). For this report the Ldn will be used as it is consistent with the guidelines of the City of San José and the State of California. The General Plan contains policies and goals that pertain to desired noise levels for various land uses located within the City. These policies and goals are expressed in terms of the Ldn. The General Plan cites long-term and short-term exterior Ldn goals for residential uses of 55 dBA and 60 dBA, respectively. For new commercial and new residential land uses, where the Ldn at a given location is above 60 dBA, an acoustical analysis is required to determine the amount of attenuation necessary to achieve an interior Ldn of 45 dBA or less. Outdoor uses on sites where the Ldn is above 60 dBA should be limited to acoustically protected areas.

The General Plan also distinguishes between noise from transportation sources and noise from non-transportation (i.e., stationary) sources. The short-term exterior noise goal is 60 dBA Ldn for transportation sources. For stationary sources, the exterior noise goal is 55 dBA Ldn at the property line between sensitive land use (e.g., residences, schools, libraries, hospitals, etc.) and non-sensitive land use (e.g., industrial, commercial, etc.

The above noise goals notwithstanding, the General Plan specifically recognizes that these goals may not be achieved within the timeframe of the General Plan in certain areas of the City that are affected by noise from aircraft, railroads, and roadway traffic. These areas are 1) the Downtown Core Area, 2) the area around Mineta San José International Airport, and 3) areas adjacent to major roadways. Although the project site is not located in the Downtown Core Area or the San José Airport noise

[12] **Leq** stands for the Noise Equivalent Level and is a measurement of the average energy level intensity of noise over a given period of time such as the noisiest hour. Ldn stands for Day-Night Level and is a 24-hour average of noise levels, with 10 dB penalties applied to noise occurring between 10 PM and 7 AM. CNEL stands for Community Noise Equivalent Level; it is similar to the Ldn except that there is an additional 5 dB penalty applied to noise which occurs between 7 PM and 10 PM. As a general rule of thumb where traffic noise predominates, the CNEL and Ldn are typically within 2 dBA of the peak-hour Leq.

impact zone (defined by the 65 dBA CNEL contour), it is subject to noise from Berryessa and Mabury Road, both of which are designated as major roadways on the General Plan.

As noted above, various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating noise impacts resulting from planned development within the City. (See also **Section 3. Consistency with Adopted Plans**) All future development addressed by this EIR would be subject to the noise policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- *Noise Policy #1*: City's Short- and Long-Term Noise Objectives
- *Noise Policy #8*: Use of Outdoor Appliances, Air Conditioners, & other Consumer Products
- *Noise Policy #9*: Reduction of Noise during Construction
- *Noise Policy #11*: Non-residential Noise Limits at Residential Property Lines
- *Noise Policy #12*: Noise Studies Required for certain Peak Event Noise Sources
- *Urban Design Policy #18*: Implement Sound Attenuation into New Development

In addition to the above General Plan policies, development addressed by this EIR would be subject to the following codes, guidelines, and ordinances:

- San José Municipal Code §20.100.450: Limits construction hours within 500 feet of residences to 7 AM - 7 PM weekdays, with no construction on weekends or holidays
- Title 24 of the State Building Code: Multi-family buildings must be designed to achieve an interior Ldn of 45 dBA or less in all habitable residential areas.
- San José Residential Design Guidelines: Specifies setbacks from non-residential uses in order to minimize land use conflicts, including excessive noise.
- City of San José's Zoning Ordinance. The City's Zoning Ordinance applies specific noise standards to Residential, Commercial and Industrial Zoning Districts which limits the sound pressure levels generated by any use or combination of uses shall not exceed the decibel level at any property line as shown in Table 22, below:

Table 22
City of San José Zoning Code Noise Standards

	Maximum Noise Level in Decibels at Property Line*
Residential, open space, industrial or commercial uses adjacent to a property used or zoned for residential purposes.	55
Open space, commercial, or industrial use adjacent to a property used or zoned for commercial purposes or other non-residential use.	60
Industrial use adjacent to a property used or zoned for industrial or use other than commercial or residential purposes.	70

*Values may be exceeded with a Conditional Use Permit (CUP).

4.3.2 Existing Noise Sources and Levels

The existing noise environment on the project site results primarily from vehicular traffic along Berryessa and Mabury Roads, industrial activity west of Coyote Creek, and operation of the Flea Market on the project site. The railroad line is not currently a significant contributor to noise levels at the project site.

Several noise surveys have been completed at the project site from December 2001 through April 2003. Hourly noise level measurements were completed on the project site during the daytime, evening, and nighttime at seven locations.[13] These locations are shown on Figure 17, and are designated LT-1 through LT-7. Noise levels on the project site adjacent to these major roadways are approximately 70 to 75 Ldn. Away from these major roadways, the site is exposed to noise levels ranging from 58 to 62 dBA Ldn.

Asphalt Plant

Short-term noise measurements were completed on the project site north of Berryessa opposite the asphalt plant located west of Coyote Creek in 2001 and 2006. The typical hours of operation for the asphalt plant are from 7 AM to 3:15 PM, Monday through Friday. When necessary, however, operation hours can extend into the night.[14] The 2001 survey identified bangs from truck unloading activity, the movement of freight cars and engines on the spur line along the creek, and truck movement and idling sounds. These activities produced instantaneous sound levels ranging between 58 and 64 dBA at the nearest location on the project site. Activities reported by residential neighbors that were not observed or measured during the short-term survey include rail car unloading with vibratory shaking and "slack action", the noise produced when empty train cars are released on tracks and impact other rail cars. These unobserved activities could generate noise levels ranging between 67 and 69 dBA along the west boundary of the project site north of Berryessa.

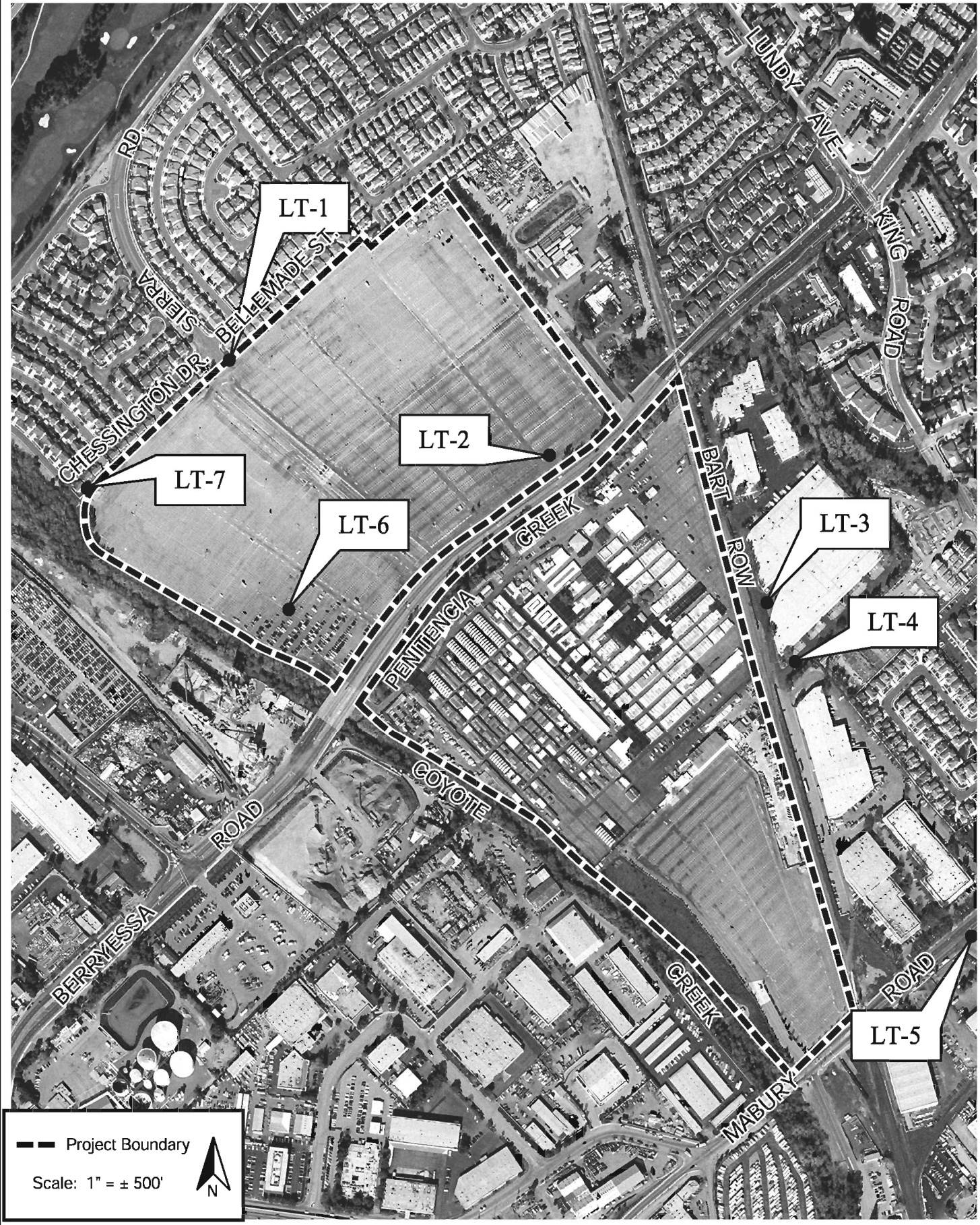
In March 2006, a survey was specifically completed to measure noise from the operation of the turbines at the asphalt plant. Noise measurements were completed at two locations on the project site north of Berryessa. At a distance of about 530 feet east and 800 feet northeast from the asphalt plant, the turbines generated noise levels of 64 dBA and 56 dBA, respectively.

BART Extension to San José

The railroad right-of-way adjacent to the east side of the project site is the designated Silicon Valley Rapid Transit Corridor (SVRTC) along which the BART extension to San José is planned. Noise and vibration impacts resulting from the proposed BART extension were assessed in the Silicon Valley Rapid Transit Corridor Final EIR. The SVRTC noise study predicts wayside noise levels for BART operations adjacent to the project site. At distances of 144 feet, 88 feet, and 26 feet from the near track, the predicted noise levels are 60, 63, and 69 dBA Ldn, respectively. The maximum passby noise levels are identified to be 76 and 82 dBA Lmax at a distance of 88 and 26 feet from the near track, respectively.

[13] The noise measurements were taken on 12 December 2001 between 6AM and 8AM, 2 March 2005 at 3:15AM, and 13 March 2006 from 11:30AM to 12PM and 2:30PM to 3PM.
[14] Personal Communication, Ben Licari, Director of Government Affairs, Granite Rock, February 6, 2006.

RETURN TO TABLE OF CONTENTS



NOISE MEASUREMENT LOCATIONS FIGURE 17

BART trains are also a source of groundborne vibration. Vibration velocity is used in the SVRTC FEIR as the metric to evaluate the effects of vibration. Vibration velocity level can be expressed in terms of decibels (VdB) relative to one micro-inch per second. The Federal Transit Agency (FTA) has developed criteria to assess the effects of groundborne vibration from rail transit systems. At residences and buildings where people normally sleep, the threshold is 72 VdB for transit lines that include more than 70 vibration events per day. This would be the applicable criteria for transit-oriented residential uses along the SVRTC. The 72 VdB threshold is estimated to occur within approximately 100 feet of the near track without mitigation. Because the SVRTC FEIR identified impacts in this corridor, vibration mitigations were also evaluated. The analyses recommended that the 72 VdB area could be reduced to the area within 25 feet from the near track with the adoption of reasonable and feasible vibration mitigation measures, which were included in the BART project. The project site, however, was not identified for mitigation measures, because at the time the BART EIR was prepared there were no sensitive land uses on the Flea Market site. Nevertheless, there is mitigation available, should BART or the project proponent choose to include it in the project design. Whichever project occurs later (BART or Flea Market) will consider the feasibility of incorporating vibration mitigation.

4.3.3 Noise Impacts

Thresholds of Significance

For the purposes of this project, a noise impact is considered significant if the project would result in:

- exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or
- exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels; or
- a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; or
- a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

While CEQA does not specifically define what amount of noise level increase is considered significant, generally in high noise environments a project is considered by the City to have a significant impact if the project would: 1) substantially and permanently increase existing noise levels by more than three dBA Ldn (three decibels is the minimum increase generally perceptible to the human ear); or 2) would cause ambient noise levels to exceed General Plan guidelines.

4.3.3.1 *Short-Term Construction Noise Impacts*

Overview

This section describes the noise impacts that could result during the construction of the proposed project. The significance of construction-related noise is determined by taking into account 1) the type of the noise, 2) the duration of the noise, and 3) the distance between construction activity and sensitive receptors (usually residences). In general, where noise from construction activities will exceed an hourly Leq of 60 dBA and the ambient noise environment by at least 5 dBA at sensitive receptors for a period more than one construction season, the impact would be considered significant.

Construction activities generate considerable amounts of noise, especially during the demolition phase and the construction of project infrastructure when heavy equipment is used. Typical hourly average construction generated noise levels are about 81 dBA to 89 dBA measured at a distance of 50 feet from the center of the site during busy construction periods (e.g., earth moving equipment, impact tools, etc.). Construction-generated noise levels drop off at a rate of about 6 dBA per doubling of distance between the source and receptor. Shielding by buildings or terrain often result in much lower construction noise levels at distant receptors.

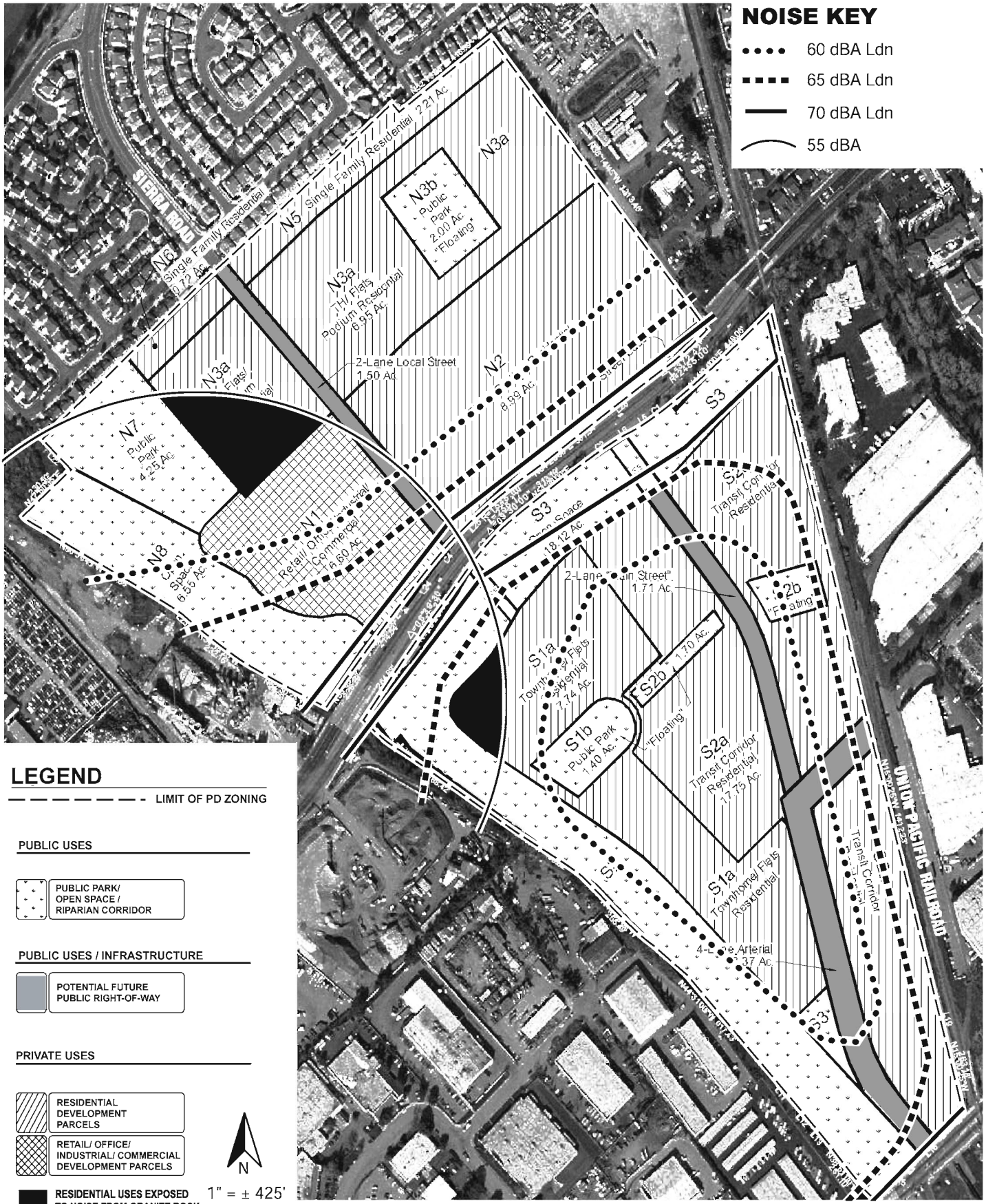
Short-Term Noise

Construction on the site will temporarily increase noise levels at nearby noise-sensitive receptors. Because of the site's large size, construction could be expected to occur in phases, with the entire build out of the site taking several years. Substantial construction activities would not typically occur adjacent to a particular receptor for more than one construction season, however. Depending on project phasing, construction will move around the site. For this reason, the noise generated by construction of the proposed project would create what will generally be a temporary noise impact on any particular group of noise-sensitive receptors. Construction noise control measures that are standard for major projects would be implemented by the proposed project, including the following:

- Temporary noise barriers will be constructed around the perimeter of project phases before construction begins.
- As required by San José Municipal Code §20.100.450 construction hours within 500 feet of residences shall be limited to the hours of 7AM - 7 PM weekdays, with no construction on weekends or holidays.
- All construction equipment powered by internal combustion engines will be properly muffled and maintained.
- Unnecessary idling of internal combustion engines will be prohibited.
- All stationary noise-generating construction equipment such as air compressors will be located as far as practical from existing nearby residences and other noise-sensitive land uses and will be acoustically shielded.
- Quiet construction equipment will be selected, particularly air compressors, whenever possible, and motorized equipment will be fitted with proper mufflers in good working order.
- A "noise disturbance coordinator" designated by the project will be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and would require that reasonable measures warranted to correct the problem be implemented. The telephone number for the disturbance coordinator will be conspicuously posted at the construction site and will be included in the notice sent to neighbors regarding the construction schedule.

Implementation of the standard construction noise control measures listed above will reduce temporary noise impacts resulting from construction of the proposed project to a less than significant level. **[Less than Significant Impact]**

RETURN TO TABLE OF CONTENTS



FUTURE NOISE CONTOURS FIGURE 18

4.3.3.2 Long-Term Noise Impacts

Overview

This section of the EIR describes the long-term noise impacts that could occur as a result of the proposed project. These impacts can include 1) the effect of existing/future ambient noise levels on proposed land uses, 2) the effects of noise generated by the proposed land uses on surrounding land uses, and 3) the noise increase resulting from project generated traffic nearby roadways.

Ambient Noise

Noise exposure contours are used to depict the various levels of noise on the project site for comparison with City and State guidelines. Figure 18 shows the combined future noise exposure contours for the project site, assuming that the BART extension to San José is located within the Silicon Valley Rapid Transit Corridor adjoining the east side of the project site. The multi-family residential land uses proposed along Berryessa Road, the BART alignment, and Mabury Road within the 60 Ldn would be exposed to noise levels exceeding the City's short-term goal for noise in outdoor activity areas and the threshold for triggering further noise analysis during project design in the State Building Code.

Residences located north of Berryessa within approximately 1,000 feet of the industrial activity centers at the asphalt plant would be exposed to noise levels that exceed the 55 dBA Ldn noise limit standard set by the City's General Plan at the property line adjacent to residential uses. The standard may also be exceeded at the residential property line on the project site south of Berryessa. **[Significant Impact]**

Project-generated Traffic

The development of the project would result in increased traffic on the roadway network. Traffic data prepared for this EIR was reviewed to determine whether or not there would be significant localized or area wide increases in vehicular traffic noise as a result of project generated traffic. A comparison of future project traffic volumes with traffic volumes that would occur under existing conditions indicates that traffic noise levels would increase by less than 1 dBA Ldn for the roadway segments most affected by project generated traffic. This increase would be less than a three dBA change in the noise level, which does not exceed the previously identified threshold of significance. Noise impacts resulting from project-generated vehicular traffic will be less than significant and no mitigation is required. **[Less than Significant Impact]**

Sanitary Sewer Pump Station

Sanitary sewer service for the proposed project may require the installation of a pump station south of Berryessa near the edge of the Upper Penitencia Creek riparian setback. A pump station would require a backup diesel generator (electrical outage could restrict the use of the electric pump station motor). When operating, diesel generators can create substantial noise. Although the diesel generator would only be operated during power outages and for testing and maintenance purposes, noise from the backup diesel generator could expose residents of the proposed project to substantial noise levels. **[Significant Impact]**

On-site Noise Impacts

The proposed project would allow the development of residential, commercial, and combined industrial/commercial uses on the project site. As with any mixed-use development, there is the possibility that noise levels near the proposed commercial and/or combined/industrial development could exceed City guidelines for residential properties. **[Significant Impact]**

Noise Impacts from Protected Intersection

A noise assessment was completed to evaluate if adding the intersection of Hedding Street and Oakland Road to the List of Protected Intersections would substantially increase noise levels at noise-sensitive receptors in the immediate vicinity of the intersection. These noise sensitive receptors are shown on Figure 19.

The existing day-night average noise level (DNL) in the immediate vicinity of the intersection is approximately 69 dBA DNL. The DNL increase at noise-sensitive receptors over existing conditions that would result under background conditions (i.e., noise from existing traffic plus traffic from approved but not yet developed projects), project conditions with the intersection added to the List of Protected Intersections, and future conditions (i.e., intersection volumes based on development potential of surrounding area) with the intersection added to the List of Protected Intersections are shown in Table 23.

Table 23
DNL Increase Over Existing Conditions

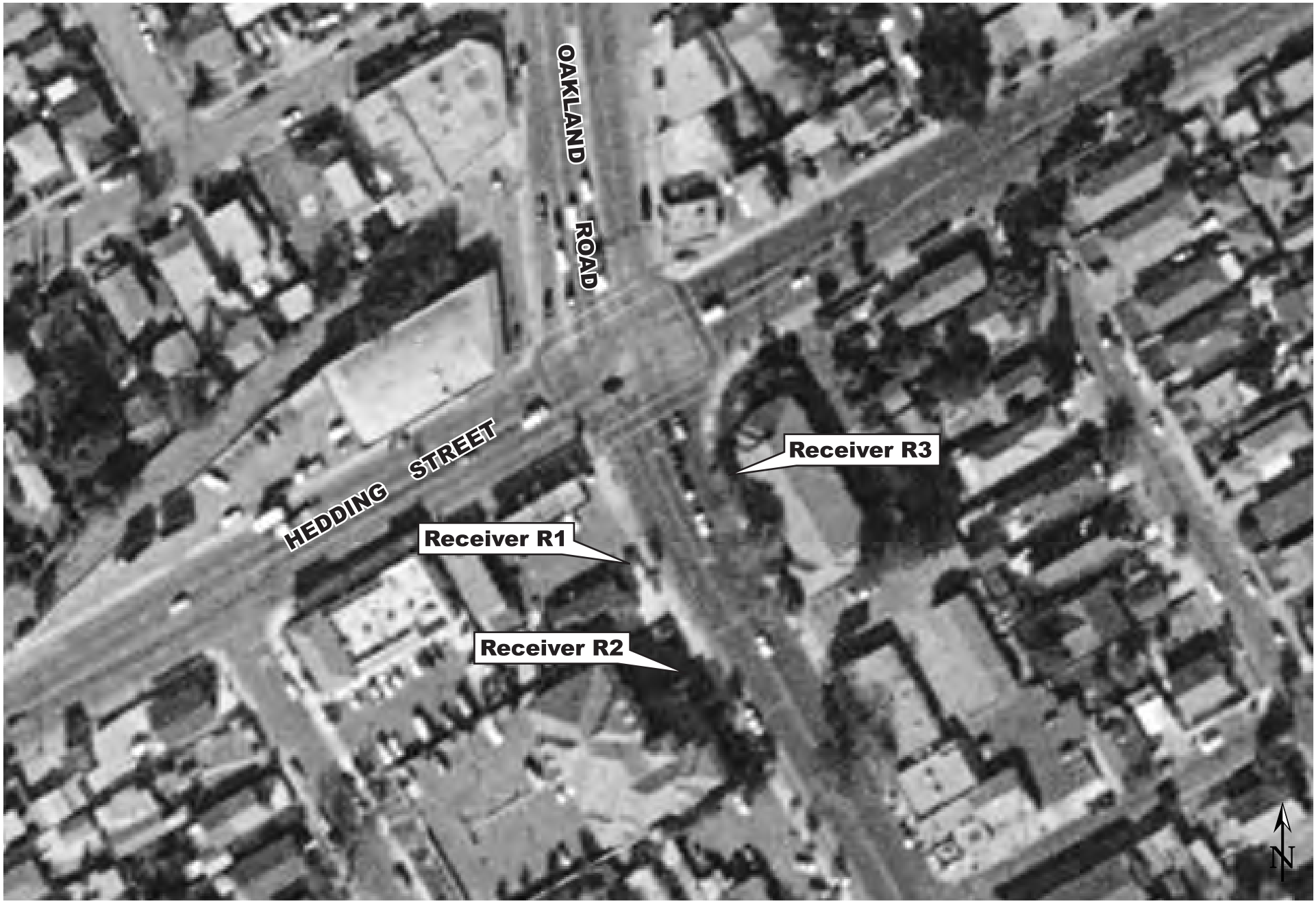
Receptors	Background	Project (Protected)	Future (Protected)
R1	1.4	1.8	2.7
R2	1.5	1.7	2.7
R3	1.6	2.1	2.9

In noise environments where existing or future noise levels exceed 60 dBA DNL, the City of San José's short-term noise goal for residential land uses, a noise impact is considered significant if the project increases noise levels by 3 dBA DNL or more at sensitive outdoor use areas. As shown in Table 23, significant noise level increases would occur at noise-sensitive receptors under future conditions with or without adding the intersection to the List of Protected Intersections.

Background conditions are not a project-related impact. For CEQA purposes, the project's impacts are the noise added as a result of the project being approved. None of the scenarios in Table 35 will result in a noise increase of three decibels or more. **(Less Than Significant Impact)**

4.3.3.3 *Vibration Impacts*

Information from the Silicon Valley Rapid Transit Corridor Final EIR indicates that without vibration mitigation measures incorporated into the BART project, ground vibration levels on the project site would be expected to exceed the identified significance thresholds (i.e., 72 VdB) within



NOISE SENSITIVE RECEPTORS AT OAKLAND ROAD/HEDDING STREET FIGURE 19

approximately 100 feet of the near track. With implementation of the reasonable and feasible vibration measures identified in the Silicon Valley Rapid Transit Corridor Final EIR, the impact area could be reduced to approximately 25 feet from the near track. This is not mitigation which the project could implement independently because it is related to the construction standards for the BART tracks. Because there is currently no assurance that mitigation measures for vibration impacts will be included in BART design, the dwelling units proposed within 100 feet of the BART tracks could be exposed to vibration levels above the threshold identified by the Federal Transit Agency. **[Significant Impact]**

4.3.4 Mitigation and Avoidance Measures for Noise and Vibration Impacts

Long-Term Noise Impacts

The following measures are proposed by the project to reduce the adverse affects of existing/future noise levels on the proposed project to a less than significant level:

MM 4.3-1 General Plan Urban Design Policy #18 will be implemented by utilizing site planning to minimize noise impacts to outdoor activity areas. This may include locating non-noise sensitive uses, such as parking (e.g. carports) adjacent to roadways and BART and using the residential buildings to provide shielding for common outdoor use areas including courtyards, rear yards, side yards, etc.

MM 4.3-2 Multi-family housing proposed on the project site is subject to requirements of Chapter 12 of the State Building Code. Because noise levels on the site near Berryessa Road, Mabury Road and the future BART extension presently or will exceed an Ldn of 60 dBA, an analysis that evaluates the effectiveness of the mitigation in the proposed building plans shall be prepared and submitted to the Director of Planning, Building, and Code Enforcement prior to issuance of a Building Permit. The report shall demonstrate that the design incorporates those elements necessary to achieve an interior Ldn of 45 dBA or less in all habitable residential rooms. Based on residential noise exposure levels, it is anticipated that sound-rated windows and doors may be required for housing nearest to Berryessa Road and Mabury Road to achieve the required 45 dBA Ldn interior level. Residential uses where noise levels are 60 DNL or greater due to transportation sources shall be provided with forced-air mechanical ventilation satisfactory to the City of San José building official, so that residents may close their windows at their discretion to control environmental noise intrusion.

MM 4.3-3 The residential development proposed adjacent to the BART corridor south of Berryessa Road shall be designed to achieve a maximum single-event noise level from individual BART passbys of 50 dBA in bedrooms and 55 dBA in other rooms. Noise control treatments necessary to achieve the single-event noise limits, which may include treatments identified above, shall be delineated and described in the report required by State Building Code and prepared by the project. The distance away from the BART corridor will vary depending on building heights, massing, and setbacks nearest the rail line.

MM 4.3-4 Sound walls shall be constructed where necessary to shield outdoor activity areas from Berryessa Road, Mabury Road and BART noise to achieve the 60 Ldn levels

identified in the City's General Plan. The final locations and heights of noise barriers will be determined during development of the final site plan, prior to issuance of PD Permits. Noise levels up to 65 Ldn in the outdoor activity areas may be allowed, provided that it is not feasible to reduce noise to 60 Ldn.

MM 4.3-5 Residences proposed within 1,000 feet of the industrial activity centers at the asphalt plant shall be provided with forced-air, mechanical ventilation so windows may be kept closed at the discretion of occupants to control intrusive intermittent noises. Six-foot high sound walls shall be constructed along the western boundaries of residential areas within 1,000 feet of these industrial adjacent neighbors. The final locations of barriers shall be determined during the development of the site plans for the proposed residential areas. Sound walls shall also be constructed along the eastern boundary of the project site north of Berryessa where dwelling units are proposed adjacent to the existing commercial/industrial area. The final height of the sound wall will be six to eight feet above the residential rear yard elevations, which must be confirmed when the final grading plans and site plans are developed for the project site, prior to issuance of PD Permits. These soundwalls would reduce intermittent noise from the adjacent industrial uses to 55dBA at the property line.

MM 4.3-6 If the sanitary sewer system requires a pump station, a soundwall shall be constructed around the backup diesel generator. The final height of the noise barrier will be determined during development of the final site plan to ensure adjacent sensitive receptors are not exposed to noise levels in excess of applicable standards (i.e., 55 dBA at the property line)

MM 4.3-7 At the PD Permit stage, the Director of PBCE will review future commercial and/or combined industrial/commercial uses to ensure that significant noise impacts will not result upon the proposed residential uses.

Vibration Impacts

The adverse affects of vibration on the proposed project will be avoided or reduced to a less than significant level by the following measures that are included in the proposed project:

MM 4.3-8 During the design for the BART system, the project applicant will ensure that the BART land use development plan identifies the changed land uses on the project site, so that appropriate vibration mitigation measures can be incorporated on the project site.

MM 4.3-9 Mitigation measures are available to reduce vibration on the project site, should BART choose to include it in the project design. If the vibration mitigation measures identified in the Silicon Valley Rapid Transit Corridor Final EIR are implemented at the project site, housing will not be located within 25 feet of the nearest BART track. If not, housing will not be located within 100 feet of the nearest BART track. Non-sensitive land uses would be located within the 25- or 100-foot setback areas (e.g., parking, roadways, open space, etc.)

4.3.5 Conclusions Regarding Noise and Vibration Impacts

With incorporation of the mitigation and avoidance measure described above, the proposed project will not result in significant noise or vibration impacts. **[Less than Significant Impact with Mitigation]**

4.4 AIR QUALITY

This section is based upon an air quality analysis prepared for the proposed project by *Don Ballanti, Certified Consulting Meteorologist* in March 2006. The report is included in Appendix C of this EIR.

4.4.1 Introduction and Regulatory Framework

Air pollution typically refers to air that contains chemicals in concentrations that are high enough to cause adverse effects to humans, other animals, vegetation, or materials. Air pollutants include those from natural sources (e.g., forest fires, volcanic eruptions, windstorms, etc.) and human sources (e.g., factories, transportation, power plants, etc.). In the Santa Clara Valley, vehicular emissions are the predominant source of air pollutants.

In recognition of the adverse effects of degraded air quality, Congress and the California Legislature enacted the Federal and California Clean Air Acts, respectively. As a result of these laws, the Environmental Protection Agency (EPA) and the California Air Resources Board (CARB) have established ambient air quality standards for what are commonly referred to as "criteria pollutants", because they set the criteria for attainment of good air quality. Criteria pollutants include carbon monoxide, ozone, nitrogen dioxide, sulfur dioxide, and particulate matter.[15] In general, the California standards are more stringent than the federal standards. Table 24 lists these pollutants, their sources and effects, and the related standards.

The Bay Area Air Quality Management District (BAAQMD) oversees air quality in the San Francisco Bay Area. BAAQMD periodically prepares and updates plans to achieve the goal of healthy air. Bay Area plans are prepared with the cooperation of the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG).

The Bay Area 2000 Clean Air Plan (CAP) includes strategies and policies for the region to achieve and maintain compliance with the standards listed in Table 24. The CAP also includes a control strategy review to ensure that the plan continues to include "all feasible measures" to reduce air pollution.

BAAQMD, in cooperation with MTC and ABAG, also recently completed preparation of the Bay Area 2005 Ozone Strategy. The 2005 Ozone Strategy is a comprehensive document that describes the Bay Area's strategy for compliance with State one-hour ozone standard planning requirements, and is a significant component of the region's commitment to achieving clean air to protect the public's health and the environment.

[15] In addition, state standards have been promulgated for lead, sulfates, hydrogen sulfide and visibility reducing particles. The state also recognizes vinyl chloride as a toxic air contaminant. Discussion of these criteria pollutants in this EIR, however, will be limited, because the project is not expected to emit these pollutants. Vinyl chloride and hydrogen sulfide emissions are generally generated from mining, milling, refining, smelting, landfills, sewer plants, cement manufacturing, or the manufacturing or decomposition of organic matter. Because the proposed project does not contain any of these uses, they need not be addressed further in this EIR. As to lead, sulfate and visibility reducing particles, the state standards are not exceeded anywhere in the Bay Area; therefore, these pollutants are not relevant to air quality planning and regulation and need not be further addressed in this EIR.

Table 24
Major Criteria Air Pollutants and Standards

	POLLUTANT					
	Ozone	Carbon Dioxide	Nitrogen Dioxide	Sulfur Dioxide	PM_{10}	$PM_{2.5}$
Health Effects	Eye irritation, respiratory function impairment	Aggravation Of cardiovascular disease, fatigue, headache, confusion, dizziness, can be fatal	Increased risk of acute and chronic respiratory disease	Aggravation of lung disease, increased risk of acute and chronic respiratory disease	Aggravation of chronic disease and heart/lung disease symptoms	Aggravation of chronic disease and heart/lung disease symptoms
Major Sources	Combustion sources, evaporation of solvents and fuels	Combustion of fuel, combustion of wood in stoves and fireplaces	Motor vehicle exhaust, industrial processes, fossil-fueled power plants	Diesel exhaust, oil-powered power plants, industrial processes	Combustion, cars, field burning, factories, unpaved roads, construction	Combustion, cars, field burning, factories, unpaved roads, construction
Federal Standard	1-hr: n/a 8-hr: .08 ppm	1-hr: 35 ppm 8-hr: 9 ppm	1-hr: n/a AA: .05 ppm	1-hr: n/a 24-hr: .14 ppm AA: .03 ppm	24-hr: 150 µg/m3 AA: 50 µg/m3	24-hr: 65 µg/m3 AA: 15 µg/m3
State Standard	1-hr: .09 ppm 8-hr: .07 ppm	1-hr: 20 ppm 8-hr: 9 ppm	1-hr: .25 ppm AA: n/a	1-hr: .25 ppm 24-hr: .04 ppm AA: n/a	24-hr: 50 µg/m3 AA: 20 µg/m3	24-hr: n/a AA: 12 µg/m3
Bay Area Attainment Status	N	A	A	A	federal - A state - N	federal - A state - N

PM_{10} = particulate matter, 10 microns in size PM2.5 = particulate matter, 2.5 microns in size
AA = annual average 1-hr = 1-hour average 8-hr = 8-hour average 24-hr = 24-hour average
ppm = parts per million µG/m3 = micrograms per cubic meter n/a = not applicable
Attainment Status: A = attainment N = nonattainment

Source: U.S. EPA, Bay Area Air Quality Management District, 2005.

BAAQMD also operates its Toxic Air Contaminant Control Program, which implements and enforces all Maximum Achievable Control Technology (MACT) standards and Airborne Toxic Control Measures (ATCMs) pertaining to the emission of such substances from stationary sources. This program also monitors the concentrations of toxic air contaminants at various locations in the Bay Area.

In connection with the implementation of the CAP, various policies in the City's General Plan have been adopted for the purpose of avoiding or reducing air quality impacts from development projects that require approval of discretionary permits or other approvals. (See also **Section 3. Consistency with Adopted Plans**) All future development addressed by this EIR would be subject to the air quality policies listed in Chapter 4, Goals and Policies, of the General Plan, including the following:

- *Air Quality Policy #1*: Establish Appropriate Land Uses & Regulations to Reduce Air Pollution
- *Air Quality Policy #2*: Promote Expansion & Improvement of Public Transportation Services
- *Air Quality Policy #5*: Design Development near Transit Stations to Promote Transit Usage
- *Transportation Policy #17*: Encourage Pedestrian Travel
- *Transportation Policy #19*: Encourage Walking, Bicycling, and Public Transportation
- *Transportation Policy #23*: Street & Sidewalk Designs should Promote Transit Access
- *Transportation Policy #28*: Promote Implementation of Transportation Demand Management
- *Transportation Policy #51*: Develop a Safe & Direct Bicycle Network

In addition to the policies of the City's General Plan, the City has approved a grading ordinance, which mandates that all earth moving activities shall include requirements to control fugitive dust, including regular watering of the ground surface, cleaning nearby streets, damp sweeping, and planting any areas left vacant for extensive periods of time. All development allowed by the proposed project would be subject to this ordinance.

4.4.2 Existing Air Quality

Under amendments to the federal Clean Air Act, the EPA has classified air basins, or portions thereof, as either "attainment" or "nonattainment" for each criteria air pollutant, based on whether or not the national standards have been achieved. In 1988, the State Legislature passed the California Clean Air Act, which is patterned after the federal Clean Air Act to the extent that it also requires areas to be designated as "attainment" or "nonattainment," but, with respect to State standards, rather than national standards.

The City of San José lies within the urbanized portion of Santa Clara County, a subregion within the nine-county San Francisco Bay Area Air Basin. As shown in Table 25, the Bay Area is designated as an "attainment area", meaning the area meets the relevant standards, for carbon monoxide, nitrogen dioxide, and sulfur dioxide. The region is classified as a "nonattainment area" for both the Federal and State ozone standards, although a request for reclassification to "attainment" of the federal standard is currently being considered by the U.S. EPA. The region does not meet the state standards for particulate matter; however, it does meet the federal standards. As noted above, BAAQMD monitors air quality at various locations throughout the Bay Area, including a monitoring station in downtown San José. Table 25 summarizes recent data for this station in terms of the number of days the applicable air quality standard was exceeded.

The air pollution potential of a given location depends upon the emission density in the surrounding area, as well as the atmospheric potential. Primary pollutant emission densities are highest in areas with high population density, heavy vehicle use, or industrialization. Yet, because the City of San Francisco has a low atmospheric pollution potential, it does not produce the highest ambient carbon monoxide (CO) levels. The Bay Area's highest CO concentrations are found in San José, where both the atmospheric pollution potential and the emissions are high.

For secondary pollutants (e.g., ozone) that develop over periods of several hours and that are derived from two or more primary pollutants, the evaluation of the pollution potential of a location is more complex. The emission-related ozone potential at a given location depends upon precursor emissions that are upwind of (rather than in the vicinity of) that location on an episode day. The most direct way of evaluating the possibility for exceeding the ozone standard is to review ambient monitoring data for recent years. Violations of the ozone standards are most likely to occur in an arc around the west, south, and eastern sides of the Santa Clara Valley.

Despite the substantial growth of the Bay Area in recent decades, overall air quality has improved. The improvement is primarily due to the implementation of measures that have reduced emissions from both stationary sources (e.g., factories, power plants, refineries, etc.) and mobile sources (e.g., automobiles, buses, trucks, aircraft, etc.). Complementing source-control measures are a variety of strategies, policies, and programs that are designed to improve air quality. These include programs to buy back older automobiles and gasoline-powered lawnmowers, incentives for replacing older wood burning stoves and fireplaces, incentives/subsidies for transit riders/carpoolers, incentives for purchasing low-emission products, Spare-the-Air campaigns, and local land uses policies that reduce the number/length of vehicle trips. The latter category includes locating jobs near housing, constructing mixed-use developments, and zoning land along rail corridors for higher densities.

Table 25
Summary of Recent Air Quality Monitoring Data in San José
[Expressed as Number of Days Exceeding the Standard]

Pollutant	Standard	Downtown San José		
		2003	2004	2005
Ozone	State 1-Hour	4	0	0
Ozone	Federal 8-Hour	0	0	0
CO	State/Federal 8-Hour	0	0	0
NO2	State 1-Hour	0	0	0
PM_{10}	Federal 24-Hour	0	0	0
PM_{10}	State 24-Hour	3	4	1
$PM_{2.5}$	Federal 24-Hour	0	0	0

CO = carbon monoxide NO2 = nitrogen dioxide PM = particulate matter
Source: Bay Area Air Quality Management District, 2005.

4.4.3 Air Quality Impacts

Thresholds of Significance

For the purposes of this EIR, an air quality impact is considered significant if the project would:

- Conflict with or obstruct implementation of the applicable air quality plan,
- Violate any air quality standard or contribute substantially to an existing or projected air quality violation,
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors),
- Expose sensitive receptors to substantial pollutant concentrations, or
- Create objectionable odors affecting a substantial number of people.

4.4.3.1 *Long-Term Air Quality Impacts*

Consistency with Clean Air Planning

The current CAP is the *Bay Area 2005 Ozone Strategy*, which was adopted by BAAQMD on January 4, 2006. The *2005 Ozone Strategy* replaces the *2000 CAP*; it is based on population projections through the year 2020 that were prepared by the Association of Bay Area Governments (ABAG) in a document entitled *Projections 2002.*

It is difficult to compare the population projections used in the *2005 Ozone Strategy* with those used in the San José General Plan because the latter is based on the build-out of land in the City at an unknown date beyond the year 2020. The City is estimating that the population of San José at General Plan build-out will be approximately 1.27 million, which is higher than the 1.15 million people projected for San José by 2025 in *Projections 2002*. San José's estimate is, however, consistent with ABAG's projection of 1.34 million by the year 2030 (*Projections 2005*). BAAQMD staff has indicated that the next update of the CAP will utilize the latest available population projections from ABAG.

The proposed change in land use designation would allow the construction of approximately 1,342 additional residential units on the site. Assuming an average household size of 3.2 persons, the possible increase in population resulting from the proposed General Plan Amendment is approximately 4,294 persons. This would represent an increase of 0.3 percent in population over that identified under San José's approved General Plan.

The proposed amendment to the General Plan, when compared to the existing land use designations for the site, would increase peak-hour vehicle trips. This would, in turn, increase Citywide vehicle miles traveled (VMT). Based on the CUBE model run, the proposed General Plan amendment would increase the Citywide VMT by 0.165 percent and 0.028 percent during the AM and PM peak hours, respectively. The rate of increase in VMT, is expected to be less than the percentage increase in population because the project: 1) is infill, 2) is located near employment centers, and 3) is served by public transit. **[Less than Significant Impact]**

Impacts on Regional Air Quality

Although the project site is the planned location of the future Berryessa BART Station, vehicle trips generated by the proposed project would result in air pollutant emissions affecting the entire San Francisco Bay Air Basin. Regional emissions associated with project vehicle use have been calculated using the URBEMIS2002 emission model. The methodology used in estimating vehicular emissions is described in Appendix C.

The incremental daily emission increase from the proposed land uses is identified in Table 26 for reactive organic gases and oxides of nitrogen (two precursors of ozone) and PM_{10}. The Bay Area Air Quality Management District has established threshold of significance for ozone precursors and PM_{10} of 80 pounds per day. Proposed project emissions shown in Table 26 would exceed these thresholds of significance; therefore, the proposed project would have a significant effect on regional air quality. **[Significant Impact]**

Table 26
Project Regional Emissions in Pounds Per Day

	Reactive Organic Gases	Nitrogen Oxides	PM_{10}
Vehicular Emissions	298.0	330.0	317.9
Area Source Emissions	193.8	24.9	0.1
Total	491.8	354.9	318.0
BAAQMD Significance Threshold	80.0	80.0	80.0

Impacts on Local Air Quality

On the local scale, the project would change traffic on the local street network, increasing carbon monoxide levels along roadways used by project traffic. Carbon monoxide is an odorless, colorless poisonous gas whose primary source in the Bay Area is automobiles. Concentrations of this gas are highest near intersections of major roads.

Carbon monoxide concentrations under worst-case meteorological conditions have been predicted for signalized intersections affected by project. These intersections were selected as having the worst intersection Level of Service and highest average delay. PM peak hour traffic volumes were applied to a screening form of the CALINE 4 dispersion model to predict maximum 1-and 8-hour concentrations near these intersections. A description of the model and a discussion of the methodology and assumptions used in the analysis are provided in Appendix C. The model results were used to predict the maximum 1- and 8-hour concentrations, corresponding to the 1- and 8-hour averaging times specified in the state and federal ambient air quality standards for carbon monoxide.

Table 27 shows the results of the CALINE-4 analysis for the peak 1-hour and 8-hour traffic periods in parts per million (PPM). The 1-hour values are to be compared to the federal 1-hour standard of 35 PPM and the state standard of 20 PPM. The 8-hour values in Table 27 are to be compared to the state and federal standard of nine PPM.

Table 27 shows that existing predicted concentrations near the intersections meet the 1-hour and 8-hour standards. Worst case concentrations with emissions from background and project traffic would not exceed the state or federal worst case carbon monoxide standards.

Because project traffic would not cause any new violations of the carbon monoxide standards and would not contribute substantially to an existing or projected violation, project impacts on local carbon monoxide concentrations will be less than significant. **[Less than Significant Impact]**

Table 27
Worst Case Carbon Monoxide Concentrations in Parts Per Million

Intersection	Existing		Existing+ Background		Existing+ Background+ Project	
	1-Hour	8-Hour	1-Hour	8-Hour	1-Hour	8-Hour
Montague/Oakland Road	12.4	8.5	12.9	8.9	12.9	8.9
Montague/ Trade Zone	11.9	8.2	12.2	8.3	12.2	8.4
Commercial/Oakland Road	10.2	6.9	11.1	7.6	11.5	7.9
US 101/Oakland Road (North)	10.2	7.0	10.8	7.4	11.2	7.7
US 101/Oakland Road (South)	10.1	6.9	10.7	7.3	11.1	7.6
Hedding/10th Street	9.3	6.3	10.5	7.2	10.9	7.4
Hedding/Oakland Road	9.5	6.5	10.5	7.2	10.9	7.3
Taylor/11th Street	9.0	6.1	9.6	6.5	9.6	6.5
Most Stringent Standard	20.0	9.0	20.0	9.0	20.0	9.0

Toxic Air Contaminants

The project site is located within an industrial area. The current inventory of Toxic Air Contaminant (TAC) emissions maintained by the Bay Area Air Quality Management District lists one source of TACs within one-fourth mile of the project. A Chevron Products facility at 1020 Berryessa Road is included in the inventory as a source of benzene, a component of gasoline. This TAC source is not identified as a priority source requiring preparation of a health risk assessment or notification under the Air Toxics "Hot Spots" Information and Assessment Act.

The California Air Resources Board (CARB) recently published an air quality/land use handbook. The handbook, which is advisory and not regulatory, was developed in response to recent studies that have demonstrated a link between exposure to poor air quality and respiratory illnesses, both cancer and non-cancer related. The CARB handbook recommends that planning agencies strongly consider proximity to these sources when finding new locations for "sensitive" land uses such as homes, medical facilities, daycare centers, schools and playgrounds. Air pollution sources of concern include freeways, rail yards, ports, refineries, distribution centers, chrome plating facilities, dry cleaners and large gasoline service stations.

Key recommendations in the handbook include taking steps to avoid siting new, sensitive land uses:

- Within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day;
- Within 1,000 feet of a major service and maintenance rail yard;

- Immediately downwind of ports (in the most heavily impacted zones) and petroleum refineries;
- Within 300 feet of any dry cleaning operation (for operations with two or more machines, provide 500 feet);
- Within 300 feet of a large gasoline dispensing facility.

The project would create new residential areas that would be a minimum of 1,100 feet from the Chevron gasoline facility and more than 1,000 feet from the nearest freeway (US 101). These buffer zones from TAC sources exceed the CARB recommendations.

The project would create new residential sensitive receptors adjacent or near the existing railroad right-of-way that abuts the east side of the project site. While the CARB handbook refers to "major service and maintenance rail yards", it contains no minimum setbacks from rail corridors. Additionally, the prevailing northwest wind direction would carry emissions from this rail line away from rather than towards the residences.

Impacts related to mobile and stationary sources of TACs will be less than significant. **[Less than Significant Impact]**

Sanitary Sewer Pump Station

Sanitary sewer service for the proposed project may require the installation of a pump station. A pump station would require a backup diesel generator, in case an electrical outage prohibits the use of the pump station's electric motor. When operating, diesel generators emit toxic air contaminants (TACs). Although the backup diesel generator would only be operated intermittently during power outages and for testing and maintenance purposes, the diesel generator could expose residents of the proposed project to TACs. As a standard condition of project approval, a permit from BAAQMD for the operation of a diesel generator on the project site would be obtained by the applicant prior to the approval of any permits to construct a pump station. As a part of the permit application process, an evaluation of the generator emissions will be completed and a permit is only issued by the BAAQMD if it is shown that the generator would not result in a significant air quality impact. **[Less than Significant Impact]**

Dust Generating Activities from Industrial Uses in Project Area

Some of the industrial uses in the project area have outdoor uses that create dust. Most of these outdoor uses are located west of the project site, across Coyote Creek. As discussed throughout this EIR, the residential development proposed by the project is separated from the industrial uses west of the project site by the existing riparian corridor of Coyote Creek, the riparian habitat setback proposed by the project, and non-residential uses (e.g., parks and commercial development) and roadways that would be constructed on the project site by the proposed project. The prevailing wind direction in the project area is from north to south. Cross-winds are unusual. None of the industrial uses in the project area are listed as a toxic air contaminant facility (see discussion above). For these reasons, dust generation from the industrial uses in the project area is not expected to result in an air quality impact. **[Less than Significant Impact]**

4.4.3.2 *Short-Term Air Quality Impacts*

Construction Dust Emissions

Dust created by construction would affect local air quality. The dry, windy climate of the area during the summer months creates a high potential for dust generation when and if underlying soils are exposed to the atmosphere. The proposed project would require substantial excavation and earthmoving. The movement of earth on the site is a construction activity with a high possibility for creating air pollutants. After grading, dust would continue to affect local air quality during construction of the project.

Construction activities will produce increased dustfall and locally elevated levels of PM_{10} downwind of construction activity. Construction dust could possibly create a nuisance at nearby properties. **[Significant Impact]**

Construction TAC Emissions

In 1998 the California Air Resources Board (CARB) identified particulate matter from diesel fueled engines as a toxic air contaminant (TAC). CARB has completed a risk management process that identified possible cancer risks for a range of activities using diesel-fueled engines. High volume freeways, stationary diesel engines, and facilities attracting heavy and constant diesel vehicle traffic (distribution centers, truckstop) were identified as having the highest associated risk.
Health risks from Toxic Air Contaminants are functions of both concentration and duration of exposure. Unlike the above types of sources, construction diesel emissions are temporary, affecting an area for a period of weeks at any one location. Additionally, construction related sources are mobile and transient in nature, and most of the emissions occur within the project site, at a substantial distance from most nearby receptors. The prevailing wind direction is from the northwest, which means that the exposure to construction emission would be greatest southeast of construction activity where there are no sensitive land uses. Because of its short duration and the fact that nearby sensitive receptors would not be down-wind of construction activity when the wind is from the prevailing northwest direction, health risks from construction emissions of diesel particulate would be less than significant. **[Less than Significant Impact]**

Construction Ozone Precursors Emissions

According to the BAAQMD CEQA Guidelines, emissions of ozone precursors (ROG and NOx) and carbon monoxide related to construction equipment are already included in the emission inventory that is the basis for regional air quality plans, and thus are not expected to impede attainment or maintenance of ozone and carbon monoxide standards in the Bay Area. **[Less than Significant Impact]**

Impacts from Protected Intersection

An air quality assessment was prepared to evaluate whether the increased congestion that would result in the future from adding the intersection of Hedding Street and Oakland Road to the protected intersection list would result in a significant air quality impact. The air quality analysis is included in Appendix C of this EIR. The results of the assessment (see Table 28) indicate that carbon monoxide concentrations at the intersection of Hedding Street and Oakland Road would remain below ambient air quality standards if the intersection were added to the List of Protected Intersections.

Table 28 **Protected Intersection Future Ambient Carbon Monoxide Concentrations**			
Scenario	**Predicted Carbon Monoxide Concentration in ppm**		**Exceeds Standard?**
	1-Hour	**8-hour**	
Protected Intersection – 2006	8.6	5.8	No
Mitigated Intersection – 2006	8.6	5.8	No
Protected Intersection – beyond 2010	8.0	5.4	No
Mitigated Intersection – beyond 2010	8.0	5.4	No
California Ambient Air Quality Standard	*20 ppm*	*9.0 ppm*	
National Ambient Air Quality Standard	*35 ppm*	*9 ppm*	

4.4.4 Mitigation and Avoidance Measures for Air Quality Impacts

Short-Term Construction Air Quality Impacts

The following measures apply to all of the development addressed by this EIR. These measures, which are included as part of the project, will reduce short-term air quality impacts to a less than significant level, and will be included in the grading plans and permits and demolition permit for the project.

MM 4.4-1 The following dust control measures will be implemented by contractors during demolition of existing structures:

- Watering will be used to control dust generation during demolition of structures and break-up of pavement.
- All trucks hauling demolition debris from the site will be covered.
- Dust-proof chutes to load debris into trucks will be used whenever feasible.

MM 4.4-2 Consistent with guidance from the BAAQMD, the following measures shall be required of construction contracts and specifications for the project:

- Water all active construction areas at least twice daily and more often during windy periods; active areas shall be kept damp at all times, or shall be treated with non toxic stabilizers or dust palliatives;
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard;
- Pave, apply water three times daily, or apply (non toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites;

- Sweep daily (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality;
- Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets;
- Apply non toxic soil stabilizers to inactive construction areas;
- Enclose, cover, water twice daily, or apply non toxic soil binders to exposed stockpiles (dirt, sand, etc.);
- Limit traffic speeds on unpaved roads to 15 mph;
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways;
- Replant vegetation in disturbed areas as quickly as possible.

MM 4.4-3 The following mitigation measures recommended by the BAAQMD to reduce engine exhaust emissions will be implemented to the extent feasible:

- Use alternative fueled construction equipment;
- Minimize idling time (5 minutes maximum);
- Maintain properly tuned equipment;
- Limit operation hours of heavy equipment and/or amount of equipment used.

Long-Term Regional Air Quality Impacts

The following measures could reduce project-related regional emissions by 10 to 20 percent. Even with a reduction of this magnitude, project emissions would remain well above the BAAQMD significance threshold of 80 pounds per day. The project's regional air quality impacts and cumulative impacts would remain significant after mitigation.

MM 4.4-4 The following list of BAAQMD mitigation measures for reducing vehicle emissions from projects shall be implemented by the project to the extent feasible:

- Provide a satellite telecommute center within or near the development.
- Provide secure and conveniently placed bicycle parking and storage facilities at parks and other facilities.
- Allow only natural gas fireplaces, wood pellet fueled heater or EPA-Certified wood-burning fireplaces or stoves in residences. Conventional open-hearth fireplaces are not permitted in San José (Ordinance 26133 Municipal Code

9.11.300). EPA-Certified fireplaces and fireplace inserts are 75 percent effective in reducing emissions from this source.

- Require outside power receptacles that would allow use of electric lawn and garden equipment for landscaping.
- Construct transit amenities such as bus turnouts/bus bulbs, benches, shelters, etc.
- Provide direct, safe, attractive pedestrian access from project land uses to transit stops and adjacent development.
- Utilize reflective (or high albedo) and emissive roofs and light colored construction materials to increase the reflectivity of roads, driveways, and other paved surfaces, and include shade trees near buildings to directly shield them from the sun's rays and reduce local air temperature and cooling energy demand.
- Provide physical improvements, such as sidewalk improvements, landscaping and bicycle parking that would act as incentives for pedestrian and bicycle modes of travel.

MM 4.4-5 The project proposes to develop employment-generating uses under a Transportation Demand Management program that may include the following elements:

- Provide physical improvements, such as sidewalk improvements, landscaping and bicycle parking that would act as incentives for pedestrian and bicycle modes of travel.
- Connect site with regional bikeway/pedestrian trail system.
- Provide transit information kiosks.
- Implement a carpool/vanpool program, e.g., carpool ridematching for employees, assistance with vanpool formation, provision of vanpool vehicles, etc.
- Develop a transit use incentive program for employees, such as on site distribution of passes and/or subsidized transit passes for local transit system.
- Provide preferential parking for electric or alternatively-fueled vehicles.
- Provide secure and conveniently located bicycle parking and storage for workers.

4.4.5 Conclusions Regarding Air Quality Impacts

The mitigation measures described above and included in the proposed project will reduce all significant air quality impacts resulting from the proposed project to a less than significant level, except for the increases in regional pollutants (e.g., ROG, NOx, and PM_{10}) that will result from the proposed project, which are in excess of BAAQMD thresholds.

Feasible measures to reduce the project's long-term regional air quality impact are proposed by the project, but the impact cannot be reduced to a less than significant level. **[Significant Unavoidable Impact]**

4.5 CULTURAL RESOURCES

Over the past five years, several cultural resource reports have been prepared for the project site, including one prepared for the City's Housing Opportunity Study and three prepared for the proposed project. The Housing Opportunity Study cultural resources report was prepared in 2001 by *Holman Associates* and addressed the possibility of above and below ground historic and prehistoric cultural resources on the project site. The 2001 study recommended the completion of an expanded archival study to determine the location of historical archaeological materials and to complete mechanical subsurface presence/absence testing in those areas where the archival record and/or the field study done at the time suggested that buried or obscured prehistoric archaeological deposits might be located. The 2001 study did not investigate the Flea Market's possible as a historic resource, because at that time the Flea Market was only 41 years old; typically, significant historic resources must be at least 50 years old.

Recently, three cultural resource reports were prepared for the project site, including an historic archival research report prepared by *Archives and Architecture* (May 2005), an archaeological mitigation report prepared by *Holman Associates* (November 2005), and a Historic Resources Assessment prepared by *Archives and Architecture* (July 2006). The historic archival research report was prepared to fulfill the recommendation of the 2001 study to complete an expanded archival study for the project site (see above). The archaeological mitigation report was prepared to identify the procedure necessary to avoid impacts to possible archaeological resources on the project site, given that subsurface testing is not possible on the site because it is currently in use as the Flea Market. The Historic Resources Assessment was prepared to evaluate the historic significance of the Flea Market, now that it is nearing 50 years old. The discussion below summarizes the information contained in these three reports.

The three reports contain sensitive information regarding the locations of archaeological resources and, therefore, are not included in the printed appendices to this EIR. The reports are, however, available for review by qualified personnel. Requests to review these reports can be made to the City of San José Department of Planning, Building, and Code Enforcement located at 200 East Santa Clara Street, San José, during normal business hours.

Introduction

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating cultural resource impacts from planned development within the City. (See also **Section 3. Consistency with Adopted Plans**) All future development addressed by this EIR would be subject to the cultural resources policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- *Historic, Archaeological, and Cultural Resources Policy #1:* Preservation of historical and archaeological resources.
- *Historic, Archaeological, and Cultural Resources Policy #8*: Mitigation of Impacts to Archaeological Resources by New Development
- *Historic, Archaeological, and Cultural Resources Policy #9*: Policy regarding Discovery of Native American Burials during Construction

The City's General Plan Urban Conservation/Preservation Strategy also contains goals regarding the preservation of historic structures.

Urban Conservation/Preservation Strategy

The Urban Conservation/Preservation Strategy is a statement of the City's commitment to providing its residents a community identity that promotes civic pride. Preservation of specific structures or special areas is a part of the strategy. As stated in the strategy, preservation activities contribute visual evidence to a sense of community that grows out of the historical roots of San José's past and add inestimable character and interest to the City's image.

In addition to adopted General Plan policies and strategies, the City of San José City Council adopted the Preservation of Historic Landmarks policy

City of San José Council Policy Preservation of Historic Landmarks

> The Preservation of Historic Landmarks policy was adopted by the City of San José City Council on December 8, 1998 and subsequently amended May 23, 2006. This City Council policy strongly encourages preservation and adaptive reuse of candidate or designated landmark structures, sites, or districts, which include: any designated City Landmark structure, Contributing Structure in a City Landmark Historic District, structure listed on the National Register of Historic Places and/or the California Register of Historical Resources, a Contributing Structure in a National Register Historic District, or a structure that qualifies for any of the above (candidate), based on the applicable City, State, or National qualification criteria. This policy also affects new construction within designated City, State, and National Landmark districts for purposes of district integrity. The policy requires that proposals to alter such structures must include a thorough and comprehensive evaluation of the historic and architectural significance of the structure and the economic and structural feasibility of preservation and/or adaptive reuse. Every effort should be made to incorporate existing landmark structures into future development plans.[16]

In addition to the above-listed City adopted policies, the CEQA Guidelines provide detailed direction for avoiding or mitigating impacts to significant historical and archaeological resources. Guidelines §15064.5(b)(4) states that a lead agency shall identify mitigation measures and ensure that the adopted measures are fully enforceable through permit conditions, agreements, or other measures. In addition, Guidelines §15126.4(b)(3) states that public agencies should, whenever feasible, seek to avoid damaging effects on any significant historical resources of an archaeological nature. Preservation in place is the preferred manner of avoiding impacts to archaeological sites, although data recovery through excavation is acceptable if preservation is not feasible. If data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the significant historic resource, needs to be prepared and approved by the City prior to any excavation being undertaken.

[16] The proposed project was referred to the City of San Jose Historic Landmark Commission on August 2, 2006.

CEQA Guidelines §15064.5 define significant historic resources, as the following:

(1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code, § 5024.1, Title 14 CCR, Section 4850 et seq.).

(2) A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

(3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code, § 5024.1, Title 14 CCR, Section 4852) including the following:

> (A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
> (B) Is associated with the lives of persons important in our past;
> (C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
> (D) Has yielded, or may be likely to yield, information important in prehistory or history.

(4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.

In addition to the above, a historic resource listed on the National Register of Historic Places is by default a significant historic resource under CEQA, because it is automatically eligible for listing in the California Register of Historic Places.

4.5.1 Existing Cultural Resources

Regional Setting

During prehistoric times, the project area was utilized and occupied for hundreds of years by Native Americans commonly known as Ohlones. In 1777, when Mission Santa Clara and the Pueblo of San José were established, all land in the area was held by the Spanish Crown. When Mexico broke away from Spanish control in 1822, the area was under the control of Mexican governors. In 1848, at the end of the Mexican American War, California became part of the United States.

Archaeological Resources

Prehistoric

The project site is located in an area of high archaeological sensitivity. The project site would have provided a favorable environment during the prehistoric period with riparian, bay, and inland resources available to the aboriginal population. Numerous small and large size sites, including major villages occupied during the past 5,000 years, are present within several miles of the project site. No prehistoric sites are recorded on or adjacent to the project site, although prehistoric sites are known to exist just north of the site.

Historic

Since the mid-19th century, the ownership of the project site changed regularly and it was used for various agricultural and business purposes until the 1960's, when the San José Flea Market was founded.

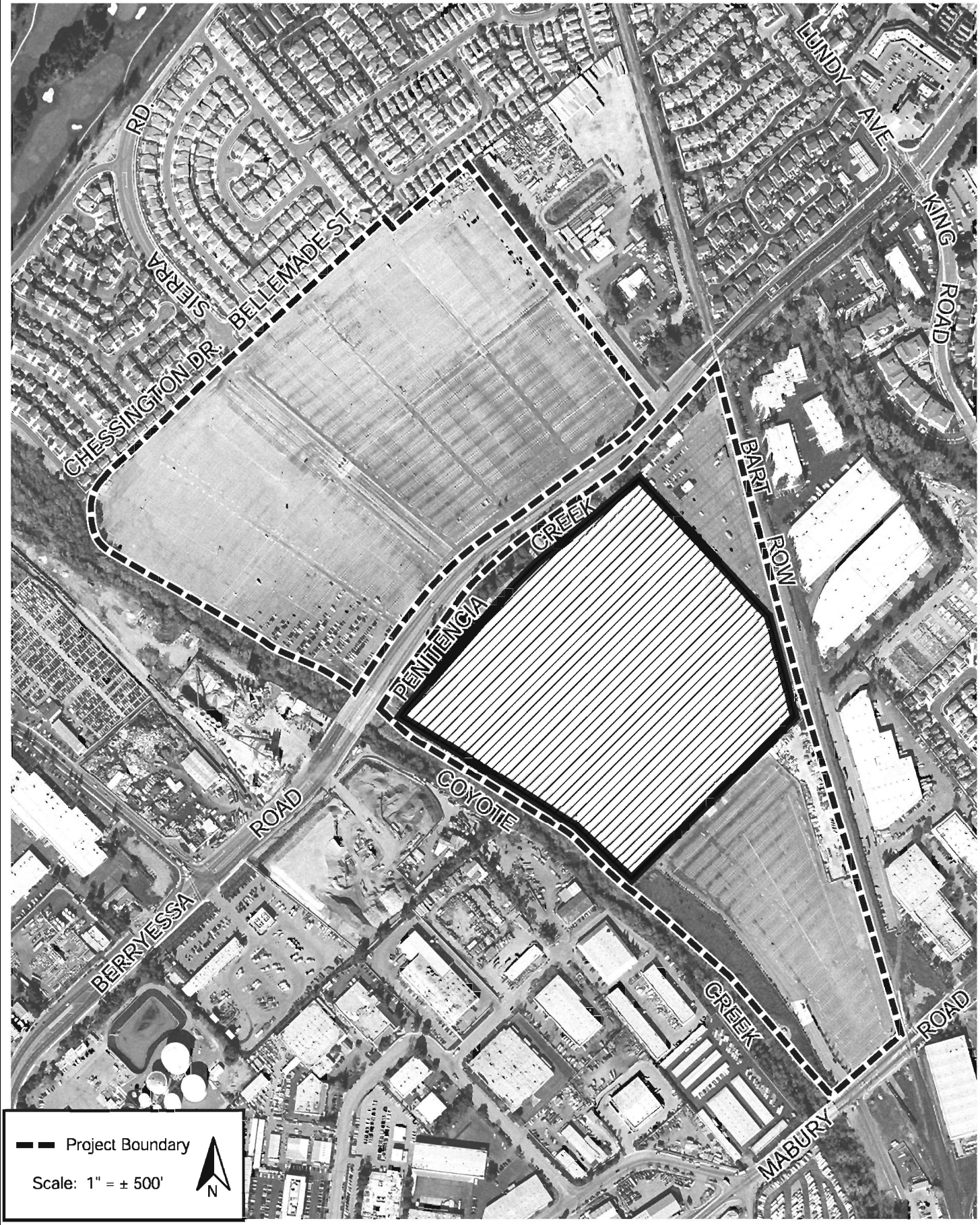
The archival research report revealed that one historic site is recorded on the project site south of Berryessa, between Coyote Creek and the railroad right-of-way. The historic resource is a domestic refuse deposit that is associated with the Nicora farm. It has yet to be determined if these remains are significant; they might have some research value as Nicora and his partners were among the first Italians to farm in this particular area. Other potentially significant historic archaeological resources on the project site include those associated with the Bowens, who were homeopathic physicians, and the possible remains of a street car that operated on the project site in 1906.

Historic Resources

Neither the project site nor any of the individual existing buildings on the project site are presently listed in California's State Historic Property Data File. The subject site has not been recorded on any local, state, or national inventories of historic (or potentially historic) resources. The project site is the location of the San José Flea Market. Established in 1960, the Flea Market is a major cultural and economic phenomenon within the region. The location of the original San Jose Flea Market within the larger project boundary is shown on Figure 20.

The San José Flea Market serves as an alternative city center for a large portion of the citizens of San José and adjacent cities. The site acts as a major regional commercial destination, providing shopping, entertainment, and exterior gathering places. Its densely packed, open-air shopping aisles provide an extraordinary spatial experience that is unequaled in the region. The provision of physical service buildings (e.g., concession stands, bathrooms, and carousels) and the maintenance of an open physical space have provided a framework that allows a distinctive economic and social culture to flourish in San José. The original flea market site reflects a unique pattern of development in Santa Clara Valley that has made a significant contribution to the broad patterns of local and regional history through the maintenance of a successful commercial culture outside the mainstream venues. The importance of the flea market culture represented by the San Jose Flea Market is recognizable when its size and age is compared to other open-air markets nationwide, not just locally. The only permanent outdoor attractions that draw a larger yearly attendance are the Disney and Universal Studios theme parks.

RETURN TO TABLE OF CONTENTS



ORIGINAL SAN JOSE FLEA MARKET SITE FIGURE 20

The San José Flea Market was evaluated for significance as an historic resource under CEQA, as well as for the property's importance under the City of San José policies and regulations relative to historic resources. The primary period of historical significance of the San Jose Flea Market is from 1960 to 1980. During this time, the market occupied the original site of the San Jose Flea Market. (refer to Figure 20) By the 1980s, the flea market had evolved to a scale that required a major expansion program to accommodate parking north of Berryessa Road, and later south to Mabury Road. At this time, the flea market had reached it peak in terms of scale, and during the next few years began a transformation from a casual market of second-hand goods to an outdoor retail market consisting primarily of permanent stalls of consumer goods as it exists today. This transformation included removal of most of the open seller areas and construction of semi-permanent enclosures for sellers, which could be secured to permanently store goods. Utilizing the Evaluation Rating System established by the City of San José, the San José Flea Market site scores 74.36 points, which indicates that it appears to be eligible as a San José Candidate City Landmark for it association with eras and events of cultural interest and value that contribute to local and regional history, heritage, and culture in a distinctive, significant, and important way. Within the criteria of the California Register, the original San José Flea Market meets Criterion 1 for its association with patterns of events that have made a significant contribution to the broad patterns of the history and cultural heritage of California. Properties such as the San José Flea Market would normally not qualify for the Register because the resource is not at least 50 years old, unless it is of exceptional importance. The original market is about 46 years old and is a cultural resource of exceptional importance and has sufficient integrity for the California Register, as it continues to retain its significant historical and cultural character. Because the San Jose Flea Market appears to be eligible as a San Jose Candidate City Landmark and for listing on the California Register, it is a significant historic resource.

The character defining feature of the San Jose Flea Market is identified in the consultants' report in Appendix D as being a constantly changing open air market at a permanent location that provides large open areas and permanent support facilities (e.g., concession stands, bathrooms, and carousels). The buildings and structures on the site are not character defining features and are not distinguished for their architecture or distinctive as a vernacular representation of a building type; most of the built environment of the flea market facility consists of utilitarian buildings or temporary structures, with the great majority of them erected in the last 25 years. The site contains a small number of buildings that pre-date the establishment of the flea market, but these buildings are also vernacular in construction and do not represent important patterns of development that occurred on the site prior to 1960.[17] This is why the fire that swept through the San Jose Flea Market on November 29, 2006 did not affect the integrity of this historic resource.[18]

[17] For detailed information regarding the historical significance of the San José Flea Market refer to the Historic Resource Assessment prepared for the San José Flea Market property by Archives & Architecture in February 2006, whose authors meet the Secretary of the Interior's qualifications to perform identification, evaluation, registration, and treatment activities within the fields of Architectural History and History respectively, in compliance with state and federal environmental laws.

[18] Leslie Dill, Architectural Historian, Personal Communication, December 15, 2006.

4.5.2 Cultural Resources Impacts

Thresholds of Significance

For this project, the thresholds of significance for cultural resources impacts are defined as follows:

- the project will cause a substantial adverse change in the significance of a historic resource as defined in CEQA Guidelines §15064.5; or
- the project will cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines §15064.5; or
- the project will directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- the project will disturb any human remains, including those interred outside of formal cemeteries.

Prehistoric Archaeological Resource Impacts

Although there are no known prehistoric archaeological deposits on the site, the project site is situated in an area of high archaeological sensitivity, at or near the confluence of two creeks. Therefore, grading and excavation during construction of the proposed project could result in the exposure or destruction of subsurface prehistoric archaeological resources. **[Significant Impact]**

Historic Archaeological Resource Impacts

There is one recorded historic site of unknown significance south of Berryessa, between Coyote Creek and the railroad right-of-way and several other areas on the project site that could yield significant information pertaining to homeopathic medicine, farming, and early development of San José during the mid-19th and early 20th centuries may be present within or adjacent to the project site. Therefore, grading and excavation during construction of the proposed project could result in the exposure or destruction of subsurface historic archaeological resources. **[Significant Impact]**

San José Flea Market

The Preservation of Historic Landmarks Council Policy, among other goals, seeks to increase cultural and economic benefits to the city and its residents, and to preserve, continue and encourage the development of the City to reflect, enhance, and protect its historical and cultural values and heritage. Although the San José Flea Market is 46 years old, age is not a factor in considering historical significance within the City's Historic Preservation Policy. The San José Flea Market is associated with eras and events of cultural interest and value that contribute to local and regional history, heritage, and culture in a distinctive, significant, and important way. Utilizing the Evaluation Rating System established by the City of San José, the original San José Flea Market site scores 74.36 points, which indicates that it appears to be eligible as a San José Candidate City Landmark for it association with eras and events of cultural interest and value that contribute to local and regional history, heritage, and culture in a distinctive, significant, and important way. The San José Flea Market has important associations with community identity and enhances the quality of urban living. The preservation of the site and use would promote a greater sense of historic awareness. Therefore, the proposed project, which would result in the loss of the San José Flea Market is not consistent with existing General Plan policies protecting cultural resources or the City's Historic Preservation Policy.

Within the criteria of the California Register, the original San José Flea Market meets Criterion 1 for its association with patterns of events that have made a significant contribution to the broad patterns of the history and cultural heritage of California. Properties such as the San José Flea Market would normally not qualify for the Register because the resource is not at least 50 years old, unless they are of exceptional importance. The original market is about 46 years old and is a cultural resource of exceptional importance and has sufficient integrity for the California Register, as it continues to retain its significant historical and cultural character. Per Section 15064.5 of the CEQA Guidelines, a resource that meets the criteria for listing on the California Register of Historical Resources is historically significant. Development of the project site south of Berryessa would result in the loss of the original San José Flea Market, a significant historic resource. **[Significant Impact]**

4.5.3 Mitigation and Avoidance Measures for Impacts to Cultural Resources

Prehistoric and Historic Archaeological Resources

The following measures would be completed in advance of obtaining a PD Permit for any part of the site, and are included in the proposed project to reduce impacts to prehistoric and historic archaeological resources to a less than significant level:

MM 4.5-1 Mechanical subsurface presence/absence testing will be completed for the project site as the Flea Market is abandoned and parcels are considered for development. Testing will consist of backhoe testing for suspected prehistoric deposits, combined with selected stripping of soils to search for the smaller, more discrete historic deposits which may exist near the former farm residences known to have existed on the site. Where possible, stripping would be confined to the immediate environment of the former building sites.

MM 4.5-2 In the event that any actual prehistoric and/or historic archaeological deposits are discovered during presence/absence testing, a program for evaluation of the deposits through hand excavation of the suspected resource shall be submitted to the Director of Planning, Building, and Code Enforcement for approval. If evaluation demonstrates that the resource is eligible for inclusion on the California Register of Historic Resources, a plan for mitigation of impacts shall be submitted to the Director of Planning, Building, and Code Enforcement for approval.

MM 4.5-3 If feasible, mitigation will take the form of avoidance of impacts to the resource through project redesign, such as the incorporation of the resource into proposed open space, or placement under future landscaping and/or parking lots. In those cases where avoidance is not possible, mitigation can take the form of additional hand excavation to retrieve a representative sample of the archaeological resource for analysis.

MM 4.5-4 Any human remains encountered shall be handled in accordance with State law and any applicable Native American agreements. All human remains and burial-associated artifacts shall be repatriated in a location that will not be subject to further disturbance. Using professionally-accepted methods, all archaeological resources shall be catalogued and analyzed and a report summarizing such work shall be prepared and provided to the City's Director of Planning, Building, & Code Enforcement.

The following measures would partially mitigate the loss of the San José Flea Market:

MM 4.5-5 Develop a Mitigation Implementation Program to the satisfaction of the Director of Planning, Building, & Code Enforcement. The program shall specifically focus on the significant historical patterns of development and important personages and include public outreach, and could include the following:

- Document the culture and use of the site, not solely the structures on the site, according the Level III procedures outlined in the National Park Service, Standards and Guidelines for Architectural and Engineering Documentation, 1990, including the updated HABS/HAER Guidelines – National Park Service, HABS Historical Reports, 2000, which could include using a combination of photos, video, and oral interviews.
- Incorporate physical attributes of the Flea Market into the proposed project, such as signs and logos.
- Incorporate historic names (e.g., Bumb) and other exhibits into the new buildings on the project site.
- Based on additional historical research and personal interviews, develop a public exhibit/education program to present interpretive information on the historic patterns of development in the area.

MM 4.5-6 Other measures that would mitigate the loss of the San José Flea Market, but are not proposed by the project include the following:

- The on-site preservation of the original market use, or relocation of the use to another permanent site of comparable size within the region that is accessible to the communities that currently serve as vendors, customers, and other patrons of the market and is supported by permanent support facilities.[19]

4.5.4 Conclusions regarding Cultural Resources Impacts

The proposed project includes mitigation measures to reduce project impacts to prehistoric and historic archaeological resources to a less than significant level.

The San José Flea Market is historically significant. The ability of relocation to reduce the project impact to a less than significant level depends on the economic sustainability of the relocated Flea Market, which is a complex question that can not be definitively answered. Mitigation measures are proposed that would partially mitigate the loss of the San José Flea Market. **[Significant Unavoidable Impact]**

[19] The on-site preservation of the original San Jose Flea Market may reduce the impact of the proposed project to a less than significant level, assuming that it remains accessible to the communities that currently serve as vendors, customers, and other patrons of the market. The ability of relocation to reduce the project impact to a less than significant level is unknown.

4.6 BIOLOGICAL RESOURCES

This analysis contained in this section is based on a biology report prepared by *H.T. Harvey and Associates* in March 2006 and a tree survey prepared by *David J. Powers & Associates* in January 2006. The report and survey are included in Appendix E of this EIR.

4.6.1 Introduction and Regulatory Framework

Biological resources include plants and animals and the habitats that support them. Individual plant and animal species that are listed as rare, threatened or endangered under the state and/or federal Endangered Species Act, and the natural communities or habitats that support them, are of particular concern. Sensitive natural communities (e.g., wetlands, riparian woodlands, and oak woodland) that are critical to wildlife or ecosystem function are also important biological resources.

The avoidance and mitigation of significant impacts to biological resources under CEQA is consistent with and complementary to various federal, state, and local laws and regulations that are designed to protect these resources. These regulations often mandate that project sponsors obtain permits that include measures to avoid and/or mitigate impacts required as permit conditions, prior to the commencement of development activities. Table 29 summarizes many of these laws and regulations; refer to Appendix E for more details.

Table 29
Regulation of Biological Resources

Law/Regulation	Objective(s)	Responsible Agencies
Federal Endangered Species Act California Endangered Species Act	Protect endangered species and their habitat and, ultimately restore their numbers to where they are no longer threatened or endangered.	USFWS, NOAA Fisheries CDFG
Federal Migratory Bird Treaty Act	Protect migratory birds, including their nests & eggs.	USFWS
California Fish & Game Code Section 3503.5	Protect birds of prey, including their nests & eggs.	CDFG
Federal Clean Water Act	Protect wetlands, streams, and other "waters of the United States"	EPA, USACE, RWQCB
California Fish & Game Code Sections 1600-1616	Protect rivers, streams, or lakes.	CDFG
San José Riparian Corridor Policy	Protect riparian corridors.	City of San José
San José Municipal Code Chapter 13.32	Protect trees with a diameter 18 inches or greater.	City of San José

NOAA = National Oceanic & Atmospheric Administration
USFWS = U.S. Fish & Wildlife Service
CDFG = California Department of Fish & Game
EPA = U.S. Environmental Protection Agency
USACE = U.S. Army Corps of Engineers
RWQCB = Regional Water Quality Control Board

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating impacts to biological resources resulting from planned development within the City. (See also **Section 3. Consistency with Adopted Plans**) All future development addressed by this EIR would be subject to the General Plan biological resources policies listed in Chapter 4, Goals and Policies, including the following:

- *Urban Design Policy #24*: Preserve Ordinance-sized & Other Significant Trees and Mitigate there Preservation if Not Feasible
- *Riparian Corridors and Upland Wetlands Policy #2*: New Development should be Consistent with the City's Riparian Corridor Policy Study
- *Riparian Corridors and Upland Wetlands Policy #3*: Maintain Setback and Buffer from Outside Edge of Riparian Corridor
- *Riparian Corridors and Upland Wetlands Policy #4*: Protect Riparian Corridors from Indirect Effects of Development
- *Urban Forest Policy #2*: Preserve Native Oaks, Ordinance-sized & Other Significant Trees and Mitigate where Preservation is Not Feasible

4.6.2 Existing Biological Resources

The 120-acre project site is located within a developed area of the City of San José at the confluence of Coyote and Upper Penitencia Creeks. Coyote Creek forms the entire west boundary of the project site and Upper Penitencia Creek travels through the project site, immediately south of Berryessa Road. Most of the project site is paved for use as the San José Flea Market. Except at the south end of the project site, the buildings and pavement are not set back from the riparian habitat. In most areas, the pavement on the project site extends to the banks of Coyote and Upper Penitencia Creeks. Landscape trees and the riparian corridors of Coyote and Upper Penitencia Creeks are the primary biological habitat that exists on or adjacent to the project site.

Special Status Species

Special status species include plants or animals that are listed as threatened or endangered under the federal and/or California Endangered Species Acts, species identified by the California Department of Fish and Game (CDFG) as a California Species of Special Concern, as well as plants identified by the California Native Plant Society[20] as rare, threatened, or endangered. Special status plant species are not expected to occur on or adjacent to the project site, because the areas on and adjacent to the project site are completely developed and the riparian habitat of Coyote and Upper Penitencia Creeks is degraded. The only special status animal species with the possibility to breed on or immediately adjacent to the project site or to use the site regularly are the steelhead trout, western pond turtle, and Cooper's hawk. These species are discussed in greater detail below.

Steelhead Trout

The steelhead trout is listed under the Federal Endangered Species Act as threatened and by the California Department of Fish and Game as a Species of Special Concern. Relatively low numbers of steelhead trout occur in both Coyote and Upper Penitencia Creeks. Although the segments of

[20]The California Native Plant Society (CNPS) is a non-profit organization that maintains lists and a database of rare and endangered plant species in California. Plants in the CNPS "Inventory of Rare and Endangered Plants of California" are considered "Special Plants" by the CDFG Natural Diversity Database Program.

these creeks adjacent to the project site are likely only used as rearing habitat for juveniles and as migration routes for adults spawning farther upstream, steelhead trout have been known to spawn near the confluence of Coyote Creek and Upper Penitencia Creek. The portions of Coyote Creek and Upper Penitencia Creek adjacent to the project site are designated critical habitat for the steelhead trout.

Western Pond Turtle

The western pond turtle is listed by the California Department of Fish and Game as a Species of Special Concern. Although pond turtles typically occur in ponds, they may also occur in perennial streams, and could occur in the stretches of Upper Penitencia Creek and Coyote Creek adjacent to the project site. Pond turtles were found less than one mile east of the site, and at two locations in Coyote Creek less than five miles from the project site, one upstream and one downstream of the project site.

Western pond turtles are unlikely to nest near the project site. Habitat along Upper Penitencia Creek is too narrow and impacted by human use to allow for turtle nesting. There is a very low possibility that turtles might nest within the riparian corridor of Coyote Creek.

Cooper's Hawk

The Cooper's hawk is listed by the California Department of Fish and Game as a Species of Special Concern. Cooper's hawk are most often found where wooded areas occur in patches and groves, which facilitates the ambush hunting tactics employed by this species. Breeding pairs in California prefer nest sites within dense stands of live oak woodland or riparian areas, and prey heavily on young birds during the nesting season. Cooper's hawk has been found nesting in the riparian corridor of Coyote Creek within San José, and could nest in larger trees along both creeks in the project area.

Riparian Corridor

The riparian habitat of Coyote Creek in the vicinity of the project site is of moderate quality. Upper Penitencia Creek provides lower quality habitat than Coyote Creek in the project area, due to debris, disturbance, and litter associated with the Flea Market, and the predominance of eucalyptus and ornamental pine trees throughout the reach of the creek within the project boundaries. There is no existing riparian setback (defined to be a setback or low activity area between buildings, pavement, lighting, etc., and the riparian habitat) on the project site, except along Coyote Creek at the south end of the project site immediately upstream of Mabury Road. The existing riparian setback at this location ranges from 40 to 100 feet.

Trees

The project site north of Berryessa is devoid of trees, except for a dense row of eucalyptus trees along the north and east boundary and landscape trees planted along Berryessa Road. South of Berryessa, landscape trees provide shade for Flea Market visitors. There are a total of 347 trees on the project site. All of the trees on the project site are non-native landscape trees, except two native willows. Most of the ordinance-size trees on the project site are eucalyptus. None of the trees on the project site are orchard trees. Table 29 summarizes the existing trees by size. The complete tree survey is included in Appendix E.

Table 30 **Existing Trees on the Project Site**			
Diameter	Tree Type		Total
	Native	Non-native	
Less than 12”	1	171	172
12” to 17”	0	97	97
18” and Greater	1	77	78
Total	2	345	347

4.6.3 Biological Resources Impacts

Thresholds of Significance

For the purposes of this EIR, a biological resources impact is considered significant if the project would:

- have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFG or USFWS; or
- have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the CDFG or USFWS; or
- have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means; or
- interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or
- conflict with any local ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Habitat Loss

The development proposed by the project will only affect existing paved areas on the project site, except for the proposed bridge construction/removal, the possible sanitary sewer line connection across Upper Penitencia Creek, and the proposed stormwater outfalls to Coyote and Upper Penitencia Creeks (see discussion below). Therefore, development of the proposed project will not result in a substantial loss of any ecologically important habitat. **[Less than Significant Impact]**

Cooper's Hawks

Cooper's hawks, while considered a California Species of Special Concern, are not rare locally, and are at no risk of local or regional extirpation. Habitat for this species is regionally abundant. The project proposes to complete pre-construction surveys for nesting raptors on the project site (see discussion below). For these reasons, development of the proposed project would not substantially affect Cooper's hawks. **[Less than Significant Impact]**

Trees

As shown in Table 30, there are 347 trees on the project site, 78 of which have a diameter of 18 inches or greater (i.e., "ordinance-sized" trees per the San José Tree Ordinance).[21] The project will result in the loss of some or all of the existing trees on the project site. **[Significant Impact]**

Riparian Habitat

Consistent with the City of San José Riparian Corridor Policy Study, the project proposes a 100-foot setback from the riparian habitat of Coyote and Upper Penitencia Creeks, except along Coyote Creek at the south end of the project site immediately upstream of Mabury Road. The existing riparian setback at this location ranges from 40 to 100 feet and would not be altered by the proposed project. The passive recreation area (e.g., bike and pedestrian trails, park benches, and riparian landscaping) within the setback area would be designed by the applicant in a manner that would not impact the riparian habitat (e.g., outdoor lighting would not shine into the riparian habitat). Compared to existing conditions, the 100-foot riparian setback proposed by the project will be a significant improvement compared to the almost non-existent riparian setback, and will greatly benefit the riparian habitat of Coyote and Upper Penitencia Creeks adjacent to the project site. The only construction the project proposes within the riparian habitat of Coyote and Upper Penitencia Creeks is that required for the outfalls and the bridges. Therefore, except for the impacts to the riparian habitat of Upper Penitencia and Coyote Creeks that would result from bridge removal/construction and the construction of the proposed stormwater outfalls (see below), the ongoing use and operation of the proposed project would benefit the riparian habitat of Coyote and Upper Penitencia Creeks by providing a 100-foot setback from the riparian habitat of Coyote and Upper Penitencia Creeks.

The proposed project will remove two existing bridges and construct two new clearspan (i.e., no footings in creek channel) bridges over Upper Penitencia Creek. Prior to construction of the new bridges, two existing bridges over Upper Penitencia Creek will be removed. The existing upstream bridge is 56 feet wide and has a span of 25 feet with an existing concrete footing in the creek. The existing downstream bridge is 56 feet wide and has a span of 60 feet with no footings in the creek, but does have loose riprap that currently extends into the creek channel.

The proposed upstream bridge will be 46 feet wide and would span 70 feet. The proposed downstream bridge will be 74 feet wide and would span 70 feet. A 10-foot construction buffer around each proposed bridge will be required. The new upstream and downstream bridges will impact a total of approximately 27,880 square feet (0.64 acres) of riparian vegetation. Bridge

[21] Twenty-seven of the ordinance size trees on the project site are eucalyptus trees located along the north boundary of the project site. These eucalyptus trees were pruned (i.e., topped) in a manner that resulted in growth that is small in stature but densely vegetated. Due to the multi-stemmed growth habit that resulted from this purposeful pruning, these eucalyptus trees meet the City of San José's definition of an ordinance tree.

construction/removal will also result in a net loss of 404 linear feet of shaded riverine aquatic (SRA) habitat. This loss of SRA habitat could affect steelhead primarily through loss of shading.

The conceptual grading and drainage plan for the project site south of Berryessa includes a drainage outfall to Coyote Creek and a drainage outfall to Upper Penitencia Creek. The grading and drainage plan for the project site north of Berryessa includes an outfall to Coyote Creek. In conjunction with constructing the three new outfalls, the existing outfalls from the project site into Coyote and/or Upper Penitencia Creeks will be removed.

Construction of the three outfalls and the two bridges will result in the loss of riparian habitat. **[Significant Impact]**

Nesting Raptors and Migratory Birds

Raptors and/or migratory birds could nest in the trees on and adjacent to the project site. The project could result in the abandonment of active raptor and/or migratory bird nests and/or direct mortality to individual raptors and/or migratory birds. These impacts could occur directly from tree removal or indirectly, due to disturbances caused by construction activities. **[Significant Impact]**

Interference with Movement of Wildlife

Except for the riparian corridors of Coyote and Upper Penitencia Creeks, the project site is not a movement corridor between other natural areas of habitat. The project proposes a 100-foot setback from the riparian corridors of Coyote and Upper Penitencia Creeks, which is sufficient to protect these existing corridors. Therefore, development of the proposed project would not negatively affect wildlife movement. **[Less than Significant Impact]**

Steelhead Trout and Western Pond Turtles

The two bridges proposed by the project over Upper Penitencia Creek will be clearspan bridges and, as a result, no footings will be required within the creek channel. Demolition of existing bridges (including one with a footing in the creek) could, however, result in debris entering Upper Penitencia Creek, and demolition of the footings for the upstream bridge will require work within the live creek channel. These activities could result in inadvertent direct harm to steelhead or western pond turtles (e.g., through crushing by heavy machinery or bridge debris). **[Significant Impact]**

Degradation of Water Quality Downstream from the Project Site

Project construction in and near Coyote and Upper Penitencia Creeks could have a substantial adverse effect on water quality downstream from the project site, due to increased turbidity and siltation that could result if soil is allowed to enter the creek. Degradation of water quality downstream of the project site during project construction could negatively affect aquatic wildlife species, including steelhead trout.[22] **[Significant Impact]**

[22] Water quality impacts that could result from construction within and adjacent to the riparian habitat area also discussed in **Section 4,8, Hydrology and Water Quality**.

Sanitary Sewer Line

The proposed project may require the placement of a sanitary sewer line below or above Upper Penitencia Creek, between the project site and Berryessa Road. If a sanitary sewer line connection below Upper Penitencia Creek is required, the line would be bored under the creek without disturbing any habitat associated with the creek. If a sanitary sewer line connection above Upper Penitencia Creek is required, the line would be placed under one of the bridges proposed by the project. For these reasons, the possible sanitary sewer line connection across Upper Penitencia Creek, whether above or below the creek, would not have any additional impact on biological resources. **[Less than Significant Impact]**

4.6.4 Mitigation and Avoidance Measures for Impacts to Biological Resources

Tree Removal

The following measures, which are included in the project, will reduce tree removal impacts to a less than significant level:

MM 4.6-1 The PD Zoning will be conditioned to require site design during the PD Permit stage, as well as any public improvements, to incorporate preservation of existing trees to the maximum extent practicable, to the satisfaction of the Director of Planning, Building, and Code Enforcement (PBCE).

MM 4.6-2 In locations where preservation of existing trees is not feasible due to site constraints, trees to be removed by the project shall be replaced at the ratios shown in Table 31.[23]

Table 31
Tree Replacement Requirements

Diameter of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
18 inches or greater	5:1	4:1	none	24-inch box
12 - 18 inches	none	2:1	none	24-inch box
Less than 12 inches	1:1	1:1	none	15-gallon container

x:x = tree replacement to tree removal ratio

MM 4.6-3 The species and exact number of trees to be planted on the site during the construction phase shall be determined in consultation with the City Arborist and to the satisfaction of the Director of PBCE.

[23] Due to their young age and small size, the 27 multi-stemmed eucalyptus trees located along the north boundary of the project site will be replaced at a 2:1 ratio with 24-inch box specimens.

MM 4.6-4 In the event there is not sufficient area to accommodate the required tree mitigation on the project site, one or more of the following measures will be implemented at the planned development permit stage to the satisfaction of the Director of PBCE:

- The size of a 15-gallon replacement tree can be increased to 24-inch box and count as two replacement trees.
- An alternative site(s) will be identified for additional tree planting (e.g., local parks and schools or adjoining properties for screening purposes.
- A donation of $300 per mitigation tree to Our City Forest or San José Beautiful for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting will be provided to the Director of PBCE, prior to issuance of a development permit.

Tree Protection

The following measures, which are included in the PD Zoning project, will protect trees to be preserved from harm that could occur during construction:

MM 4.6-5 Prior to the issuance of any approval or permit, all trees on the site shall be inventoried by a certified arborist as to size, species and location on the lot and the inventory shall be submitted on a topographical map to the Director.

MM 4.6-6 Damage to any tree during construction shall be reported to the City's Environmental Principal Planner, and the contractor or owner shall treat the tree for damage in the manner specified by the Environmental Principal Planner.

MM 4.6-7 No construction equipment, vehicles or materials shall be stored, parked or standing within the tree dripline.

MM 4.6-8 Drains shall be installed according to city specifications so as to avoid harm to trees due to excess watering.

MM 4.6-9 Wires, signs and other similar items shall not be attached to trees.

MM 4.6-10 Cutting and filling around the base of trees shall be done only after consultation with the city arborist and then only to the extent authorized by the city arborist

MM 4.6-11 No paint thinner, paint, plaster or other liquid or solid excess or waste construction materials or wastewater shall be dumped on the ground or into any grate between the dripline and the base of the tree or uphill from any tree where certain substances might reach the roots through a leaching process.

MM 4.6-12 Barricades shall be constructed around the trunks of trees as specified by a qualified arborist so as to prevent injury to trees making them susceptible to disease causing organisms.

MM 4.6-13 Wherever cuts are made in the ground near the roots of trees, appropriate measures shall be taken to prevent exposed soil from drying out and causing damage to tree roots.

MM 4.6-14 A final report shall be submitted to the Environmental Principal Planner stating if tree protection standards achieved the desired result, how many mitigation trees were planted and where, or if money was donated.

Nesting Raptor and Migratory Bird

The following measures, which are included in the project, will avoid impacts to Cooper's hawks and other nesting raptors and migratory birds during construction:

MM 4.6-15 Construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors, in the San Francisco Bay area extends from February through August.

MM 4.6-17 If it is not possible to schedule demolition and construction between September and January, then pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the ornithologist will inspect all trees and other possible nesting habitats (e.g., buildings, bridges) in and immediately adjacent to the construction areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with CDFG, will determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests will not be disturbed during project construction.

MM 4.6-18 If vegetation and buildings are to be removed by the project and all necessary approvals have been obtained, possible nesting substrate (e.g., trees and buildings) that will be removed by the project shall be removed before the start of the nesting season (February) to help preclude nesting.

MM 4.6-19 A report summarizing the results of the pre-construction survey and subsequent efforts to protect nesting raptors (if found to be present) shall be submitted to the Director of PBCE.

Riparian Habitat

The following measures, which are included in the project, will avoid impacts to riparian habitat during project construction:

MM 4.6-20: Disturbance to and loss of the riparian habitat of Coyote and Upper Penitencia Creeks resulting from the proposed removal/construction of bridges and stormwater outfalls, and enhancement of the riparian setback areas (i.e., removal of asphalt and provision

of passive recreation uses) will be avoided to the maximum extent practicable. All temporary staging areas and construction access roads, if necessary, will be located away from the 100-foot setback area. Drainage/wetland boundaries will be clearly demarcated with Environmentally Sensitive Area chain link fencing to avoid inadvertent disturbance during construction activities.

MM 4.6-21 An Erosion Control Plan that includes the design and location of the Best Management Practices to be implemented during project construction for the purpose of avoiding impacts to the riparian habitat and water quality downstream of the project site will be submitted to the Director of Planning Building and Code Enforcement, prior to Building Permit approval.

MM 4.6-21: Riparian habitat that will be permanently impacted by removal/construction of bridges and stormwater outfalls, or indirectly affected by setback encroachment, will be replaced with native plantings at a level that will ensure no net loss of habitat functions and values. All mitigation sites will be protected in perpetuity.

Mitigation for any direct and indirect impacts to the riparian habitat, including shaded riverine aquatic (SRA), shall be mitigated at a 2:1 (mitigation:impacts) ratio. Mitigation using native plantings shall be accommodated within the proposed 100-foot setback area. Additionally, mitigation credit could be achieved by removing the undesirable and non-native species that occur within the riparian habitat, particularly the highly invasive giant reed and cape ivy.

The required mitigation area will be determined based on the actual impacts calculated from a final grading plan and an evaluation of the as-built condition. As currently proposed, the project would require 55,760 square feet (1.28 acres) of riparian mitigation, and at least 808 linear feet of new SRA plantings. The riparian habitat and proposed 100-foot setback provide ample mitigation opportunities throughout the site to accommodate this mitigation need.

A Mitigation and Monitoring Plan will be prepared to the satisfaction of the Director of Planning by a qualified restoration ecologist and will provide the following:

1. Summary of habitat impacts and proposed mitigation ratios
2. Goal of the restoration to achieve no net loss of habitat functions and values
3. Location of mitigation site(s) and description of existing site conditions
4. Mitigation design:
    - existing and proposed site hydrology
    - grading plan if appropriate, including bank stabilization or other site stabilization features
    - soil amendments and other site preparation elements as appropriate
    - planting plan
    - irrigation and maintenance plan
    - remedial measures/adaptive management, etc.
5. Monitoring plan (including final and performance criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, etc.)
6. Contingency plan for mitigation elements that do not meet performance or final success criteria

Permits would be required from the regulatory agencies prior to project construction or mitigation installation that will impact jurisdictional wetlands, drainages, streams etc. These agencies would typically include the USACE, CDFG, RWQCB, and (due to the possibility for impacts to steelhead) NOAA Fisheries.

Steelhead Trout and Western Pond Turtle

The following measures, which are included in the project, will avoid direct impacts to steelhead trout and western pond turtles during bridge demolition:

MM 4.6-22: Because it is possible that juveniles could be moving downstream during any time of year, including the dry season, measures shall be taken to ensure that movement of steelhead trout is not prevented by any water diversion structures used during construction, regardless of when construction occurs. Diversion of the entire creek will not be necessary, but small diversion dams may be required for the demolition of existing footings of the upstream (eastern) bridge on Upper Penitencia Creek. These diversion dams will minimally encroach into the creek and will be temporary. Measures will be taken to ensure constant flow suitable for fish passage. Immediately prior to installation of the diversion dams, a survey will be completed by a qualified biologist for western pond turtles. If any pond turtles are found within the work area, they will be relocated to an adjacent portion of the creek outside of the work area (as approved by the CDFG). The diversion dams will be installed from upstream to downstream, and efforts will be taken to avoid inadvertent entrainment of steelhead trout. After the installation of the diversion dams, a survey will be completed by a qualified biologist for any steelhead trout that may have been inadvertently trapped within the diversion dam. If any steelhead trout are found within the dam, they will be relocated to the live stream channel (as approved by NOAA Fisheries).

MM 4.6-23: During demolition, the live stream channel of Upper Penitencia Creek will be protected within 25 feet upstream and downstream of the demolition area. The contractor will take measures to ensure that demolished portions of the bridges will not fall into the creek.

Steelhead Trout and Aquatic Organisms

The following measures, which are included in the project, will avoid impacts to steelhead trout and other aquatic organisms downstream of the project site during project construction (i.e., bridges and outfalls) in and adjacent to Coyote and Upper Penitencia Creeks:

MM 4.6-24: In addition to the Best Management Practices recommended by the Regional Water Quality Control Board (RWQCB) and included in the project to reduce impacts to water quality during and after project construction (refer to **Section 4.8, Hydrology and Water Quality**), the following Best Management Practices (BMPs)will be implemented by the proposed project during construction in and adjacent to Coyote and Upper Penitencia Creeks to reduce impacts to species downstream of the project to a less than significant level:[24]

[24] Not conforming to these BMPs could result in significant impacts to species downstream of the project site and, therefore, could require additional environmental review.

1. No equipment will be operated in the live stream channel.
2. No debris, soil, silt, sand, bark, slash, sawdust, cement, concrete, washings, petroleum products, or other organic or earthen material shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the U.S./State.
3. Installation of temporary diversion dams around the footings of the existing upstream bridge during demolition.
4. Standard erosion control and slope stabilization measures will be required for work performed in any area where erosion could lead to sedimentation of a waterbody.
5. Work in riparian areas will be limited to the dry season (June 15 to October 15).

4.4.5 Conclusions Regarding Biological Resource Impacts

The mitigation measures described above and included in the proposed project will reduce all significant impacts to biological resources resulting from the proposed project to a less than significant level. **[Less than Significant Impact with Mitigation]**

4.7 GEOLOGY AND SOILS

Introduction

Various policies in the General Plan were adopted for the purpose of avoiding or mitigating geologic and soil impacts resulting from planned development within the City. (See also **Section 3. Consistency with Adopted Plans**) All future development addressed by this EIR would be subject to the geologic policies listed in Chapter 4, Goals and Policies, of the General Plan, including the following:

- *Soils and Geologic Conditions Policy #1*: New Development should be Required to Evaluate and Mitigate for Geologic Hazards
- *Soils and Geologic Conditions Policy #6*: Development should Adequately Mitigate Soils and Geologic Hazards
- *Soils and Geologic Conditions Policy #8*: Development should not Cause or be Affected by Geological Hazards on Adjoining Properties
- *Soils and Geologic Conditions Policy #9*: Residential Development should Incorporate Adequate Mitigation/Remediation for Soils Contamination
- *Earthquake Policy #1*: New Buildings required to be Designed and Constructed to Resist Stress Produced by Earthquakes
- *Earthquake Policy #3*: Approval of Development requires Mitigation of Seismic Hazards
- *Earthquake Policy #5*: New Development should be Required to Evaluate and Mitigate for Seismic Hazards

4.7.1 Existing Geology and Soils Conditions

Regional Geology

The City of San José is located in the Santa Clara Valley, an alluvial plain lying between the Santa Cruz Mountains to the west and the Diablo Range to the east. The Valley and the entire San Francisco Bay region are within an area where the geology is dominated by the deformation of the earth's surface due to the movement of the Pacific and North American tectonic plates.

Geologic and Soil Hazards on the Project Site

Topography

The project site is located on the floor of the Santa Clara Valley. The project site slopes gently towards the bay, with an average elevation of approximately 82 feet above mean sea level (msl). Because the project site and surrounding area are relatively flat, the possibility for landslides and erosion to occur on the site is low. The project site is not mapped within a landslide hazard zone.[25]

[25] County of Santa Clara, County Geologic Hazard Zones, February 26, 2002.

Earthquakes, Fault Rupture, and Seismic Related Ground Failure

San José is part of the seismically-active coastal area of California, an area classified as Seismic Zone 4, the most seismically-active in the United States. The area is subject to strong ground shaking, resulting from earthquakes along the San Andreas Fault System. The most recent large earthquake to affect the area was the 1989 Loma Prieta Earthquake, which measured 6.9 on the Richter Scale. The Working Group on California Earthquake Probabilities has estimated that there is a 62% probability of a large (i.e., Richter Magnitude greater than or equal to 6.7) earthquake in the San Francisco Bay region in the next 30 years.

The major earthquake faults in the project area are the San Andreas, Hayward and Calaveras Faults, as shown on Figure 21. The Hayward and Calaveras Faults are located approximately two and four miles northeast of the project site, respectively. The San Andreas Fault is located approximately 18 miles southwest of the project site. A moderate to major earthquake on the Hayward Fault is most likely to generate the strongest ground shaking at the site.

There are no faults mapped on the project site. The project site is not mapped within a fault rupture hazard zone. Therefore, the possibility for fault-related surface rupture on the project is low.

Soil liquefaction is a phenomenon in which saturated, cohesionless soils undergo a temporary loss of strength during earthquake ground shaking. The project site is mapped within a liquefaction hazard zone.[26]

Lateral Spreading

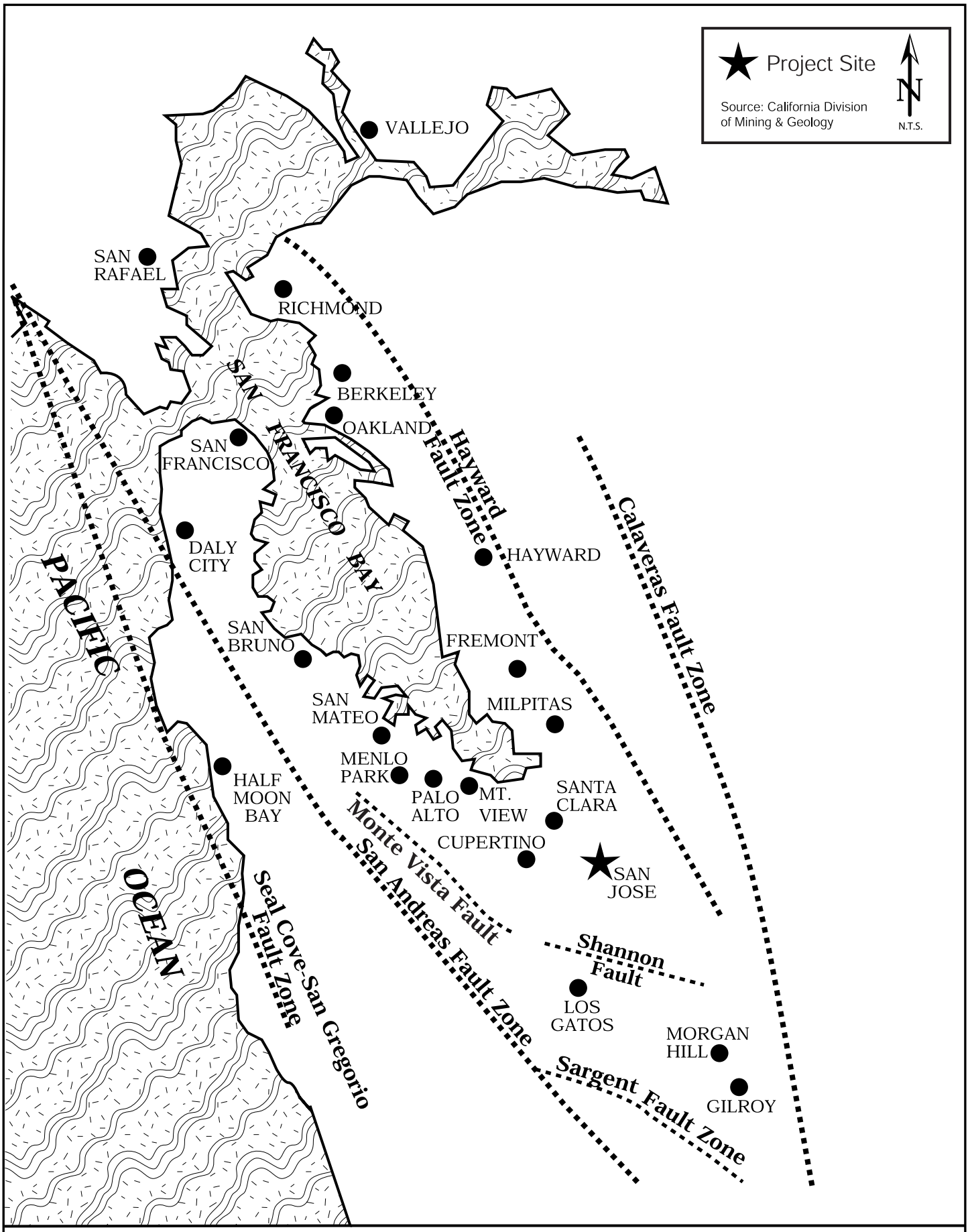
Lateral spreading typically occurs as a form of horizontal displacement of relatively level alluvial material toward an open face such as a body of water, channel, or excavation, and is commonly associated with liquefaction. Coyote and Upper Penitencia Creeks are located adjacent to the project site. In the project area, it is documented that lateral spreading towards Coyote Creek occurred during the 1906 earthquake.

Expansive and Compressible Soil

Soils on the project site have moderate to high shrink/swell potential.[27] Soil shrinking and swelling is the result of the soil absorbing water in the winter and drying in the summer. Shrink/swell potential is directly correlated to the clay content of the soil. The shrinking and swelling action can damage improperly designed and/or constructed improvements.

Construction on compressible soils can result in differential compaction. Differential compaction is the non-uniform compaction of soil strata, which results in movement of near-surface soils. The project site is not mapped within a compressible soil hazard zone.

[26] County of Santa Clara, County Geologic Hazard Zones, February 26, 2002
[27] United States Department of Agriculture, Soils of Santa Clara County, June 1968.



FAULTS OF CONCERN IN THE SAN FRANCISCO BAY AREA FIGURE 21

4.7.2 Geology and Soil Impacts

Thresholds of Significance

For the purposes of this project, a geologic impact is considered significant if the project would:

- expose people or structures to substantial adverse effects including the risk of loss, injury or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic related ground failure (including liquefaction), landslides, or expansive soil; or
- expose people or property to major geologic or soils hazards that cannot be mitigated through the use of standard engineering design and seismic safety techniques; or
- result in substantial soil erosion or the loss of top soils.

The project site is not located within a landslide, compressible soil, or fault rupture zone; therefore, the possibility for these geology and soil hazards to affect the proposed project is low. **[Less than Significant Impact]**

The project site is located in a seismically active region. This impact is not unique to the project site, but applies to the entire region. The possibility for seismic impacts would be reduced to a less than significant level using standard engineering techniques for Seismic Zone 4, as mandated by the Uniform Building Code. **[Less than Significant Impact]**

Soils on the project site have a moderate to high shrink/swell potential and the project site is mapped within a liquefaction hazard zone. Historically, the project area experienced lateral spreading towards Coyote Creek during the 1906 earthquake. Therefore, the proposed project could expose people, structures, and/or improvements to major geologic or soils hazards that cannot be mitigated through the use of standard engineering design and seismic safety techniques. **[Significant Impact]**

4.7.3 Mitigation and Avoidance Measures for Geology and Soil Impacts

The following measure is included in the proposed project to reduce the affects of expansive soils, liquefaction, and lateral spreading on the proposed project to a less than significant level:

MM 4.7-1 A detailed, design-level geotechnical investigation for the project shall be completed by the applicant and shall be reviewed and approved by the City Geologist, prior to approval of a PD Permit for any phase of the project. The geotechnical investigation shall identify and describe the specific engineering practices to be used to reduce or avoid all possible geologic hazards on the site, which shall be incorporated into the project design.

4.7.4 Conclusions Regarding Geology and Soils Impacts

The proposed project will include standard engineering techniques in conformance with the Uniform Building Code requirements for Seismic Zone 4 and the mitigation measure described above; this will reduce the impacts from geology and soils hazards on the project to a less than significant level. **[Less than Significant Impact]**

4.8 HYDROLOGY AND WATER QUALITY

The analysis in this section is based in part on a flooding and drainage evaluation prepared for the proposed project by *Schaaf & Wheeler* in September 2005. The report is included in Appendix F of this EIR.

4.8.1 Introduction

Many of the policies in the City's General Plan were adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. (See also **Section 3. Consistency with Adopted Plans**) All future development addressed by this EIR would be subject to the hydrologic policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- *Level of Service Policy #12*: New Projects should be Designed to Minimize Damage due to Stormwater and Flooding
- *Water Resources Policy #12*: Require Specific Construction and Post-construction Measures to Control the Quantity and Improve the Water Quality of Urban Runoff
- *Flooding Policy #1*: New Development should be Designed to Provide Protection from Impacts of the 100-year Flood
- *Flooding Policy #7*: Development should Provide Adequate Flood Control Retention Facilities

In addition to the above General Plan policies, development addressed by this EIR would be subject to the following San José City Council Policies:

San José City Council Policy 6-29

In August 2006, the RWQCB approved an amendment to the NPDES Permit Number CAS 029718 that calls for more stringent standards for the management of stormwater runoff. For all applicable projects, post-construction TCMs must be included and designed to meet one of two hydraulic sizing standards for the treatment of stormwater runoff from the impervious surface areas of the project.[28] The two hydraulic sizing standards are:

- Volume Hydraulic Design which can include detention/retention units or filtration or infiltration devices.

- Flow Hydraulic Design which can include vegetative swales, sand filters, and wetlands.

The project applicant must provide the City with calculations prepared by a certified engineer showing that the design and sizing of the stormwater treatment system is sufficient to meet the requirements of the numeric sizing criteria.

[28] An applicable project is defined as a new development project that creates 10,000 square feet or more of impervious surface area; new streets, roads, highways, and freeways built under the City's jurisdiction that create 10,000 square feet or more of impervious surface; and significant redevelopment projects (i.e., projects on a developed site that result in the addition or replacement of 10,000 square feet or more of impervious surfaces).

San José City Council Policy 8-14

To implement the HMP, a Post-construction HMP Policy (Policy #8-14) was adopted by the San José City Council on October 18, 2005. The HMP Policy applies to development projects located on sites equal to or exceeding 20 acres in size, and located in sub-watersheds that are less than 90% built out. Such projects are required to implement post-construction flow-control measures to reduce the volume, velocity, and duration of stormwater runoff, so that post-project runoff does not exceed pre-project conditions.

4.8.2 Existing Hydrology and Water Quality Conditions

Flooding and Drainage

Upper Penitencia Creek flows through the project site south of and immediately adjacent to Berryessa Road. Upper Penitencia Creek does not have capacity within its banks to contain water flows during large storm events. As a result, shallow flooding occurs on the project site north and south of Berryessa with flows moving from east to west toward Coyote Creek. As shown on Figure 22, portions of the project site are located within the 100-year floodplain. Based on the existing site elevations, maximum flood depths on the project site are estimated to be one foot south of Berryessa and up to four feet north of Berryessa.

More than 95 percent of the existing project site is estimated to be covered with impervious surface, most of which is in the form of paved parking lots. Stormwater runoff is collected on-site by an underground storm drain system and discharged directly to both Upper Penitencia and Coyote Creeks. Portions of the site also drain overbank into the creeks. Under both circumstances, the runoff from the project site enters the creeks untreated and, therefore, is contaminated with various non-point source pollutants.

There are no dams or levee systems in the project area. The project area is not subject to inundation from a seiche, tsunami, or mudflow.

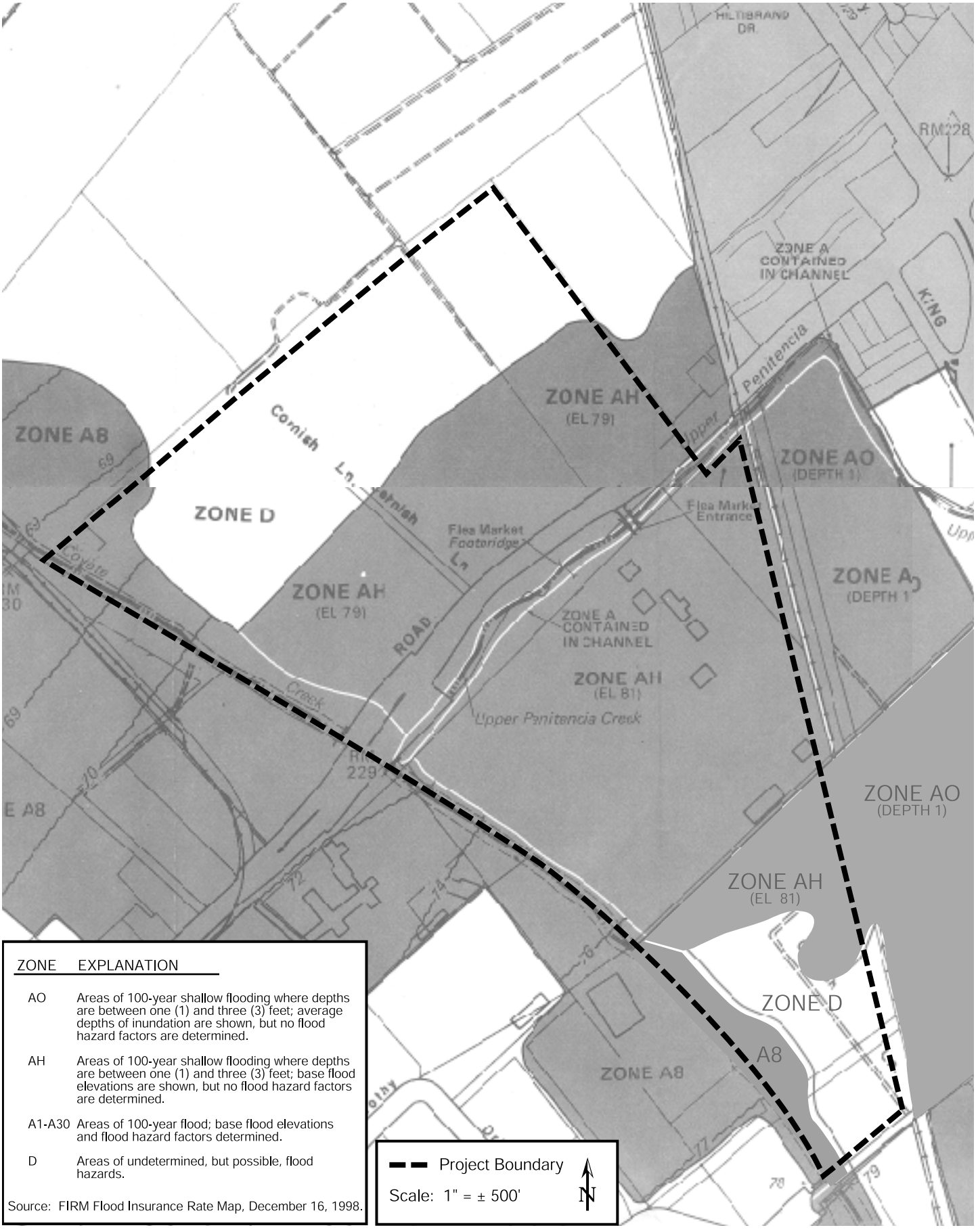
Flood Protection Project

The U.S. Army Corps of Engineers (USACE), in conjunction with the Santa Clara Valley Water District (SCVWD) is working to develop a flood management plan for Upper Penitencia Creek.

A previous plan for Upper Penitencia Creek was prepared by the SCVWD in 1988, assisted by the US Soil Conservation Service. The plan for the lower portion of Upper Penitencia Creek, starting just upstream of King Road and ending at its confluence with Coyote Creek, was to divert high flows into a 2,500 foot long underground bypass channel that would outfall directly to Coyote Creek upstream of its confluence with Upper Penitencia Creek. The bypass project was designed to provide flood protection from a 100-year flood event. The bypass channel was not constructed.

The USACE is continuing to evaluate alternatives that would provide cost-effective flood protection in an environmentally sensitive nature. The Corps is currently preparing a feasibility study and environmental impact report/environmental impact statement, which are scheduled for completion by December 2007 and June 2007, respectively. Over the past year, San José and SCVWD staff have been meeting with local, state and federal agencies, as well as other interested stakeholders, and have developed recommendations for future actions in the Upper Penitencia project area.

RETURN TO TABLE OF CONTENTS



ZONE	EXPLANATION
AO	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; average depths of inundation are shown, but no flood hazard factors are determined.
AH	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; base flood elevations are shown, but no flood hazard factors are determined.
A1-A30	Areas of 100-year flood; base flood elevations and flood hazard factors determined.
D	Areas of undetermined, but possible, flood hazards.

Source: FIRM Flood Insurance Rate Map, December 16, 1998.

FLOOD MAP

FIGURE 22

The currently preferred alternative is a widened Upper Penitencia Creek channel and floodplain with floodwalls to control the peak flow of a 100-year flood event. The preferred alternative would require a 200-foot wide corridor, measured from the south edge of Berryessa Road.

Water Quality

Urban runoff has been identified as a significant source of water pollution in the San Francisco Bay Area. Runoff from most developed areas flows untreated to local creeks, rivers, and the Bay, carrying pollutants that are detrimental to the beneficial uses of these water bodies. Examples of pollutants commonly generated in the San Francisco Bay Area include: sediment from construction sites; products of internal combustion engine operation such as hydrocarbons from automobiles; metals, such as copper from brake pad wear and zinc from tire wear; dioxin as a product of combustion; mercury from atmospheric deposition; and naturally-occurring minerals from geology.

Section 303(d) of the federal Clean Water Act requires that each state develop a list of water bodies that do not meet water quality standards, establish priority rankings for waters on the list, and develop action plans, called Total Maximum Daily Loads (TMDLs), to improve water quality. Stormwater runoff from the project site enters two water bodies that are listed by the RWQCB and the EPA as impaired: Coyote Creek and San Francisco Bay. Coyote Creek is impaired due to diazinon that is contained within urban runoff. San Francisco Bay is impaired due to chlordane, DDT, diazinon, dieldrin, mercury, and PCBs, all of which are constituents of urban runoff.[29] Although Coyote Creek appears on the list of impaired water bodies, no TMDL has been developed or implemented to date.

In addition to the pollution issue, the increased peak flows and volumes of stormwater associated with existing urbanization have led to adverse impacts such as bank erosion, channel widening, flooding, channel modification and loss of the natural floodplain. This occurs because development typically increases the amount of impervious surface area within a watershed by converting natural cover to impervious surfaces such as paved streets, rooftops, and parking lots, thereby diminishing the stormwater retention, detention and purification characteristics provided by the vegetated soils.

4.8.3 Hydrology and Water Quality Impacts

Thresholds of Significance

For the purposes of this project, a hydrology and water quality impact is considered significant if the project would:

- violate any water quality standards or waste discharge requirements; or
- substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted); or

[29] San Francisco Regional Water Quality Control Board, 2002 CWA Section 303(d) List of Water Quality Limited Segment, July 2003.

- substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site; or
- substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site; or
- create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff or otherwise substantially degrade water quality; or
- place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map; or
- place structures within a 100-year flood hazard area, such that flood flows would be impeded or redirected; or
- expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam; or be subject to inundation by seiche, tsunami, or mudflow.

The proposed project would increase the density of development on the project site. This may have effects on both flooding and drainage conditions. The increased density of development may affect flooding by reducing the area available for flood flows to flow over land through the project site as sheetflow. The project would also replace the existing storm drain facilities and bridges on the site and modify existing drainage patterns. These effects are described below.

Flooding Impacts

North of Berryessa

The project site north of Berryessa would remain in the flood plain until the completion of a flood protection project for Upper Penitencia Creek. FEMA requirements and the City of San José Flood Hazard Ordinance require that all new habitable buildings must be above or otherwise protected from the 100-year flood elevation and, therefore, would block shallow flood flows across the project site. Blocking flood flows on the site could result in increased off-site flooding. **[Significant Impact]**

South of Berryessa

Flood conditions south of Berryessa would be similar to the project site north of Berryessa. The 100-year sheetflow would flow from east to west parallel to the creek in the open space adjacent to the existing creek channel and in parallel streets. The extent and depth of flow may depend on the property interface at the UPRR. If the existing soundwall remains or is replaced, most of the flow would be near the creek channel. If the existing soundwall is removed, the sheetflow may extend to more of the parallel streets. In addition, the construction of the new access roads and bridges across the creek may affect the amount of flow in the channel versus the sheetflow on the site. Preliminary hydraulic analysis suggests that bridges larger than the existing bridges over the channel could contain the existing creek flow within the existing channel. [**Significant Impact]**

Planned USACE Flood Protection Project

The proposed project is generally consistent with the currently planned preferred USACE Flood Protection project, which is currently described as a widened channel for Upper Penitencia Creek that

requires a 200-foot right-of-way, measured from the south edge of Berryessa Road. The proposed project includes an on-site 100-foot setback from the riparian corridors of Upper Penitencia Creek and Coyote Creek, which in combination with the existing creek channel, may allow for construction of the preferred project alternative through the project site. Minor modifications (i.e., additional right-of-way), however, may be required to accommodate the future flood protection project. Figure 23 shows the limits of the currently planned preferred USACE Flood Protection project.

Long-Term Water Quality Impacts

Pollutant load of stormwater runoff and stormwater volume are two components of development that can result in long-term water quality degradation .

The project site south of Berryessa Road is subject to the City's Post-construction HMP Policy (City Council Policy 8-14), which requires that post-project runoff volume, velocity, and duration does not exceed pre-project conditions (i.e., existing conditions). Compared to existing conditions, the proposed project will reduce the amount of impervious surfaces on the project site by over 25 percent. The existing paved parking lots on the project site will be replaced with over 34 acres of public park and open space uses. As a result, the volume, velocity, and duration of stormwater discharged from the project site will substantially decrease. This is specifically consistent with adopted HMP criteria. Therefore, post-project stormwater discharges will not increase erosion or cause other adverse effects in local streams. **[Less Than Significant Impact]**

Pollutants in post-project stormwater will result from the proposed residential, commercial, and combined industrial/commercial land uses. Hydrocarbons and metals from automobiles are typical runoff pollutants generated from impervious road, driveway and parking lot surfaces. Building roofs also generate hydrocarbons from atmospheric deposition, and metals from roofing materials. In addition, pesticides and nutrients (from fertilizers and other landscape maintenance products) detergents, coliform bacteria (from pet waste), and trash are all common stormwater pollutants that can be expected from the proposed development. **[Significant Impact]**

Short-Term Water Quality Impacts during Construction

The construction phase will involve excavation and grading activities at the project site. These construction activities could degrade water quality in Upper Penitencia and Coyote Creeks, because the existing on-site storm drainage system discharges to these waterways. Future construction activities would generate dust, sediment, litter, oil, paint, and other pollutants that would contaminate runoff from the site. **[Significant Impact]**

The proposed demolition of the two existing bridges and construction of two replacement clear span bridges over Upper Penitencia Creek, removal of asphalt and provision of passive recreation facilities within the proposed riparian setback areas, removal of existing outfalls and construction of two drainage outfalls to Coyote Creek and a drainage outfall to Upper Penitencia Creek, and other miscellaneous construction activities associated with the proposed project will require work within or adjacent to Upper Penitencia Creek. Construction within or adjacent to the creeks can result in the short-term degradation of the water quality, due to erosion and/or sedimentation. **[Significant Impact]**

RETURN TO TABLE OF CONTENTS

LIMIT OF FLOOD CONTOL PROJECT

FIGURE 23

4.8.4 Mitigation and Avoidance Measures for Hydrology and Water Quality Impacts

4.8.4.1 Floodplain Mitigation Measures

If construction of part or the entire proposed project precedes completion of the USACE flood control project for Upper Penitencia Creek, the following measures are included in the project and will reduce floodplain impacts to a less than significant level:

MM 4.8-1 In conformance with FEMA requirements and the City of San José Flood Hazard Ordinance, the finished floor of all buildings within the floodplain shall be elevated to or above the 100-year flood elevation and residential structures will not include below grade parking.

MM 4.8-2 The project shall be designed to allow for sheetflow through the site (e.g., east-west streets, open space areas, and surface parking areas).

MM 4.8-3 Prior to obtaining a building permit, the project shall obtain a FEMA letter of map revision (LOMR) to define the new (post-construction) flood plain areas and flood elevations. If there is no LOMR, the development would be required to meet flood plain management requirements based on the existing map and the property owners would be required to buy flood insurance on the buildings. The majority of the site is in AH zones, which is based on ponded water on the site. North of Berryessa, the flood elevation is 79 ft NGVD. South of Berryessa, the flood elevation is 79 ft NGVD. The buildings would need to be raised, with finished floors above the flood elevation. In some areas this could be over three feet or more of fill.

4.8.4.2 Construction Phase Mitigation Measures

MM 4.8-4 The following mitigation measures, based on RWQCB Best Management Practices and City of San José requirements, are included in the proposed project to ensure compliance with NPDES permit requirements to reduce construction related water quality impacts:

- During construction, burlap bags filled with drain rock will be installed around storm drains to route sediment and other debris away from the drains.
- During construction, earthmoving or other dust-producing activities will be suspended during periods of high winds.
- During construction, all exposed or disturbed soil surfaces will be watered at least twice daily to control dust as necessary.
- During construction, stockpiles of soil or other materials that can be blown by the wind will be watered or covered.
- During construction, all trucks hauling soil, sand, and other loose materials will be covered and/or all trucks will be required to maintain at least two feet of freeboard.
- During construction, all paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites will be swept daily (with water sweepers).
- During construction, vegetation in disturbed areas will quickly be replanted.

MM 4.8-5 Prior to construction grading for the proposed land uses, the applicant will file a "Notice of Intent" (NOI) to comply with the General Permit administered by the RWQCB and will prepare a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP will describe measures included in the project to minimize and control construction and post-construction runoff, including the following:

- Preclude non-stormwater discharges to the stormwater system.
- Implement effective, site-specific Best Management Practices for erosion and sediment control during the construction and post-construction periods.
- Cover soil, equipment, and supplies that could contribute non-visible pollution prior to rainfall events or perform monitoring of runoff.
- Perform monitoring of discharges to the stormwater system.

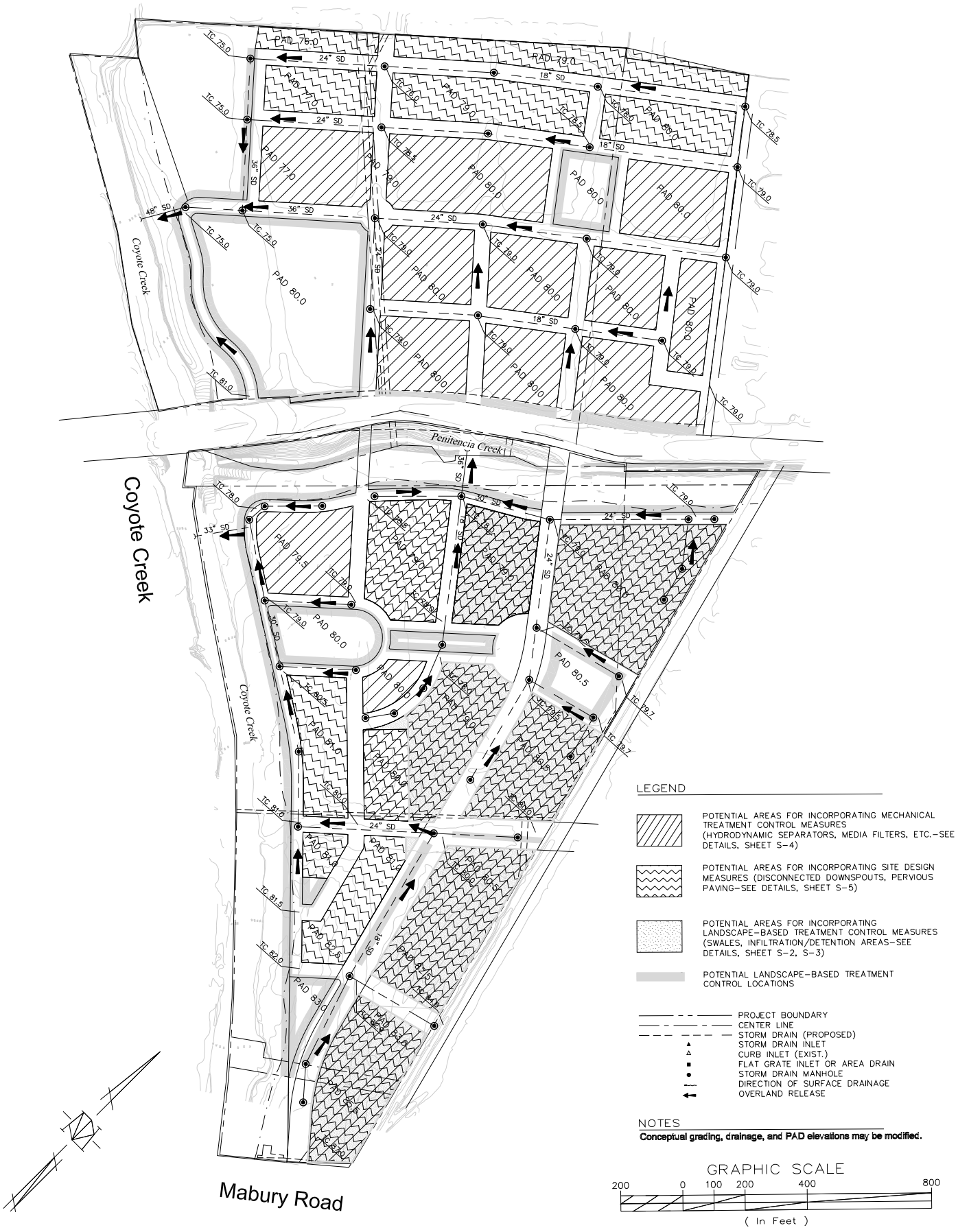
MM 4.8-6 The developer will submit a copy of the draft SWPPP to the City of San José for review and approval prior to construction of the project site. The certified SWPPP will be posted at the site and will be updated to reflect current site conditions.

Post-construction Mitigation Measures

MM 4.8-7 At the PD Permit stage, stormwater control plan shall be prepared by the applicant and submitted to the Transportation and Development Services division of the City of San José Department of Public Works for review and approval, the plan will identify and include site design measures, post-construction structural controls, and BMPs for reducing the contamination in storm water runoff as permanent features of the project. A conceptual stormwater control plan is shown on Figure 24. A sufficient number of post-construction treatment measures would be incorporated into the project in compliance with provision C.3 of the City of San José's NPDES permit and all other applicable local, state, and federal requirements. Post-construction BMPs and design features could include, but are not limited to, the following:[30]

- Infiltration basins – shallow impoundments designed to collect and infiltrate storm water into subsurface soils.
- Infiltration trenches – long, narrow trenches filled with permeable materials designed to collect and infiltrate storm water into subsurface soils.
- Permeable Pavements – permeable hardscape that allows storm water to pass through and infiltrate subsurface soils.
- Vegetated Filter Strips – linear strips of vegetated surface designed to treat surface sheet flow from adjacent surfaces.
- Vegetated Swales – shallow, open channels with vegetated sides and bottom designed to collect, slow, and treat storm water as it is conveyed to downstream discharge point.
- Flow-through Planter Boxes – structures designed to intercept rainfall and slowly drain it through filter media and out of planter.

[30] A comprehensive listing of such measures is contained in Start at the Source: Design Guidance Manual for Stormwater Quality Protection, Bay Area Stormwater Management Association, 1999. A copy of this report is available for review at San José City Hall, 200 East Santa Clara Street, San José, and is incorporated herein by this reference.



CONCEPTUAL STORMWATER CONTROL PLAN FIGURE 24

- Hydromodification Separators – flow through structures with a settling or separation unit that removes sediments and other pollutants.
- Media Filtration Devices – two chamber system including a pretreatment settling basin and a filter bed.
- Green Roofs – vegetated roof systems that retain and filter storm water prior to drainage off building rooftops.

MM 4.8-9 The final design of all BMPs, including but not limited to locations, sizes, depths, infiltration rates, and side slopes, shall require review by the City and approval by the Director of Planning, Building & Code Enforcement, prior to issuance of a Building Permit. This will ensure that the final design not only meets the requirements of City Council Policies 6-29 and 8-14, but also addresses related issues such as groundwater protection, dual use, safety, visual and aesthetic considerations, vector control, the capacity of receiving pipelines, and provisions for emergency release of water. The project applicant shall defer to the California Stormwater Quality Association's Stormwater Best Management Practice Handbook for New Development and Redevelopment (January 2003) for the design and sizing of extended detention basins. Basin depths should optimally range from two to five feet with side slopes of 4:1 (horizontal:vertical) or flatter for dual park use purposes.

MM 4.8-10 Maintenance techniques listed in Landscape Maintenance Techniques for Pest Reduction (prepared by the Santa Clara Valley Urban Runoff Pollution Prevention Program) shall be utilized. This will minimize the amount of pesticides that will be contained in stormwater runoff.

MM 4.8-11 To ensure all stormwater BMPs are maintained for the life of the development, a maintenance and monitoring plan shall be developed at the PD Permit stage, to the satisfaction of the Director of Planning, Building & Code Enforcement. The maintenance and monitoring plan shall be implemented to ensure that all stormwater treatment BMPs will be permanently maintained by the Homeowner Association(s), or equivalent for rental housing or commercial uses, for the life of the development, to the satisfaction of the Director of Planning, Building & Code Enforcement.

MM 4.8-7 The following measures, based on RWQCB Best Management Practices and City requirements, are included in the proposed project to ensure compliance with NPDES permit requirements to reduce post-construction water quality impacts:

- When the construction phase is complete, a Notice of Termination (NOT) for the General Permit for Construction will be filed with the RWQCB and the City of San José. The NOT will document that all elements of the SWPPP are executed, construction materials and waste area properly disposed, and a post-construction stormwater control plan is in place as described in the SWPPP for the project site.

- All post-construction treatment control measures (TCMs) will be installed, operated, and maintained by qualified personnel. On-site inlets will be stenciled per City requirements and cleaned out a minimum of once per year, prior to the wet season.

- The property owner/site manager will keep a maintenance and inspection schedule and record to ensure that the TCMs continue to operate effectively for the life of the project. Copies of the schedule and record shall be provided to the City upon request and shall be available for inspection on-site at all times.

- All post-construction TCMs will be hydraulically sized pursuant to City Policy 6-29.

4.8.5 Conclusions regarding Hydrology and Water Quality Impacts

With implementation of the mitigation measures described above, the proposed project will not result in significant hydrology or water quality impacts. Because existing conditions on the project site contribute a large volume of polluted runoff to receiving waters, the project could improve water quality. **[Less than Significant Impact with Mitigation]**

4.9 HAZARDS AND HAZARDOUS MATERIALS

This discussion is based on site-specific Phase I and Phase II environmental site assessments prepared by *Lowney Associates* in September 2005 and March 2006, respectively. The assessments are included in Appendix G of this EIR. A vicinity hazardous material user survey of the project area was completed by *Belinda P. Blackie* in August 2006 and a screening evaluation was completed by *Integrated Engineering Services* in October 2006, which was based on hazardous material modeling completed by *Toxichem Management Systems, Inc.* in September 2006. These reports are included in Appendix G in this EIR.

4.9.1 Introduction and Regulatory Framework

Hazardous materials encompass a wide range of substances, some of which are naturally-occurring and some of which are man-made. Examples include pesticides, herbicides, petroleum products, metals (e.g., lead, mercury, arsenic), asbestos, and chemical compounds used in various manufacturing processes. Determining if such substances are present on or near project sites is important because exposure to hazardous materials can result in adverse health effects on humans, as well as harm to plant and wildlife ecology.

Due to the fact that these substances have properties that are toxic to humans and/or the ecosystem, there are multiple regulatory programs in place that are designed to minimize the chance for unintended releases and/or exposures to occur. Other programs identify remediation requirements at sites where contamination has occurred. Table 32 summarizes many of these regulations; for more details on the regulations and the legislation on which they are based, refer to Appendix G.

In addition to the above regulations, various General Plan policies have been adopted for the purpose of avoiding or mitigating hazardous materials impacts resulting from planned development within the City. (See also **Section 3. Consistency with Adopted Plans**) Future development addressed by this EIR would be subject to the hazardous materials policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- *Hazardous Materials Policy #1*: Require Proper Storage and Disposal of Hazardous Materials
- *Hazardous Materials Policy #3*: Evaluate Soil and Groundwater Contamination When Considering Proposals for New Development
- *Fire Hazards Policy #6*: Development should Provide for Adequate Emergency Access and Emergency Evacuation Routes

4.9.2 Existing Conditions

The project site was evaluated for the purpose of determining whether any hazardous materials are present or likely to be present. The evaluations that were undertaken included the following:

- a review of federal, state, and local agency databases and files to identify nearby sites that have reported the generation, use, storage, and/or release of hazardous materials;[31]
- a review of any previous environmental investigations for the project site;

[31]The regulation of hazardous materials involves all levels of government, including the U.S. Environmental Protection Agency, the California Department of Toxic Substances Control, the Regional Water Quality Control Board, and the San José Fire Department. These agencies maintain databases and files for the purpose of tracking the manufacture, transport, use, storage, and disposal of these substances. For details, refer to Appendix G.

- a review of the historical uses of the project site and surrounding areas;
- an inspection of the project site and adjacent sites;
- collection and laboratory analyses of soil samples from the project site[32];
- a survey of hazardous material use and storage in the project area; and
- a screening of hazardous material use in the project area.

Table 32
Regulation of Hazardous Materials

Agency	Responsibilities
U.S. Environmental Protection Agency (EPA)	Oversees Superfund sites; evaluates remediation technologies; develops standards for hazmat disposal & cleanup of contamination; implements Clean Air & Clean Water Acts.
U.S. Department of Transportation (DOT)	Regulates and oversees the transportation of hazardous materials.
U.S. Occupational Safety & Health Administration (OSHA)	Implements federal regulations and develops programs & procedures regarding the handling of hazmat for the protection of workers.
CA Department of Toxic Substances Control (DTSC)	Authorized by EPA to implement & enforce various federal hazmat laws & regulations; implements state hazmat regulations; oversees remediation of contamination at various sites.
CA Occupational Safety & Health (Cal-OSHA)	Implements state regulations and develops programs & procedures regarding the handling of hazmat for the protection of workers.
CA Air Resources Board/Bay Area Air Quality Management District (BAAQMD)	Regulates emissions of toxic air contaminants & requires information regarding the risk of such emissions to be available to the public.
CA Water Resources Control Board/Regional Water Quality Control Board (RWQCB)	Regulates the discharge of hazmat to surface and ground waters; oversees remediation of contamination at various sites.
Santa Clara County Department of Environmental Health (SCCDEH)	Oversees & enforces state/local regulations pertaining to hazardous waste generators and risk management programs, including the California Accidental Release Program.
City of San José Fire Department (SJFD)	Implements City's Toxic Gas and Hazardous Material Storage Ordinances; requires businesses that use or store hazmat to prepare a management plan; regulates installation & removal of above- and below-ground storage tanks; reviews plans for compliance with the Uniform Fire and the Flammable & Combustible Liquids Codes.

[32] Analytical results of soil and ground water samples were compared to the Regional Water Quality Control Board's (RWQCB) Environmental Screening Level (ESL) concentrations in a residential land use setting. ESLs are considered conservative. As stated by the RWQCB, the ESLs are not regulatory "cleanup standard". The presence of a chemical at a concentration exceeding an ESL does not necessarily indicate that adverse impacts to human health or the environment are occurring; exceeding ESLs indicates that the potential for impacts may exist and that additional evaluation may be needed. Due to the proposed residential development of the site, selected analytical results were also compared to the residential California Human Health Screening Levels (CHHSLs). The CHHSLs were developed to protect human health and are considered conservative. The presence of a chemical at a concentration above a CHHSL does not necessarily indicate that adverse impacts to human health are occurring; exceeding a CHHSL indicates that the potential for impacts may exist and that additional evaluation may be needed. Ground water analytical results were also compared to the California Drinking Water Maximum Contaminant Levels (MCLs).

Flea Market Hazardous Material Use and Storage

Hazardous material use and storage on the project site is mostly confined to the Flea Market corporate yard, which includes such uses as a maintenance shop, garbage storage area, gardeners shop, paint spray booth, and hazardous materials storage shed. The corporate yard is located south of Berryessa at the south end of the Flea Market operations area (refer to Figure 5). Existing hazardous materials use and storage in the corporate yard area involves moderate quantities of automotive/engine repair and maintenance-related chemicals (e.g., oil, solvents, gasoline, and diesel) and painting/printing-related chemicals (e.g., paints, lacquers, stains, inks, and thinners). Chemical use was observed primarily to occur on concrete-paved surfaces. Visual indications of a significant release of chemicals in the corporate yard area were not observed.

Based on review of agency documents (i.e., SJFD and SCCEHD), historic chemical use by the Flea Market involved similar quantities of the same types of chemicals currently used and stored on the project site, with the addition of small quantities of insecticides and herbicides and larger volumes of gasoline, diesel, and aviation fuel that were stored on-site in a cluster of six underground storage tanks (USTs) and one above ground storage tank (AST). SJFD and SCCEHD documents indicated on-going lack of appropriate storage/secondary containment for some chemicals, in addition to minor chronic violations.

Soil and Groundwater Contamination

Residential screening levels are concentrations of chemicals of concern below which the risk to human health is not considered significant.

To evaluate soil quality and the possibility of soil and/or ground water contamination in the shop/maintenance/chemical storage areas located at the corporate yard, soil and groundwater samples were collected and analyzed for petroleum hydrocarbons, organochlorine pesticides, pesticide-related metals (i.e., lead, mercury, and arsenic), herbicides, volatile organic compounds (VOCs), and metals (e.g., chromium, cobalt, thallium, lead, nickel, and silver).

Concentrations of petroleum hydrocarbons, chromium, cobalt, thallium, lead, and arsenic were detected above residential screening levels in one or more soil samples, and the concentration of nickel detected in a groundwater sample exceeded residential screening levels. The concentration of nickel in the groundwater sample did not, however, exceed California Drinking Water Maximum Contaminant Levels.

Because the laboratory reporting limit for silver was above the residential screening limit, it is possible that concentrations of silver were present above residential screening limits in one or more samples. VOCs (1,2,4-trimethylbenzene and 1,2,5-trimethylbenzene) were detected; however, there are no screening levels established for these constituents. Because VOCs were not detected in shallow soil samples, it does not appear that VOC contamination is widespread.

Historic Fuel Storage Tanks

The Flea Market historically maintained several underground storage tanks (USTs), including a cluster of five gasoline/diesel USTs, a 15,000 gallon gasoline UST, and one aviation fuel above ground storage tank (AST) on the project site. The tanks were removed and soil and ground water samples were collected during the removal; the samples collected showed that residual contamination

at low concentrations remained. The SCVWD issued case closure letters for the site, stating that residual contamination existed at the site, but at concentrations below regulatory agency concerns for the then-current site use. The SCVWD stated that no further action related to the petroleum release(s) was required. The Regional Water Quality Control Board (RWQCB) subsequently issued a letter stating that, based on continuing ground water monitoring following the SCVWD case closure, MTBE was determined to not have impacted the site and no further action related to MTBE monitoring was required. According to SCVWD records, four monitoring wells were installed in the area of the former USTs, but only two were properly abandoned.

Although the site was granted case closure for the UST releases, it is possible that soil and ground water in the vicinity of the former tanks still have some amount of contamination. The analytical results of soil and ground water samples from the tank area did not find significant contamination from the fuel tanks.

Existing UST

One 8,000-gallon split gasoline/diesel UST exists in the corporate yard on the project site. To evaluate soil and ground water quality for fuel released from this UST, samples were collected and analyzed. No evidence of a substantial release from the existing on-site UST was found.

Hydraulic Lifts

Two subgrade hydraulic lifts were observed at the corporate yard in the engine repair area. Hydraulic fluid leaks can occur from various parts on the lifts, including the pistons, reservoirs, and piping. Although hydraulic fluid is typically not highly toxic or mobile in the soil, some hydraulic fluids contain polychlorinated biphenyls (PCBs).

Asbestos

Buildings constructed prior to 1980, including some of the buildings on the project site, may contain, asbestos-containing materials (ACMs). An inadvertent release of asbestos from an on-site restaurant was documented in 1993, indicating that ACMs are present in on-site buildings.

Lead-Based Paint

In 1978, the Consumer Product Safety Commission banned the use of lead as an additive in paint. Based on the age of the on-site buildings, lead-based paint may be present.

Hazardous Material Contamination from Historic Land Uses on the Project Site

Historic uses on the project site included agriculture and a feed lot/meat packing plant. During the late nineteenth century into the early twentieth century, the project site was mostly used for agriculture. From 1939 to 1952, a feed lot/meat packing plant occupied the project site south of Berryessa that is currently developed with the Flea Market operations.

Feed Lot/Meat Packing Plant

No detailed information concerning the operations of the feed lot/meat packing plant was found. Random sampling of soil and groundwater near the location of the plant revealed low concentrations

of petroleum hydrocarbons in shallow soils, low to moderate concentrations of petroleum hydrocarbons in subsurface soils, and petroleum hydrocarbons concentrations in the ground water beneath this area. Concentrations of metals detected in soil and ground water samples collected near the former feed lot/meat packing facility appear to be within typical site background concentrations. The concentrations of petroleum hydrocarbons and metals detected in the soil and groundwater samples are not a significant risk to human health or the environment.

Agricultural Pesticides and Metals

Agricultural activities on the project site included the use of organochlorine pesticides that are now banned, such as DDT and dieldrin. In order to determine if past agricultural activities substantially contaminated the project site, soil on the project site was randomly sampled and then analyzed. Total DDT (i.e., sum of DDT, DDE and DDE) exceeded the residential screening levels in only one of 19 samples analyzed. Four of 19 samples exceeded the residential screening levels for dieldrin. Arsenic concentrations were mostly above the residential screening levels, but appeared to be within typical arsenic background concentrations in Bay Area soils. Concentrations of other organochlorine pesticides and pesticide-related metals were below their respective residential screening levels.

Water Supply Wells

According to the current property owner, at least four wells were historically present at different on-site locations and were appropriately closed when discovered during the development of the site with the Flea Market and associated parking lots.

Hazardous Materials Use and Storage in the Project Area

A survey of hazardous material users in the project area was completed for the project site, which included a visual survey of hazardous material use and storage within approximately one-half mile of the project site and the review of available hazardous materials files at the San José Fire Department (SJFD) for the facilities identified during the visual survey. A regulatory agency database report to identify government agency-recorded facilities having significant hazardous substance usage or having significant reported air emissions or hazardous substance releases and the list of registered hazardous gas facilities within a one-mile radius of the project site provided by the SJFD was also reviewed during the survey of hazardous material users in the project area.

The following information reflects only what is publicly available in existing files or can be observed from public streets. It may not reflect current conditions on any or all of the referenced sites. In addition, it is acknowledged that hazardous substances used on industrial sites in the area are likely to change over time.

The survey results for hazardous material users in the project area were reviewed by a chemical engineer. Based on the types and quantities of hazardous materials present at these facilities, the chemical engineer determined all but nine of the facilities did not pose a significant off-site hazard to uses proposed on the project site. A screening and off-site consequence analysis was completed for these nine facilities. The results of the screening and off-site analysis was then evaluated to determine if an accidental release at these facilities could pose a hazard at the project site using the following Emergency Response Planning Guideline (ERPG) levels and National Institute for Occupational Safety and Health (NIOSH) standards:

EPGR-2: The maximum airborne concentration (of a hazardous substance) below which it is believed that nearly all individuals could be exposed for up to one hour without experiencing or developing irreversible or serious health effects or symptoms which could impair one's ability to take protective action.

EPGR-3: The maximum airborne concentration (of a hazardous substance) below which it is believed that nearly all individuals could be exposed for up to one hour without experiencing or developing life threatening health effects.

Immediately Dangerous to Life or Health (IDLH): The maximum concentration established by NIOSH determined to pose an immediate threat to life or health, or conditions that pose an immediate threat of severe exposure to contaminants, which are likely to have adverse cumulative or delayed effects on health.

Using these standards, it was determined that the following facilities have the types and quantities of hazardous materials that could pose an off-site hazard at the project site in the event of an accidental release:

- **1070 Commercial Street Johnson Matthey, Inc.**
  This facility may pose an off-site hazard greater than ERPG-2 levels for hydrogen fluoride at the project site and may also pose an explosion hazard due to molten salt solutions used in their manufacturing processes.

- **1021 Berryessa Road Clean Harbors San José, LLC**
  This facility poses an off-site hazard greater than ERPG-2 and IDLH concentrations for nitric acid at the project site.

- **1610 Berryessa Road LSA-Cleanpart LLC**
  This facility poses an off-site hazard greater than ERPG-3 and IDLH concentrations for nitric acid, an off-site hazard greater than ERPG-2 levels for hydrogen fluoride, and may also pose a hazard due to a release of sulfuric acid at the project site.

- **1893 Dobbin Drive New Age Metal Finishing San José, LLC**
  This facility poses an off-site hazard greater than ERPG-2 levels for hydrogen chloride and may also pose an off-site hazard due a release of sulfuric or chromic acid at the project site.

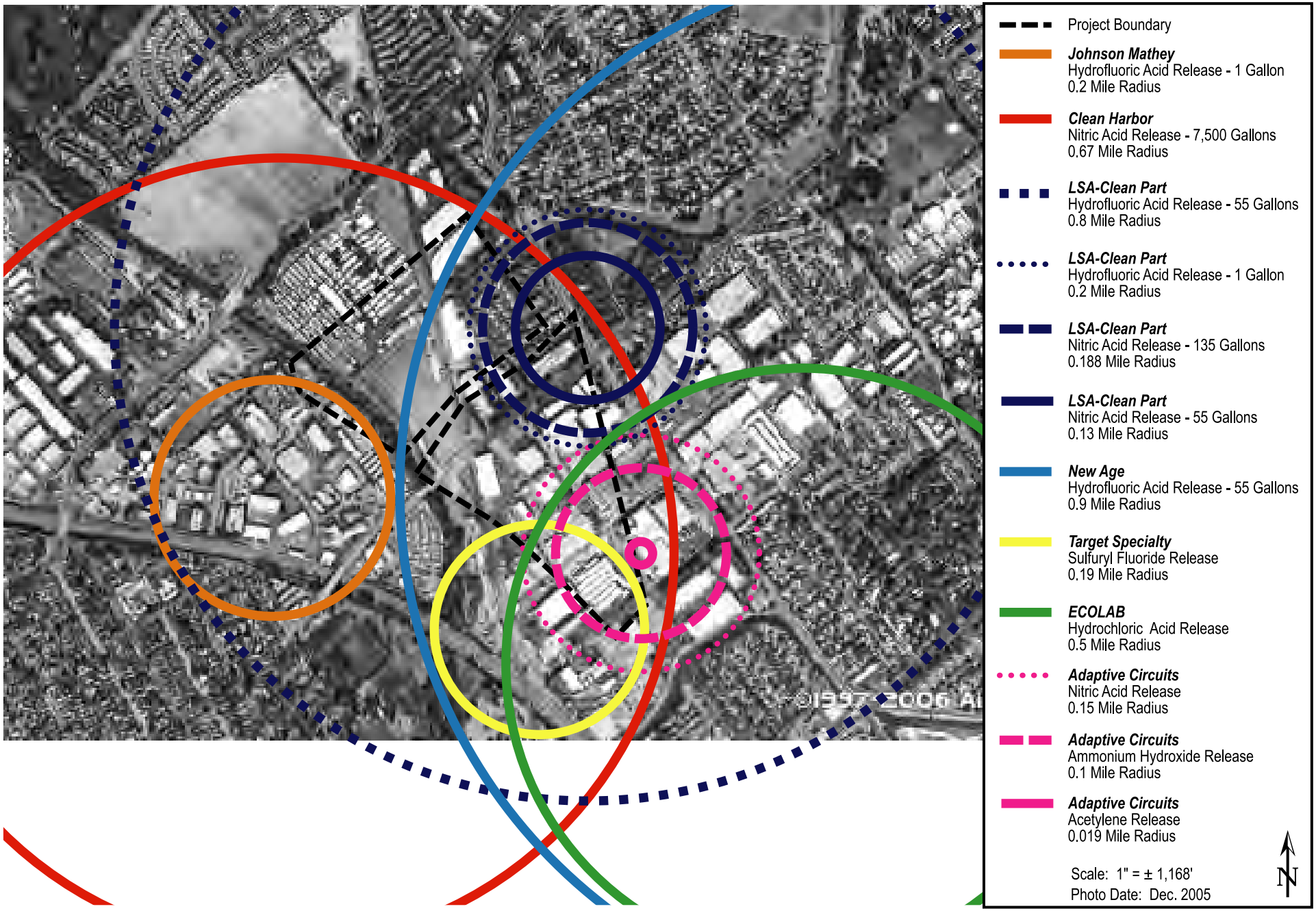
- **475 Eggo Way Kellogg Company**
  This facility poses an off-site hazard for ammonia at the project site.

- **1155 Mabury Road Target Specialty Products**
  This facility may pose an off-site hazard for sulfuryl fluoride at the project site.

- **1565 Mabury Road Adaptive Circuits**
  This facility poses an off-site hazard greater than ERPG-2 concentrations for nitric acid and ammonia hydroxide at the project site and an acetylene explosion hazard.

- **640 Lenfest Road Ecolab, Inc.**
  This facility poses an off-site hazard greater than ERPG-2 concentrations for hydrogen chloride at the project site.

RETURN TO TABLE OF CONTENTS



WORST-CASE ACCIDENTAL RELEASE SCENARIO IMPACT AREAS

FIGURE 25

The areas of the site that could be affected by the accidental release scenarios listed above are shown on Figure 25.

Chevron Pipeline

As discussed in **Section 4.2, Land Use**, the Chevron Pipeline Company owns a right-of-way on the project site south of Berryessa. The location of the right-of-way is shown on Figure 26. The Chevron Pipeline Company right-of-way contains an eight-inch buried steel pipeline. The pipeline transports refined petroleum products such as gasoline, diesel, and jet fuel. The pipeline is not a high-pressure gas line. The California Pipeline Safety Act requires that the pipeline right-of-way must be maintained clear of obstructions (e.g., no structures or vegetation), so that aerial observation of the pipeline right-of-way can be completed.

Existing High-Pressure Natural Gas Lines

There is a two-inch plastic high-pressure natural gas line located on the project site north of Berryessa, a two- and a four-inch steel high-pressure gas line within the Berryessa Road right-of-way, and 10- and 12-inch steel high-pressure gas lines within the Mabury Road right-of-way. The two-inch plastic high-pressure gas line located on the project site north of Berryessa connects the two-inch steel high-pressure gas line in Berryessa Road to the residential development north of the project site. The location of the two-inch plastic high-pressure gas line located on the project site north of Berryessa is shown on Figure 26.

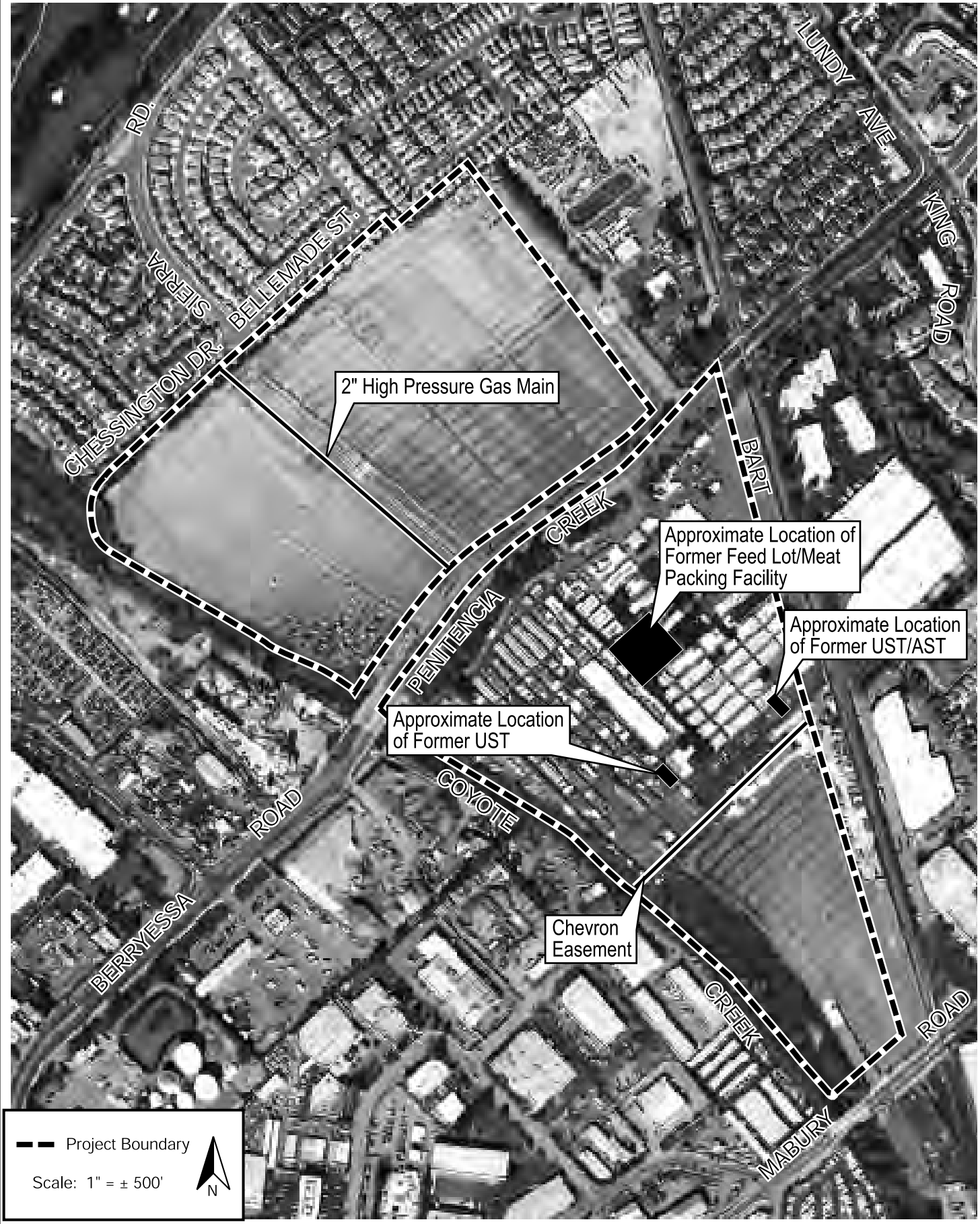
4.9.3 Hazards and Hazardous Materials Impacts

Thresholds of Significance

For the purposes of this EIR, a hazardous materials impact is considered significant if the project would:

- create a significant hazard to the public or the environment as a result of the routine transport, use or disposal of hazardous materials; or
- create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; or
- emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school; or
- create a significant hazard to the public or the environment from existing hazardous materials contamination by exposing future occupants or users of the site to contamination in excess of soil and ground water cleanup goals developed for the site; or
- (for a project located within an airport land use plan) result in a safety hazard for people residing or working in the project area; or
- (for a project within the vicinity of a private airstrip) result in a safety hazard for people residing or working in the project area; or
- impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation route; or
- expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

RETURN TO TABLE OF CONTENTS



APPROXIMATE LOCATIONS OF ON-SITE HAZARDS/HAZARDOUS MATERIAL CONCERNS

FIGURE 26

Flea Market Hazardous Material Use and Storage

The project site has a long history of agricultural and commercial uses. Soil and groundwater sampling and analysis completed on the project site indicate previous and existing uses on the project site have impacted soil and/or groundwater on and below the project site. The discussion below summarizes what is known about hazardous materials contamination on the project site, and evaluates the possibility that these conditions could impact an on-site residential population.

Corporate Yard Soil and Groundwater Contamination

The concentration of lead in a shallow soil sample collected from within the boundary of the existing corporate yard exceeded residential screening levels. Depending on the extent of the contamination, the proposed project may expose future residents of the site to hazardous levels of lead-contaminated soil. **[Significant Impact]**

Volatile organic compounds (VOCs) were detected in corporate yard soil samples. The project, therefore, could expose future residents or users of the site to hazardous levels of VOCs. **[Significant Impact]**

Hydraulic Lifts

There are two subgrade hydraulic lifts in the engine repair area of the corporate yard. Hydraulic lifts are notorious for leaking. Although hydraulic fluid is typically not highly toxic or mobile in the soil, some hydraulic fluids contain polychlorinated biphenyls (PCBs). If the lifts are indeed leaking, future residents or users of the site could be exposed to hazardous levels of PCBs. **[Significant Impact]**

Asbestos

ACMs are present in on-site buildings. Demolition of on-site structures could expose construction workers and the general public to airborne asbestos dust. **[Significant Impact]**

Lead-Based Paint

Lead-based paint may be present in existing buildings. Demolition of on-site structures could expose future construction workers and the general public to airborne lead dust. **[Significant Impact]**

Hazardous Material Contamination from Historic Land Uses on the Project Site

Due to a long history of various historic uses on the project site, buried structures, burn pits, debris, or contaminated soil may be encountered during site development activities, which could create a significant hazard to construction workers, the general public, or the environment. **[Significant Impact]**

Feed Lot/Meat Packing Plant and Historic Fuel Storage Tanks

Although on-site sampling found that concentrations of petroleum hydrocarbons in the soil and groundwater samples are not a significant risk to human health or the environment, some soils on the project site in the vicinity of the former feed lot/meat packing plant may be contaminated with higher

concentrations of petroleum hydrocarbons than those detected in samples. Therefore, the proposed project may expose future residents or users of the site to petroleum hydrocarbons in excess of soil and ground water cleanup goals. **[Significant Impact]**

Agricultural Pesticides and Metals

Soils on the project site were sampled and analyzed for agricultural pesticides and metals. One of 19 samples exceeded the total DDT (i.e., sum of DDT, DDE and DDD) residential screening levels; this sample also exceeded the California hazardous waste standard. Because the concentrations of total DDT detected in on-site soils were above residential screening levels they do not appear to pose a significant risk to human health in a residential scenario.

Four of 19 samples exceeded the residential screening levels for dieldrin, but were below the California hazardous waste standard. The concentrations of dieldrin detected in on-site soils do not pose a significant risk to human health in a residential scenario.

Arsenic concentrations were mostly above the residential screening levels, but appeared to be within typical arsenic background concentrations in Bay Area soils. Other organochlorine pesticides and pesticide-related metals were below their respective residential screening levels.

Lead concentrations are elevated and exceed residential screening levels across the project site. The project, therefore, could expose future residents or users of the site to hazardous levels of lead.

The testing completed did not find very high concentrations of agricultural chemicals in the 19 samples. With the existence of pesticides above residential screening levels and the possible extent of pesticide contamination over the 120-acre project site (i.e., most of the site), however, the possibility remains that future residents of the proposed project could be exposed to organochlorine pesticides and pesticide-related metals in excess of soil cleanup goals. **[Significant Impact]**

Water Supply Wells

Due to the long history of agricultural uses on the project site, improperly closed wells could still remain on the project site. Existing or improperly abandoned wells can be a conduit for hazardous materials to contaminate groundwater. **[Significant Impact]**

Sources of Risk Due to Accidental Chemical Releases

Chemical releases can result from multiple situations, including tank rupture, equipment failure, accident, mixing of incompatible chemicals, fire, earthquake, and flood. For the purpose of this study, possible maximum impact scenarios for chemical releases were evaluated per the City of San José Fire Department Draft Guideline for Preparation of Risk Assessments. This release scenario modeling does not consider any existing engineering controls that may be in place at the facilities that likely could reduce the severity of a worst-case release. The City of San José has rigorous requirements associated with the use and storage of hazardous materials; while it is assumed that the facilities comply with relevant laws and regulations, the specific of controls in place are not known.

It is highly unlikely that all of these releases would ever occur simultaneously, even in a disaster such as an earthquake. It is not possible, however, to predict which ones might occur and when. Even some accidents due to human error might result in individual releases. These chemicals also

represent a snapshot in time of current conditions. Businesses move and change their practices, resulting in changes in chemical uses over time. By the time this project is fully constructed, the chemical inventory used in the vicinity will have changed in ways that cannot be predicted. It is also likely that this modeling overstates the impact because the publicly available files lack details about how the materials are currently contained and managed.

Based on review of the most recently available hazardous materials inventories and modeling of the maximum impact release scenarios of those facilities in the project area with the types and quantities of hazardous materials that could pose a threat to occupants of the project site, it was determined that worst-case chemical releases at eight facilities in the project area could be life threatening to people on the project site. Less substantial releases than those modeled could also occur, resulting in no impacts to people on the project site, or less significant impacts than permanent injury or death. These smaller events have a greater likelihood of occurrence than the maximum impact scenario. **[Significant Impact]**

Chevron Pipeline

As discussed in **Section 4.2, Land Use**, the Chevron Pipeline Company right-of-way on the project site contains an eight-inch buried steel pipeline. The pipeline transports refined petroleum products such as gasoline, diesel, and jet fuel. The pipeline is not a high-pressure gas line and; therefore, it is not subject to the City of San Jose guidelines for development near high-pressure natural gas lines (see below). In conformance with the California Pipeline Safety Act, the project proposes to maintain the pipeline right-of-way clear of obstructions (e.g., no structures or vegetation), so that aerial observation of the pipeline right-of-way can be completed.

Impacts from Presence of High-Pressure Gas Lines

The City of San José has guidelines, entitled "Development Guidelines for Land in Proximity to High-Pressure Natural Gas Pipelines" (1986), that relate to development in proximity to high-pressure natural gas pipelines. These guidelines were developed after analysis and evaluation by the Department of Planning (now Planning, Building and Code Enforcement) and the Fire Department of the hazards and risks of locating new development near such gas pipelines. The guidelines state that only buildings that have a "low-density occupancy load" should be allowed within 250 feet of the edge of the pipeline right-of-way. Buildings assumed to have a low-density occupancy load are defined as single and multiple family dwellings, offices, industrial buildings, hotels/motels, parking garages and retail stores which are not a part of a shopping mall. No building of more than two stories should be allowed within 250 feet of the edge of the right-of-way.

Construction of buildings that do not meet the definition of low-density occupancy load, or those proposed to be greater than two stories in height may be allowed within the 250 foot setback by working with the City Fire Department to identify and mitigate the possible risks of the development. This would involve the inclusion of design measures, such as reinforced walls and blast-proof glass, in the structures' design.

Due to their small size, the two-inch plastic high-pressure gas line located on the project site north of Berryessa and the two- and four-inch steel high-pressure gas lines do not present a risk to the proposed project.

However, the 10- and 12-inch steel high-pressure gas lines within the Mabury Road right-of-way do present a hazard to the proposed project. The proposed project would allow high-density residential structures more than two stories in height within 250 feet of high-pressure gas lines located within the right-of-way for Mabury Road. The project could, therefore, result in safety hazards associated with the high-pressure gas lines. **[Significant Impact]**

4.9.4 Mitigation Measures for Hazards and Hazardous Material Impacts

The following measures are included in the proposed project to reduce on-site hazards and hazardous material impacts to a less than significant level:

MM 4.9-1 Prior to the issuance of any Planned Development Permits for the project site, the project proponent will enter into an agreement with either the California Regional Water Quality Control Board or the Department of Toxic Substances Control to provide regulatory oversight. A Remedial Action Work Plan and/or a Soil Management Plan shall be prepared and submitted to the agency for their approval to demonstrate that cleanup standards will be met for the residential redevelopment of the site. All measures identified in the Plan(s) shall be implemented during all phases of construction, as applicable.

MM 4.9-2 A site-specific health and safety plan (HSP) for construction workers shall be prepared. Contractors are responsible for the health and safety of their own employees and are required to have their own HSPs and Injury and Illness Prevention Plans (IIPPs). The HSPs shall be developed to provide general health and safety guidance such that field activities can be completed in a safe manner. Per Cal/OSHA requirements (California Code of Regulations, Title 8), each contractor working at this site shall prepare a health and safety plan that addresses the safety and health hazards of each phase of Site operations and includes the requirements and procedures for employee protection. The HSP shall provide standard operating procedures for personnel involved in activities that may expose them to chemical and physical hazards associated with the impacted soil that may be encountered at the site. The plan shall be kept on-site and each contractor is solely responsible for the health and safety of their own employees. Prior to commencing work on-site, project management and field staff shall be familiar with the contents of the HSP.

MM 4.9-3 If contaminated soil is encountered during site redevelopment activities, the contaminated area shall be secured such that no unauthorized personnel can access the area. All soil suspected to be contaminated shall be over-excavated and placed on top of and covered with visqueen by licensed hazardous substances removal contractors to reduce infiltration by rainwater and contamination of underlying soil. Sandbags or tires shall be placed on stockpiles to secure the visqueen. While remaining on-site, stockpiles shall be checked daily to verify that they are adequately covered. If this soil is required to be off-hauled from the site, appropriate sampling, as required by the disposal facility and oversight regulatory agency, shall be performed.

MM 4.9-4 The project shall implement all measures identified in **Section 4.4.4.1 Mitigation for Short-Term Construction Air Quality Impacts** of this EIR.

MM 4.9-5 The project shall implement all measures identified in Section **4.8.4.2 Construction Phase Mitigation Measures** of this EIR.

MM 4.9-6 The existing underground fuel storage tank shall be removed in accordance with the San José Fire Department procedures, prior to the issuance of a PD Permit that encompasses the portion of the property containing the UST.

MM 4.9-7 Any existing irrigation or other unused wells discovered during construction shall be closed in accordance with SCVWD procedures.

MM 4.9-8 Petroleum hydrocarbon contaminated soils shall be excavated and disposed at an appropriately licensed facility.

MM 4.9-9 The two subgrade hydraulic lifts in the corporate yard shall be appropriately removed, prior to site redevelopment. Following removal of the lifts, verification soil samples shall be collected to document soil quality, and remediation shall be completed to applicable regulatory standards, if necessary, to the satisfaction of the Director of Planning, Building, and Code Enforcement.

MM 4.9-10 Per National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines, an asbestos survey shall be completed and all potentially friable ACM shall be removed, prior to building demolition or renovation that may disturb the ACM.

MM 4.9-11 The requirements outlined by Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations (CCR) 1532.1 shall be followed during demolition activities; these requirements include employee training, employee air monitoring, and dust control. If lead based paint is peeling, flaking or blistered, it shall be removed prior to demolition and shall be managed and disposed as a separate waste stream. Any debris or soil containing lead paint or coating shall be disposed at landfills that are permitted to accept the waste being disposed.

Implementation of the following mitigation measures will reduce or avoid impacts associated with the high-pressure gas lines to a less than significant level:

MM 4.9-12 Proposed residential and commercial structures more than two stories in height to be located within 250 feet of nearby high-pressure gas lines shall include and incorporate appropriate design features (i.e., reinforced walls, blast-proof glass, etc.) to reduce safety impacts to the satisfaction of the City Fire Chief. Such features may include:

- Locating doors and windows such that they do not directly face the pipeline;
- Selecting thermally tempered glazing for doors and windows;
- Increasing the thickness of such glazing;
- Strengthening the framing around doors and windows;
- Increasing the structural integrity of the wall and roof systems by using a larger framing wood system; and
- Using reinforced concrete or masonry construction materials.

MM 4.9-13 The specific design features to be included in the structures shall be selected prior to issuance of PD permit(s) through consultation with an engineer retained by the project proponent with experience in identifying and analyzing a building's response to an explosive threat due to an accidental explosion occurring with gas discharge from high-pressure gas main. The measures to be incorporated into the structures shall be approved by the Director of Planning, Building, and Code Enforcement and the Fire Chief.

MM 4.9-14 Any proposed grading and excavation activities in the vicinity of the gas lines shall conform to PG&E's requirements.

The following measure could limit but would not reduce the impact of worst-case chemical releases in the project area to a less than significant level. This measure is not included in the proposed project.

MM 4.9-15 Shelter-in-Place and Evacuation Plans for residents and other users shall be prepared for the project site. These plans shall provide protocols and directions to follow in the event of an accidental release of hazardous materials on adjacent or nearby sites.

4.9.5 Conclusions regarding Hazards and Hazardous Materials Impacts

The mitigation measures identified above and proposed by the project would reduce all hazards and hazardous materials impacts to a less than significant level, except for the worst-case chemical release impact.

The measure identified above to limit but not reduce the impact of worst-case chemical releases in the project area to a less than significant level is not proposed by the project. There are no measures available to reduce this impact to a less than significant level. Worst-case chemical releases at one or more of the eight facilities in the project area could be life threatening to occupants of the proposed project. **[Significant Unavoidable Impact]**

4.10 VISUAL AND AESTHETICS

Introduction

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating visual and aesthetic impacts resulting from planned development within the City. (See also **Section 3. Consistency with Adopted Plans**) All future development addressed by this EIR would be subject to the visual and aesthetic policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- *Urban Design Policy #1*: Apply Strong Architectural & Site Design Controls on Development
- *Urban Design Policy #2*: Private Development should include Adequate Landscaped Areas
- *Urban Design Policy #7*: Designs should consider Security, Aesthetics and Public Safety
- *Urban Design Policy #24*: New Development should preserve Ordinance-sized and Other Significant Trees.

In addition to the policies of the San José General Plan, development addressed by this EIR would be required to comply with the following:

- San José Outdoor Lighting Policy (City Council Policy 4-3, as revised 6/20/00)
- San José Residential Design Guidelines
- San José Commercial Design Guidelines
- San José Industrial Design Guidelines

4.10.1 Existing Conditions

Visual/Aesthetic Conditions Surrounding the Project Site

The area surrounding the project site is a developed urban environment. The area is characterized by one- and two-story industrial buildings, large industrial outdoor activity areas, frequently including very large equipment structures and outdoor lighting, numerous single- and multi-family residential subdivisions, interspersed with commercial areas along major streets. Most of the buildings in the project area are one or two stories in height.

Visual/Aesthetic Conditions at the Project Site

The approximately 120-acre project site is occupied by the Flea Market and associated parking lots, including numerous one-story structures, small tented booths, an approximately 30 feet tall canopy, and large expanses of paved parking areas with no trees. As viewed from the surrounding uses, there are no features of the site that would be considered an important visual/aesthetic resource.

The project site and the surrounding area are flat, and as a result, the site is only visible from the immediate area. The riparian vegetation along Coyote Creek limits views of the project site from the west and the riparian vegetation along Upper Penitencia Creek limits views of the project site south of Berryessa from the north. During the winter months, however, the visual effect of the riparian corridor is diminished when the riparian vegetation along the creek loses its leaves.

There are no designated scenic corridors in the project area. Coyote and Upper Penitencia Creeks provide the only natural habitat in the project area. The creeks are located within a Trails and Pathways Corridor and are designated *Public Park/Open Space* in the General Plan.

4.10.2 Visual/Aesthetic Impacts

Thresholds of Significance

For the purposes of this EIR, a visual/aesthetic impact is considered significant if the project would:

- have a substantial adverse effect on a scenic vista; or
- substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway; or
- substantially degrade the existing visual character or quality of the site or surroundings; or
- create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Change in Visual Character

The proposed project will change the visual conditions of the project site. Because the site is large, its development with intense urban uses, including high density residential buildings up to 150 feet tall, will introduce a significant new visual element into the project area. Development proposed adjacent to the north property line, which is directly adjacent to existing single-family residences, will be single-family dwelling units similar in height and scale to the existing adjacent residences. The nearest residential development to the project site south of Berryessa is located approximately 270 feet east, beyond the railroad right-of-way and industrial uses. This design measure at the residential interface and the existing setback of other residential uses from the project site will reduce the visual effect of the proposed project.

The existing project site contains large expanses of paved parking with minimal landscaping and the Flea Market. Replacement of these urban uses with new development designed in conformance with the City's adopted Design Guidelines that is set back 100 feet from Coyote and Upper Penitencia Creeks would not substantially degrade the existing visual character of the site or its surroundings. **[Less than Significant Impact]**

Effect on Scenic Views

There are no designated scenic view corridors in the project area. Coyote and Upper Penitencia Creeks provide the only natural habitat in the project area. Existing development west of the project site is industrial. Therefore, the proposed construction of residential development up to 150 feet tall would not block substantial existing residential views of the scenic Diablo Range foothills and mountains to the east of the project site. **[Less than Significant Impact]**

Overall Light and Glare

The proposed project would include outdoor security night lighting along walkways, in parking areas, and in entrance areas, and would also include standard pole lighting within the public street system. In accordance with the City of San José Outdoor Lighting Policy, low-pressure sodium lighting would be required for most types of lighting fixtures in most locations on the project site and

the fixtures would be directed downward to avoid spillover onto adjacent areas. **[Less than Significant Impact]**

4.10.3 Conclusions regarding Visual and Aesthetic Impacts

Based on the existing developed urban environment of the project site and surrounding area, the location of industrial uses east, south, and west of the project site, the proposed development of single-family residential uses adjacent to the existing residences along the north boundary, and the development of the proposed project in conformance with City of San José Design Guidelines, the proposed project would not result in a significant visual or aesthetic impact. **[Less than Significant Impact]**

4.11 UTILITIES AND SERVICE SYSTEMS

Most of the discussion in the water supply subsection is based upon the Water Supply Assessment prepared for the proposed project by the *San José Water Company*. The assessment is included in Appendix H of this EIR.

Introduction

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating utility-related impacts resulting from planned development within the City. (See also **Section 3. Consistency with Adopted Plans**) All future development addressed by this EIR would be subject to the utility and service policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- *Level of Service Policy #2*: Capital and Facility Needs Generated by New Development should be Financed by New Development
- *Level of Service Policy #6*: Standard is Level of Service "D" for Sanitary Sewer Lines
- *Level of Service Policy #7*: Monitor and Regulate Growth so that Cumulative Sewage Treatment Demand can be Accommodated by the San José/Santa Clara Water Pollution Control Plant
- *Level of Service Policy #9*: Encourages use of Water Conservation Programs
- *Water Resources Policy #11*: Promotes use of Reclaimed Water
- *Urban Design Policy #7*: Undergrounding of Utility Lines serving New Development

In addition to the General Plan policies listed above, new development in San José must comply with programs that mandate the use of water-conserving features and appliances.

4.11.1 Existing Conditions

The project site and surrounding area is a developed urban environment and is currently served by existing utility and service systems.

Existing Sanitary Sewer/Wastewater Treatment System

The City's sanitary sewer/wastewater treatment system has two distinct components: 1) a network of sewer mains/pipes that conveys effluent from its source to the treatment plant, and 2) the water pollution control plant that treats the effluent, including a system of mains/pipes that transports a portion of the treated wastewater for non-potable uses (e.g., irrigation of landscaping, agricultural irrigation, dust suppression during construction, etc.).

Sanitary Sewer System

The City of San José has adopted a level of service (LOS) policy for sanitary sewer mains. The levels of service range from A to F, with LOS A defined as unrestricted flow and LOS F defined as being inadequate to convey existing sewer flow. To meet the City's guidelines, new developments must meet LOS D or better. LOS D is defined as restricted sewage flow during peak flow conditions.

Existing sewer lines directly serving the project site consist of the following: an 18-inch sanitary sewer line located within the project site north of Berryessa that flows north through the adjacent

residential neighborhood and the City of San José Municipal Golf Course, eventually connecting to the sanitary sewer line in Oakland Road. There are also two existing sanitary sewer lines in Berryessa Road that both connect to the existing 18-inch line on the project site. One is an 18-inch line in that serves development west of the project site and the other is a 10-inch line that serves development east of the project site.

San José/Santa Clara Water Pollution Control Plant

The San José/Santa Clara Water Pollution Control Plant (WPCP), which is located at the northerly end of San José, provides wastewater treatment for the Cities of San José, Santa Clara, and Milpitas, as well as five sanitary districts in Santa Clara County. The WPCP has existing capacity to treat 167 million gallons of effluent per day (mgd). Of this total amount, the capacity allocated to San José is roughly 107 mgd. In 1998, the WPCP was treating an average of 142 mgd (dry weather peak), of which 94 mgd was from San José. In 2000, the WPCP was treating an average of 135 mgd. In 2002 and 2004, the plant was treating an average of 118 mgd and 114 mgd, respectively. San José's contribution to the 114 mgd is approximately 72 mgd.[33] The decline in discharge from 142 mgd to 114 mgd can be attributed, at least in part, to a decline in manufacturing uses in Santa Clara County, a general decline in industrial activity, and continuing implementation of water conservation measures through new construction. Another part of the reduction in activity is due to the economic conditions that resulted in high vacancy rates in the industrial areas of Santa Clara County.

In addition to the treatment capacity of 167 mgd, the WPCP has an average dry weather effluent flow (ADWEF) discharge trigger of 120 mgd. The ADWEF is imposed by the Regional Water Quality Control Board, based upon concerns over the effects of freshwater discharge from the WPCP on the saltwater marsh habitat. The ADWEF is defined as the lowest average discharge for any three consecutive months between May and October. In response to the flow trigger, the WPCP implemented various strategies to reduce WPCP discharge including residential, commercial, and industrial water conservation programs, as well as a system that recycles some of the wastewater for non-potable uses. In 2005, the ADWEF was 100 mgd.

The delivery of recycled water occurs through the South Bay Water Recycling (SBWR) program. The SBWR system includes over 100 miles of pipes that convey recycled water to portions of San José, Santa Clara, and Milpitas. The SBWR program is currently recycling approximately 10-16 mgd of recycled water during the peak summer season to over 500 customers in the three cities.[34] The nearest SBWR connection to the project site is located less than one mile west of the project site on Berryessa Road, approximately 400 feet east of US 101.

Existing Water Supply System

Water service to the project site is provided by San José Water Company (SJWC). Existing water mains in the project area include a 17-inch line in Berryessa Road and a 25-inch line in Mabury Road.[35] Recycled water in San José is provided by South Bay Water Recycling. A recycled water supply connection is located less than one mile west of the project site in Berryessa Road, approximately 400 feet east of US 101.

[33] Annual Treatment Plant Capacity Reports. City of San José Environmental Services Department.
[34] City of San José Website (www.sanJoséca.gov/sbwr). 2005.
[35] Personal Communication. Vicki Larson. Technician. San José Water Company. October 27, 2006.

Existing Solid Waste Disposal System

Collection of residential waste and recycling occurs under exclusive franchise agreements between the City and these service providers: Norcal of San José, Green Waste Recovery, and Green Team. Commercial solid waste collection in the City of San José is provided by a number of non-exclusive service providers and the waste may be disposed of at any of the four privately-owned landfills in San José. According to the Source Reduction and Recycling Element of the General Plan prepared for the City of San José and the Countywide Integrated Waste Management Plan, there is sufficient landfill capacity for Santa Clara County's projected needs for at least 30 more years.

Recycling collection and processing services, including yard waste recycling, are provided to both single-family and multi-family residences by Norcal of San José, Green Team, and Green Waste Recovery, Inc. Recycling services are available to most businesses from private recyclers. The City of San José Environmental Services Department also offers information and assistance to businesses wishing to recycle, or to expand their recycling activities.

Existing Storm Drainage System

The project site is partially served by underground storm drain systems that discharge to both Coyote Creek and Upper Penitencia Creek.

Existing Electricity and Natural Gas Systems

The Pacific Gas & Electric Company (PG&E) is the utility that provides electricity and natural gas to the project site. Electricity is provided to the project site via a system of overhead and underground lines, while natural gas is provided to the project site via a system of underground pipelines.

4.11.2 Utilities and Services Impacts

Thresholds of Significance

For the purposes of this EIR, a utility and service impact is considered significant if the project would:

- exceed wastewater treatment requirements of the applicable Regional Water Quality Control
- Board;
- require or result in the construction of new/expanded water or wastewater treatment facilities,
- the construction of which could cause significant environmental effects;
- require or result in the construction of new stormwater or wastewater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;
- not have sufficient water supplies available to serve the project from existing entitlements and resources, and would require new or expanded entitlements;
- result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments;
- be served by a landfill without sufficient permitted capacity to accommodate the project's solid waste disposal needs; or
- be inconsistent with federal, state or local statutes and regulations related to solid waste.

Impacts on the Sanitary Sewer System

The proposed Planned Development Zoning District would allow for the development of up to 215,622 square feet of commercial and/or industrial buildings north of Berryessa, up to 150,000 square feet of commercial uses south of Berryessa, and a combined total of 2,818 residential units north and south of Berryessa. A maximum of 1,000 dwelling units would be constructed north of Berryessa and a maximum of 2,300 dwelling units would be constructed south of Berryessa, but in no circumstances would the site total exceed 2,818 dwelling units. Estimated peak flows from proposed development north and south of Berryessa Rd. are 0.51 MGD and 0.95 MGD respectively.[36]

To determine existing flows in the sanitary sewer lines that could serve the proposed project, flow monitoring of the existing sanitary sewer lines in the project area was completed between September 26, 2005 and October 18, 2005. There is limited capacity in the existing 18-inch sanitary sewer line on the project site, however, the line is dirty and capacity can be increased by cleaning the line. The monitoring did find capacity for the proposed project in the existing 36-inch sewer line that is located approximately 1,400 feet east of the project site in Lundy Avenue/King Road.[37] Connecting the project site to the 36-inch sewer main in Lundy Avenue/King Road will require the construction of a new sanitary sewer line in Berryessa Road and a siphon or a pump station to transport sewage from the project site south of Berryessa, across Upper Penitencia Creek (either above or below the creek), to the new sanitary sewer line in Berryessa Road.

Due to the large size and topography (i.e., slopes gently to the northwest) of the project site, sanitary sewer lines in addition to the connection to the Lundy Avenue/King Road 36-inch sewer line may be needed. These could include the construction of a new sanitary sewer line in Mabury Road that connects to Lundy Avenue/King Road sewer line and/or connecting the existing 18-inch line on the project site north of Berryessa to the Lundy Avenue/King Road sewer line.

The construction of new sanitary sewer line connections to the Lundy Avenue/King Road 36-inch sewer line would occur within existing roadway rights-of-way and would not result in significant land use or habitat impacts. Impacts to Upper Penitencia Creek that could result from construction of a sanitary sewer line across Upper Penitencia Creek are discussed in **Section 4.6, Biological Resources**. The pump station would require an emergency backup diesel electric generator, in case an electrical outage restricts the use of the electric pump station motor. When operating, diesel electric generators emit toxic air contaminants (TACs) and noise. Discussions of the noise and air quality impacts that could result during operation of the emergency diesel electric generator are in **Section 4.3**, **Noise** and **Section 4.4, Air Quality**, respectively.

Prior to final site design, further investigation into existing sewer main connections will be required. The flow permitted to discharge to the existing 18-inch sanitary sewer line located on the project site north of Berryessa will be determined by the City, based on the sewer capacity and flow monitoring data that is collected after the sewer line is cleaned. The results of the additional sewer analysis and the City's discharge requirements will be incorporated into the final site design. With the proposed improvements, the project would not result in impacts from exceeding the capacity of the sanitary sewer system. **[Less than Significant Impact]**

[36] Generation rates used in this estimate are: 161 gpd/du and 0.075 gpd/square foot of commercial development.
[37] At its intersection with Berryessa Road, King Road becomes Lundy Avenue and vice-versa.

Impacts to the Water Pollution Control Plant

The proposed project will increase the volume of wastewater treated at the WPCP. An estimate of the wastewater that would be generated by the maximum development proposed by the project is 0.48 mgd.[38] Based on the information described above in Section 4.11.1, there is sufficient capacity at the WPCP to accommodate this discharge. **[Less than Significant Impact]**

Impacts on Electric and Natural Gas Systems

Facilities for providing electrical and natural gas services are built and maintained by PG&E under franchise agreements with the State of California. New and expanded facilities are paid for from capital funds that are financed by fees paid by users. The development proposed by the project would increase the demand for electric and natural gas service in the project area, as compared with existing conditions.[39] Given the location of the project site in a developed urban area, and the fact that electric and natural gas service is currently provided to the project site, the provision and expansion of service to the project site would not create a significant impact. **[Less than Significant Impact]**

Solid Waste Impacts

The development proposed by the project will generate solid waste that will need to be disposed at local landfills. A conservative (i.e., maximum) estimate of the weekly volume of solid waste to be generated by proposed project is 126,249 pounds. The estimate is conservative because non-residential uses are assumed to have no recycling and no credit has been taken for the garbage generated by the existing use on the project site.

The amount of solid waste generated by the proposed project would represent only a small fraction of the total generated Citywide. The effect of this increase on remaining landfill capacity would be negligible. **[Less than Significant Impact]**

Construction and Demolition Waste

Approximately 30 percent of local landfill waste is Construction and Demolition (C&D) debris. Using the following construction waste generation rates: 4.38 pounds per 1,000 square feet of residential development and 4.02 pounds per 1,000 square feet of non-residential development, the development proposed by the project would generate an estimated 16 tons of construction waste.[40] **[Significant Impact]**

Impacts to the Storm Drainage System

The existing project site is partially served by underground storm drain systems that discharge directly to Coyote and/or Upper Penitencia Creeks. The existing project site slopes gently to the northwest. Because the project slopes away from existing stormwater drainage facilities in Mabury and Berryessa Road, substantial grading would be required to direct stormwater flows to these existing facilities and, therefore, is not feasible.

[38] Generation rates used in this estimate are: 240 gpd/detached dwelling unit, 130 gpd/attached dwelling unit, 0.5 gpd/ft2 commercial, 0.14 gpd/ft2 R&D/industrial, and 0.14 gpd/ft2 office.
[39] For a discussion of projected supply and demand for electricity and natural gas, refer to *Section 4.12, Energy*.
[40] United States Environmental Protection Agency. Characterization of Building-Related Construction and Demolition Debris in the United States. June 1998.

The project proposes to collect all drainage from the project site in an on-site public storm drain system that will be designed and constructed to City of San José standards. This would include removing the existing outfalls and constructing a total of three new outfalls.[41] The conceptual stormwater control plan for the project site (refer to Figure 24) shows two outfalls from the project site south of Berryessa, one to Coyote Creek and one to Upper Penitencia Creek, and one outfall from the project site north of Berryessa into Coyote Creek. (refer to **Section 4.6, Biological Resources** and **Section 4.8, Hydrology and Water Quality** for a discussion of impacts to biological resources and water quality that could result from the proposed outfalls). Because the proposed project will reduce the amount of impervious surfaces on the site by over 25 percent, compared to existing conditions, the amount of stormwater runoff discharged to the storm drainage system will be less than under existing conditions.[42] **[Less than Significant Impact]**

Adequacy of Existing Water Mains

Water service in the project area is provided by San José Water Company (SJWC). The project proposes to connect to the existing 17-inch water main in Berryessa Road and the existing 25-inch water main in Mabury Road. Fire-flow requirements for the proposed project are expected to be 4,500 gallons per minute, which can typically be achieved with 10 to 12-inch water mains.[43] Therefore, the existing water mains adjacent to the project site are expected to provide the necessary fire flow requirement for the project. The existing water mains would also provide potable water to the project site. **[Less than Significant Impact]**

The project proposes to connect to the recycled water supply line that is located less than one mile west of the project site on Berryessa Road, approximately 400 feet east of US 101. The connection to the recycled water supply line will be completed within existing road right-of-ways and, therefore, is not expected to result in significant land use or habitat impacts. **[Less than Significant Impact]**

Future Availability of Water

SB 610 Water Supply Assessments

In enacting SB 610 in 2001, the Legislature required that the availability of water must be assessed before various large-scale projects can be approved. A water supply assessment must be completed by the water supplier(s) and such assessment(s) are to be included in the appropriate CEQA document. The discussion in this section is based upon an SB 610 water supply assessment prepared for the proposed project by the San José Water Company.

Water service to the project site is provided by San José Water Company. The development proposed by the project will substantially increase the demand for water over existing conditions. The water demand for the proposed project is estimated to be approximately 1,000 acre-feet per year (AFY). According to the SB 610 water supply assessment prepared for the proposed project, the demand for water generated by the development proposed by the project is not expected to exceed San José Water Company's identified supplies. **[Less than Significant Impact]**.

[41] The existing outfalls on the project site were designed to accommodate the parking lots north and south of Berryessa; they are not properly located for the proposed development.
[42] For a discussion of stormwater, as it relates to flooding and water quality, refer to **Section 4.8, Hydrology and Water Quality**.
[43] Personal Communication. Jim Bariteau. Water Services. San José Water Company. November 1, 2006.

4.11.3 Mitigation and Avoidance Measures for Impacts to Utilities & Service Systems

The following mitigation measures are included in the proposed project to reduce project impacts to utility and service systems to a less than significant level:

MM 4.11-1 Prior to issuance of a PD Permit, the site plan for the project will be submitted to San José Water Company. San José Water Company will document the ability of the existing water mains within the developed public right-of-ways of Mabury and/or Berryessa Road to serve the proposed project, including both potable water and fire water demands. The written determination of capacity by San José Water Company will be submitted to the City of San José Director of Planning, Building, and Code Enforcement for review and approval, prior to the issuance of a PD permit for the project site. If San José Water Company determines that existing water lines are insufficient to serve the project and/or major upgrades (i.e., new lines not within developed public road right-of-way) to the water system are required to serve the project, then additional environmental review may be required.

MM 4.11-2 The project shall have a waste management plan for recycling of construction and demolition materials operating at the start of construction. The plan will be submitted to the Director of Environmental Services or the Construction & Demolition (C&D) Recycling Program Manager for review and approval, prior to the issuance of building permits. The plan shall demonstrate how project construction will recycle or salvage a minimum of 50 percent (by weight) of construction, demolition, and land clearing waste.[44]

MM 4.11-3 Prior to issuance of PD Zoning Permits, the project shall demonstrate to the satisfaction of the Director of Environmental Services that adequate space for recycling facilities, including the operation of solid waste vehicles, is provided.

MM 4.11-4 Prior to issuance of Building Permits, a post-occupancy waste management plan shall be submitted to the Director of Environmental Service for review and approval to ensure that adequate levels of recycling service are provided for the mixed-use development proposed by the project.

4.11.4 Conclusions regarding Utilities and Service Systems Impacts

The proposed project, including the mitigation measure identified above, would not result in significant adverse utility and service system impacts. **[Less than Significant Impact with Mitigation]**

[44] United States Department of Energy. Energy and Environmental Guidelines for Construction. 8 July 2004. Retrieved 27 October 2006 - http://www.eere.energy.gov/buildings/info/design/construction.html

4.12 ENERGY

This section was prepared pursuant to Appendix F of the CEQA Guidelines, which advises that EIRs should include a discussion of the energy implications of projects, with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy. This information in this section is based largely on data and reports produced by the California Energy Commission and the Energy Information Administration of the U.S. Department of Energy. The specific sources and citations are listed in **Section 11, References**.

4.12.1 Introduction

Energy usage is typically quantified using the British Thermal Unit (Btu).[45] As points of reference, the approximate amount of energy contained in a gallon of gasoline, a cubic foot of natural gas, and a kilowatt hour (kWhr) of electricity are 123,000 Btu's, 1,000 Btu's, and 3,400 Btu's, respectively.

Energy conservation is embodied in many federal, state and local statutes and policies. At the federal level, energy standards apply to numerous products (e.g., the EnergyStar™ program) and transportation (e.g., fuel efficiency standards). At the state level, Title 24 of the California Administrative Code sets forth energy standards for buildings, rebates/tax credits are provided for installation of renewable energy systems, and the Flex Your Power program promotes conservation in multiple areas. At the local level, the City's General Plan contains policies whose objectives include reduction in energy usage. Among these are Energy Policy #2, which states that decisions on land use should consider the proximity of industrial and commercial uses to major residential areas in order to reduce the energy used for commuting, and Energy Policy #4, which states that the energy-efficiency of proposed new development should be considered when land use and development review decisions are made. The City's General Plan Sustainable City Strategy and Green Building Policies also contain goals regarding energy efficiency and the use of renewable energy technologies.

Sustainable City Strategy

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

Green Building Policy

The Green Building Policy fosters long-term social, economic, and environmental sustainability in building and development while making green building the standard practice in San José and celebrating sustainability as a core value to the community. The vision for Green Building in San José is a place where the people have knowledge and opportunities to build and occupy dwellings that have a maximum impact on the well being of the occupants and minimal impact on the environment. The Green Building Policy goals center on five main categories: sustainable sites, energy and atmosphere, water efficiency, materials and resources, and indoor environmental quality.

[45] The British Thermal Unit (Btu) is the amount of energy that is required to raise the temperature of one pound of water by one degree Fahrenheit.

Energy Goal

The City's Energy Goal is to foster development which, by its location and design, reduces the use of non-renewable energy resources in transportation, buildings, and urban services (utilities) and expands the use of renewable energy resources.

4.12.2 Existing Setting

Total energy usage in California was 8,519 trillion Btu's in the year 2000, which equates to an average of 252 million Btu's per capita. Of California's total energy usage in 2000, the breakdown by sector was 15% residential, 14% commercial, 35% industrial, and 36% transportation. This energy was primarily supplied in the form of coal (2.9 million tons), natural gas (2.3 trillion cubic feet), petroleum (647 million barrels), nuclear electric power (35.2 trillion kWhr), and hydroelectric power (42.8 trillion kWhr).

Given the nature of the proposed project (i.e., a land use decision in San José), the remainder of this discussion will focus on the three most relevant sources of energy: electricity for residential and office and commercial uses, natural gas for residential and commercial and office uses, and gasoline for vehicle trips associated with residential and commercial and office uses.

Electricity

In 2003, California used over 276,000 gigawatt hours of electricity.[46] This electricity was produced from power plants fueled by natural gas (37%), coal (21%), hydro (16%), nuclear (15%), and renewables (11%). Approximately 78% of the electricity was generated within California, with the balance imported from other states, Canada, and Mexico.

Electricity usage in California for differing land uses varies substantially by the type of uses in a building, type of construction materials used in a building, and the efficiency of all electricity-consuming devices within a building. That said, the average annual usage of electricity is roughly 6,500 kWhr/residence. The average annual usage of electricity is roughly 13 kWhr/square foot for all commercial buildings and roughly 18 kWhr/square foot for office buildings.

Electricity supply in California involves a complex grid of power plants and transmission lines located in the Western United States, Canada, and Mexico. The issue is complicated by market forces that have become prominent since 1998, which is when a new regulatory environment commonly referred to as "deregulation" took effect in California. Supply is further complicated by the fact that the peak demand for electricity is significantly higher than the off-peak demand. For example, in August 2004, peak electric demand - due in large part to hot weather - reached a record high of 44,497 megawatts, which is almost double the lowest demand period.[47]

In 2000-2001, electric demand exceeded supply on various occasions, which required utilities to institute systematic rotating outages to maintain the stability of the grid and to prevent widespread blackouts. Since that time, additional generating capacity has come on-line and upgrades to various transmission lines continue to occur.

[46]One gigawatt = one thousand megawatts = one million kilowatts = one billion watts.
[47]Source: California Independent System Operator, 8/11/04.

According to the California Energy Commission's 2003 Integrated Energy Policy Report, the current outlook is that California will have an adequate supply of electricity through 2009. However, the report notes that peak demand reserve shortages could return by 2006.

Natural Gas

In 2001, California used almost 2.4 trillion cubic feet of natural gas. The natural gas was used to produce electricity (41%), in industrial uses (28%), in commercial uses (10%), and in residential uses (21%). Approximately 16% of the natural gas was produced within California, with the balance imported from other states and Canada.

Natural gas usage in California for differing land uses varies substantially by the type of uses in a building, type of construction materials used in a building, and the efficiency of all gas-consuming devices within a building. That said, the average annual usage of natural gas is roughly 45,000 cubic feet/residence. The average annual usage of natural gas is roughly 37 cubic feet/square foot for all commercial buildings and roughly 29 cubic feet/square foot for office buildings.

According to the California Energy Commission's 2003 Integrated Energy Policy Report, the current outlook is that Northern California will have an adequate supply of natural gas through 2007. However, the report notes meeting peak demand under extreme weather conditions may require gas infrastructure improvements (e.g., additional pipeline capacity) earlier than currently programmed.

Gasoline for Motor Vehicles

Californians presently consume roughly 49.5 million gallons of gasoline and diesel each day. This is a 53% increase over the amount that was used 20 years ago. The primary factors contributing to this increase are 1) population growth, 2) declining per-mile cost of gasoline, 3) land use patterns that have increased the distance between jobs and housing, and 4) a shift in consumer preferences to larger, less fuel efficient motor vehicles. The average fuel economy for the fleet of light-duty vehicles (autos, pickups, vans, and SUVs) steadily increased from about 12.6 miles-per-gallon (mpg) in the mid-1970s to the current 20.7 mpg. However, no further improvements in the average fuel economy for the overall fleet are projected through the year 2020. This conclusion is based on the fact that projected increases in the number of fuel efficient cars (e.g., hybrids) will be offset by projected increases in the number of SUVs, pickups, and vans.

Although no new refineries have been constructed in California since 1969, supply has kept pace with demand through a combination of refinery upgrades/modernizations and out-of-state imports.

According to the California Energy Commission's 2003 Integrated Energy Policy Report, the demand for gasoline and diesel for on-road vehicles is projected to increase by 36% over the next 20 years. Imports of foreign crude oil will increase as in-state and Alaskan supplies diminish. Since California refineries are already operating close to their full capacity, daily imports of refined gasoline and diesel are expected to double over the next 20 years. Unless out-of-state facilities expand, the gasoline and diesel markets will become increasingly volatile, with the likelihood of shortages and more prolonged periods of high prices.

4.12.3 Energy Impacts

Thresholds of Significance

For this project, an energy impact is considered significant if the project would result in:

- the wasteful use of fuel or energy; or
- a substantial increase in demand upon energy resources in relation to projected supplies; or
- longer overall distances between jobs and housing.

Measures for reducing the proposed project's energy consumption are listed in **Section 4.12.4, Mitigation and Avoidance Measures for Energy Impacts**. The project does not propose to include any of the measures listed in **Section 4.12.4**. The project site is infill development and the planned location of the Berryessa BART Station and future development will comply with existing state, federal, and local regulations regarding the energy efficiency of buildings, appliances, lighting, etc. For these reasons, the project would not result in the wasteful use of fuel or energy. **[Less than Significant Impact]**

The development proposed by the project is roughly estimated to consume 24 million kilowatt hours of electricity and 139 million cubic feet of natural gas[48]; compared to project supplies, this is a small percentage of the total energy consumed in San José, however, based on the previous discussion of projected energy supplies, this is a substantial increase in demand upon energy resources in relation to projected supplies. **[Significant Impact]**

The project proposes the location of housing adjacent to planned mass transit and near the job centers of North San José and Downtown San José. Therefore, the proposed project will not result in longer overall distances between jobs and housing. **[Less than Significant Impact]**

4.12.4 Mitigation and Avoidance Measures for Energy Impacts

The measures to reduce energy consumption listed below would mitigate the energy impacts of the proposed project to a less than significant level. None of these measures are proposed by the project. Unless determined by the City Council to be infeasible, these measures will be required as conditions of approval. In the event the mitigation is determined to be infeasible, adoption of a statement of overriding considerations will be required.

MM 4.12-1 The U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Rating System is designed for rating new and existing commercial, institutional, and high-rise residential buildings. It evaluates environmental performance from a "whole building" perspective over a building's life cycle, providing a definitive standard for what constitutes a green building. A building is scored in six different green building categories: sustainability, water efficiency, energy and atmosphere, materials and resources, indoor environmental quality, and innovation and design process. Based on the building's score, the building may be awarded a LEED Certified, LEED Silver, LEED Gold, or LEED Platinum status.

[48]Based upon the following average usage factors: Electricity - 6,500 kWhr per residential dwelling unit per year; 13 kWhr per ft2 of commercial per year; 18 kWhr per ft2 of office per year; and Natural Gas - 45,000 ft3 per residential dwelling unit per year; 37 ft3 per ft2 of commercial per year; 29 ft3 per ft2 of office per year.

The proposed buildings shall incorporate elements of the LEED Project Checklist into the design and construction to the satisfaction of the Director of Planning, Building, and Code Enforcement. The following measures are examples of LEED measures that shall be incorporated into the proposed project

MM 4.12-2 The project design shall incorporate principles of passive solar design. Passive solar design is the technology of heating, cooling, and lighting a building naturally with sunlight rather than with mechanical systems because the building itself is the system. Basic design principles are large south-facing windows with proper overhangs, as well as tile, brick, or other thermal mass material used in flooring or walls to store the sun's heat during the day and release it back into the building at night or when the temperature drops. Passive solar also takes advantage of energy efficient materials, improved insulation, airtight construction, natural landscaping, and proper building orientation to take advantage of the sun, shade, and wind.

MM 4.12-3 The project shall include reflective, *EnergyStar*™ cool roofs. Cool roofs decrease roofing maintenance and replacement costs, improve building comfort, reduce impact on surrounding air temperatures, reduce peak electricity demand, and reduce waste stream of roofing debris.

MM 4.12-4 The project shall utilize local and regional building materials in order to reduce energy consumption associated with transporting materials over long distances.

MM 4.12-5 The project shall utilize building products that contain post-consumer recycled materials.

MM 4.12-6 All dwelling units shall be constructed to meet the requirements of the EnergyStar™ program for new homes. Such dwelling units improve energy efficiency by a minimum of 15% as compared to dwelling units that simply meet the Title 24 requirements. The additional efficiency is typically accomplished through the use of tight construction, energy-saving windows, improved insulation, and super-efficient heating/cooling systems. [Note: Numerous California builders (e.g., Shea Homes, Summerhill Homes, D.R. Horton, Pulte Homes, KB Homes, Avalon Bay) have been certified as EnergyStar partners.]

MM 4.12-7 Although there is not a formal EnergyStar program for non-residential buildings, all buildings to be constructed by the project shall be constructed to meet the same standards as those that apply to the residential program.

MM 4.12-8 All new buildings shall include a photovoltaic (i.e., solar electric) system on rooftops. An average-sized residential system (2.5 kW) in California produces in excess of 4,000 kWhr annually, which equates to 62% of the average electricity demand per residential unit. Commercial systems are generally larger than residential systems and produce commensurately more electricity. (Note: The rule of thumb is that each square foot of photovoltaic cells produces 10 watts of power in bright sunlight.)[49]

[49] The cost for photovoltaic systems has been decreasing in recent years, and the State of California provides rebates and tax credits to builders for such systems. In addition, some builders (e.g., Clarum Homes) are incorporating such systems into the design of their new homes.

MM 4.12-9 Geothermal heat pumps should be installed to provide heating, cooling, and hot water. Geothermal heat pumps are generally more efficient and less expensive to operate and maintain than conventional systems.

In addition to the LEED measures described above, the project shall include the following measures to reduce energy consumption:

MM 4.12-10 For components of the project where buildings would be made from wood, such as flooring and framing, the project shall use a minimum of 50 percent wood-based materials certified in accordance with the Forest Stewardship Council Guidelines (http://www.fscoaz.org/index.html).

MM 4.12-11 The project shall select materials with volatile organic compound limits set by the SCAQMD Rule #1168.

MM 4.12-12 The idling of construction vehicles shall be avoided to reduce fuel consumption, emissions, and noise.

MM 4.12-13 The project shall have a waste management plan for recycling of construction and demolition materials operating at the start of construction. The plan will be submitted to the Director of Environmental Services or the Construction & Demolition (C&D) Recycling Program Manager for review and approval, prior to the issuance of building permits. The plan shall demonstrate how project construction will recycle or salvage a minimum of 50 percent (by weight) of construction, demolition, and land clearing waste.[50]

4.12.5 Conclusions Regarding Energy Impacts

The proposed project is infill development and the proposed project will comply with existing state, federal, and local regulations regarding the energy efficiency of buildings, appliances, lighting, etc. Therefore, the proposed project will not result in the wasteful use of energy. Given projections regarding future electricity and natural gas supplies, however, the proposed project will result in a substantial increase in demand upon energy resources in relation to projected supplies; this is a significant impact.

The mitigation measures identified to reduce the energy impact of the proposed project to a less than significant level are not proposed by the project. Unless determined by the City Council to be infeasible, these measures will be required as conditions of approval. [Significant Impact]

[50] United States Department of Energy. Energy and Environmental Guidelines for Construction. 8 July 2004. Retrieved 27 October 2006 - http://www.eere.energy.gov/buildings/info/design/construction.html

4.13 POPULATION, JOBS, AND HOUSING

4.13.1 Setting

According to the Association of Bay Area Governments (ABAG), *Projections 2005: Forecasts for the San Francisco Bay Area to the Year 2030*, within the City of San José's Sphere of Influence the population in 2030 was projected to be 1,327,400 and the total number of households was projected to be 417,790, with an average of 3.20 persons per household.[51]

Historically, San José has had a shortage of jobs compared to the number of employed residents living in the City, commonly referred to as a jobs/housing imbalance. A jobs/housing imbalance, especially when there is a relative deficit of jobs, can be problematic because it results in longer commutes as City residents travel to other locales for employment. This same imbalance might result in financial hardships for a city due to the costs associated with providing services to residential land uses in relation to revenue generated.

In recent years, consistent with the major strategies and objectives of the adopted General Plan, the City has been attempting to correct this imbalance. As of 2005, the City had 0.93 jobs per employed resident.[52] Buildout of the General Plan is identified to result in approximately 0.99 jobs per employed resident (refer to Table 33). The City has recently adopted some General Plan policies that allow for increased job and housing growth that would, if implemented, improve the overall jobs/housing imbalance. However, near-term trends of industrial-to-residential conversions continue to undermine the existing jobs/housing balance.

Table 33
Breakdown of Projected Jobs, Population, and Housing in San José

	Existing (2005)	General Plan Buildout*
Households	309,000	411,600**
Persons per Household***	3.2	3.2
Population	985,000	1,317,120
Employed Residents per Household	1.3	1.5
Employed Residents	402,000	617,400
Jobs	375,800	608,800
Jobs per Employed Resident	0.93	0.99

*Based on City of San José. *Evergreen East Hills Vision Strategy Draft EIR*. February 2006; Projections 2005.
**Includes assumption of 30,000 jobs and 25,000 households in Coyote Valley.
***Persons per household (pph) was rounded up from 3.18 pph identified in *Projections 2005*.
Notes: Data for jobs, population, employed residents, and households are rounded to the nearest hundred.

The City of San José standard methodology for estimating development on the project site is 16 dwelling units per acre for *Medium Density Residential (8-16 DU/AC)*, 55 dwelling units per acre for *Transit Corridor Residential (20+ DU/AC)*, 13 employees per acre within *Transit Corridor Residential (20+ DU/AC)* development, 17 employees per acre within *Combined Industrial/Commercial* development, and each of the employees generated by *Transit Corridor*

[51] The average persons per household estimate is rounded up from 3.18 to 3.20.
[52] Association of Bay Area Governments, Projections 2005, December 2004.

Residential (20+ DU/AC) and *Combined Industrial/Commercial* development require 800 square feet of workspace.

Using the City's standard methodology, the project site's existing land use designations are assumed to allow a total of approximately 608,000 square feet of ground floor retail uses (approximately 760 jobs), 422,000 square feet of combined freestanding retail commercial development (approximately 528 jobs), and 3,350 housing units on the project site.

Since the adoption of the project site's existing General Plan Land Use Designations, the City of San José has amended the General Plan and related policies to encourage development of an additional 27,000,000 square feet or 90,000 jobs to the North San José employment center, which may negatively effect the likelihood that this project site would redevelop with intensive office/industrial uses.

4.13.2 Population, Jobs, and Housing Impacts

Thresholds of Significance

For the purposes of this EIR, a population or housing impact is considered significant if the project will:

- Induce substantial population growth, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure); or
- Displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere; or
- Result in a substantial conflict with the City's policies regarding an overall jobs/housing balance.

Population and Housing Impacts

Buildout of the site with the maximum number of dwelling units allowed under the proposed General Plan land use designations would allow a population of approximately 10,720 residents on the project site. The proposed PD rezoning would allow development of up to 2,818 dwelling units, which may result in a population of approximately 9,000 residents on the site. The increase in residential units will increase the residential population of the City of San José one percent.

The project site is currently developed with commercial uses. The proposed project would not displace people requiring the construction of replacement housing elsewhere. Although the project would allow for population growth, the redevelopment of an infill property located near transit would reduce impacts resulting from placing housing in areas requiring substantial commutes to reach job centers, or developing "Greenfield or greenbelt" areas currently in agriculture or open space for residential uses.

The proposed project conflicts with the City's policies regarding an overall jobs/housing balance (refer to **Section 3, Consistency with Existing Adopted Plans**). The existing General Plan designates 30.6 acres of land on the project site *Combined Industrial/Commercial*. The amendment to the City of San José General Plan Land Use/Transportation Diagram proposed by the project would re-designate approximately 24 acres of land on the project site from *Combined Industrial/Commercial* to *Transit Corridor Residential (20+ DU/AC)*; most of the land (i.e., 20

acres) that the project proposes to re-designate *Transit Corridor Residential (20+ DU/AC)* is located on the south end of the project site adjacent to Mabury Road.

Using the City's standard methodology, the proposed amendment to the City of San José General Plan Land Use/Transportation Diagram would decrease the square footage of combined freestanding retail commercial development allowed on the project site from 422,000 square feet to 90,000 square feet, increase the square footage of ground floor retail uses allowed on the project site from 608,000 square feet to 841,000 square feet, and increase the number of housing units allowed on the project site from 3,350 housing units to 4,690 housing units. This amendment to the General Plan Land Use/Transportation Diagram would allow approximately 1,300 additional dwelling units to be built on the project site and would result in approximately 120 fewer jobs on the project site. The project, however, proposes to develop up to 365,622 square feet of permanent commercial/industrial development that does not presently exist. Because retail jobs generally yield lower wages than industrial jobs that require skilled labor, the proposed project could result in the loss of well paying industrial jobs and economic development opportunities.

Although the amendment to the General Plan Land Use/Transportation Diagram proposed by the project replaces jobs with housing, it does support the goals of having a jobs/housing balance, which is to minimize the distance between planned dwelling units and planned and existing employment. The project does this by increasing housing at a major transit station (i.e., Berryessa BART Station) that serves the City's nearby existing and planned job centers of Downtown and North San José. By adding housing to this transit-oriented site, the proposed project may help the City achieve a better jobs/housing balance by supporting job growth in the City's employment centers.

The project site is also an infill location (i.e., surrounded by existing development and served by existing public services and utilities). Therefore, the development proposed by the project would utilize existing freeway and road systems, as well as all other City services, contributing to the City's ability to provide infrastructure and public services.

Because the proposed project supports the goals of having a jobs/housing balance, is infill development, and would develop up to 365,622 square feet of permanent commercial/industrial development that does not presently exist, the proposed project will not substantially conflict with the City's policies regarding an overall jobs/housing balance. **[Less than Significant Impact]**

4.13.4 Conclusions Regarding Population, Jobs, and Housing Impacts

Because the proposed project supports the goals of having a jobs/housing balance, is infill development, and would to develop up to 365,622 square feet of permanent commercial/industrial development that does not presently exist, the proposed project will not substantially conflict with the City's policies regarding an overall jobs/housing balance. **[Less than Significant Impact]**

SECTION 5 AVAILABILITY OF PUBLIC SERVICES

Introductory Note Regarding Public Services: Unlike public facilities and utilities, public services are provided to the community as a whole, usually from a central location or from a defined set of nodes. The resource base for delivery of these services, including the physical service delivery mechanisms, is financed on a community-wide basis, usually from a unified or integrated financial system. The service delivery agency can be a city, county, service or other special district. Usually, new development will create an incremental increase in the demand for these services; the amount of demand will vary widely, depending on both the nature of the development (residential vs. commercial, for instance) and the type of services, as well as on the specific characteristics of the development (such as senior housing vs. family housing).

The impact of a particular project on public facility services is generally a fiscal impact. By increasing the demand for a type of service, a project could cause an eventual increase in the cost of providing the service (more personnel hours to patrol an area, additional fire equipment needed to service a tall building, etc.). That is a fiscal impact, not an environmental one. CEQA does not require an analysis of fiscal impacts.

However, CEQA analysis is required if the increased demand is of sufficient size to trigger the need for a new or physically altered facility (such as a school or fire station), because the new or physically altered facility would have a physical impact on the environment. CEQA requires that an EIR then identify and evaluate the physical impacts on the environment that such a facility would have. To reiterate, the impact that must be analyzed in an EIR is the impact that would result from constructing a new public facility (should one be required), not the fiscal impact of a development on the capacity of a public service system.

5.1 FIRE PROTECTION

Fire protection to the project site is provided by the San José Fire Department (SJFD), which serves a population of approximately 920,000 and a geographic area of 205 square miles. The SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the project area. The SFJD participates in a mutual aid program with the Cities of Milpitas and Santa Clara. Through this program, should the City of San José Fire Department need assistance in addition to its own units, one or both of the mutual aid cities would provide assistance to locations within the City of San José in whatever capacity was needed. In response to a fire at the project site, the "Full First Alarm Assignment" would be three engines, two trucks, and two Battalion Chiefs. Table 34 lists the existing stations that are nearest to the project site and, therefore, would likely respond to an emergency at the site.

Table 34
Nearest Existing Fire Stations

Station Number	Address	Distance from Project Site
#5	1380 North 10th Street	1.7 miles
#8	802 East Santa Clara Street	2.6 miles
#1	225 North Market Street	3.0 miles
#2	2933 Alum Rock Avenue	5.2 miles

The first due engine would be Engine #5 arriving from Station #5. Depending on the exact location of the incident on the project site, the response time of Engine #5 would range from 4.8 to 6.5 minutes. The San José Fire Department's standard for the first responding engine is four minutes. The first responding engine to the project site would be above the four minute standard.

The second due engine would be Engine #8 arriving from Station #8. Depending on the exact location of the incident on the project site, the response time of Engine #8 would range from 4.8 to 7 minutes. The San José Fire Department's standard for the second responding engine is six minutes. The second responding engine to the project site is will meet the six minute standard approximately 75 percent of the time.

The third due engine would be Engine #1 arriving from Station #1. Depending on the exact location of the incident on the project site, the response time of Engine #1 would range from 6.8 to 8.8 minutes. The San José Fire Department's standard for the third responding engine is nine minutes. The third responding engine to the project site will meet the standard.

The first due truck would be Truck #5 arriving from Station #5. Depending on the exact location of the incident on the project site, the response time of Truck #5 would range from 5.3 to 7.2 minutes. The San José Fire Department's standard for the first responding truck is six minutes. The first responding truck to the project site is expected to meet the standard less than 33 percent of the time.

The second due truck would be Truck #1 arriving from Station #1. Depending on the exact location of the incident on the project site, the response time of Truck #1 would range from 7.5 to 9.7 minutes. The San José Fire Department's standard for the second responding truck is 11 minutes. The second responding truck to the project site is expected to meet the standard.

The first Battalion Chief would arrive from Station #1 and is expected to respond within the nine minute standard. The second Battalion Chief would arrive from Station #2. The second Battalion Chief is expected to respond within the 11 minute standard.

These response times are summarized in Table 35, below:

Table 35
Fire Department Response Times and Goals

Engine	Station	Response Time Range (in Minutes)		Goal (in Minutes)	Meets Goal
#5	#5	4.8	6.5	4	No
#8	#8	4.8	7.0	6	75%
#1	#1	6.8	8.8	9	Yes
Truck	**Station**	**Response Time Range (in Minutes)**		**Goal (in Minutes)**	**Meets Goal**
#5	#5	5.3	7.2	6	33%
#1	#1	7.5	9.7	11	No
Battalion Chief	**Station**	**Response Time Range (in Minutes)**		**Goal (in Minutes)**	**Meets Goal**
	#1	9.0	9.0	9	Yes
	#2	11	11	11	Yes

As stated above, the first responding engine to a fire at the project site does not meet the Fire Department's four-minute standard. In addition, subsequent responding units would not always meet their department response times. Historical data has shown the need for a fire station in the project area, and in anticipation, a bond issue has been approved to fund the construction of a new fire station and hiring of a new fire company in the project area. Development at the intensity allowed by the proposed rezoning will further contribute to the need for a new fire station in the area.

A new fire station is currently under construction for the Berryessa area. This station will be designated Fire Station #34 and will be located on Las Plumas Avenue near Nipper Avenue, approximately 2.3 miles southeast of the project site. The Las Plumas Fire Station is scheduled for completion in April 2007. Once operating, response time performance to the project site would be within the 4 minute travel time goal of the Department.[53]

5.2 POLICE PROTECTION

Police protection services are provided to the project site by the City of San José Police Department (SJPD). Officers patrolling the project area are dispatched from police headquarters, located at 201 West Mission Street. The SJPD presently consists of approximately 1,369 sworn officers and 402 civilian personnel.

The SJPD has four patrol divisions (plus San José Airport), 16 patrol districts, 83 patrol beats and 357 Beat Building Blocks (BBB), the smallest police patrol service areas. The north and west side of the project is located in BBB 404, and the south end of the project site is located in BBB 62. Between March 2004 and March 2005, the most frequent calls for BBB 404 were 911, alarm, disturbance and traffic accidents, and for BBB 62 the most frequent calls were for disturbance, alarms, traffic accidents and 911. In 2004, District R had 5,457 crimes, with the most frequent crimes in the project area being burglary, motor vehicle theft, grand theft, and aggravated assault. The Flea Market area in 2004 experienced 181 crimes, with 17 burglaries, eight grand thefts, and four robberies. The project site is located in the Central Division, which is serviced by the Community Policing Center at 1060 Taylor Street in the Alviso neighborhood.

Development of the proposed project would increase calls for service, but would not require construction of a new facility.

5.3 SCHOOLS

The City of San José is served by a total of 19 public school districts, serving elementary, middle, and high school students. Thirteen of these districts are elementary school districts, three are high school districts and three are unified school districts. The project site is located within the boundaries of Berryessa Union School District (for elementary and middle school) and East Side Union High School District.

Within the Berryessa Union School District, students from the project site would be closest to Vinci Park Elementary School located at 1311 Vinci Park Way and Piedmont Middle School located at 955 Piedmont Road in San José. The Berryessa Union School District elementary school and middle school student generation rates are 0.046 and 0.016 students, respectively. These rates are used for both single-family detached and multi-family attached residential units. Using these rates, the

[53] Cady, Geoff, City of San José, Fire Department, September 22, 2005.

proposed project (i.e., 2,818 residential units) would generate approximately 130 students that would attend Vinci Park Elementary School and 45 students that would attend Piedmont Middle School. During the 2004/2005 school year, Vinci Park Elementary School was approximately at capacity with 733 students enrolled, and Piedmont Middle added portable classrooms to accommodate their 1,046 enrolled students. In response to the Notice of Preparation (NOP), the Berryessa Union School District indicated that a new school will need to be constructed to accommodate the students generated by the proposed project (refer to Appendix I).

High school students from the project site would attend Independence High School, located at 1776 Educational Park Drive in San José. The East Side Union High School District student generation rate is 0.02 students per single-family detached or multi-family attached residential unit. The proposed project would generate approximately 56 high school students. Independence High School had 3,894 students enrolled in the 2004/2005 school year, and has a capacity for approximately 4,400 students.[54]

There are a number of methods that can be used to accommodate the increased numbers of students that do not require that new schools be built. These methods include measures such as: 1) the provision of portable or relocatable classrooms, 2) expansion of existing schools, 3) the opening of existing schools previously considered surplus, 4) adjustment of school attendance boundaries, 5) the busing of students to schools with surplus capacity, or 6) the conversion to year-round schools with a four-track schedule.

State law (Government Code Section 65996) specifies an acceptable method of offsetting a project's effect on the adequacy of school facilities as the payment of a school impact fee prior to issuance of a building permit. California Government Code Sections 65995-65998, sets forth provisions for the payment of school impact fees by new development as the exclusive means of "considering and mitigating impacts on school facilities that occur or might occur as a result of any legislative or adjudicative act, or both, by any state or local agency involving, but not limited to, the planning, use, or development of real property." [§65996(a)]. The legislation goes on to say that the payment of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA. [§65996(b)]. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code. The school impact fees and the school districts' methods of implementing measures specified by Government Code 65996 would partially offset project-related increases in student enrollment.

The project does not propose to dedicate land for a school site. In the event the Berryessa Union School District and/or the East Side Union High School District decides construction of a new school facility is warranted to accommodate the new students generated by the proposed project, future development of the facility would require environmental review. There are also specific school site and construction requirements set by the state that would have to be met. Because a specific site for such construction cannot be identified at this time, it cannot be stated conclusively that significant environmental impacts would or would not occur. The construction of one or more schools on land in the vicinity of the proposed project and/or on the project site would contribute incrementally to the impacts of development identified for the project as a whole, but is not expected by itself to have new or substantially different significant adverse environmental impacts. Further discussion at this time of the impacts that might result from building one or more schools in the project area at an unknown location would be speculative.

[54] Personal Communication, Alan Garofalo, Assistant Superintendent, Eastside Union High School District, May 9, 2006.

5.4 LIBRARIES

The San José Public Library System consists of one main library and 15 open branch libraries as of mid-2005. Five additional branch libraries will open or reopen by 2006, and three more new branches are planned by the year 2010. The Dr. Martin Luther King Junior Main Library, a joint project between the City and San José State University, opened in 2003 and is located on the corner of San Fernando and 4th Streets downtown. The branch libraries are located throughout the City.

The branch libraries nearest the site include the Educational Park Branch on Educational Park Drive, and the Joyce Ellington Branch on East Empire Street. These branch libraries are planned to be replaced by new facilities in 2009 and 2007, respectively, with funding from the Measure O Library Bond approved by the City voters in 2000. This bond measure provides funds for the renovation or construction of 23 existing or proposed branch libraries.

The San José General Plan goals for library services are 10,000 square feet of library space per 36,000 population, and 18.3 weekly service hours per 10,000 population.

The additional demand for library service resulting from growth allowed by the existing General Plan will impact individual neighborhood branches in the areas where growth would occur, and the Martin Luther King, Jr. Main Library. As population grows and service demands increase, additional library services would be required. These additional services would include the following:

- expanding the physical size of branches and main library;
- adding new branches;
- enlarging materials collections;
- expanding/redefining collections to accommodate changing technologies;
- increasing staff; and
- providing additional services not currently provided.

It is not expected that the proposed rezoning will trigger the need to construct new facilities beyond those that will be completed under the auspices of Measure O.

5.5 PARKS

The City of San José provides park lands, open space, and community facilities for public recreation and community services. Some of these facilities are provided in conjunction with, or are supplemented by, other public uses such as County parks and lands used for flood control purposes. Parks and recreation facilities vary in size, use, type of service, and provide for city, regional, and neighborhood uses. The City Department of Parks, Recreation and Neighborhood Services is responsible for the construction, operation and maintenance of all City parks and recreational facilities.

The project site is located less than 1,500 feet north of Watson Park and less than 1,500 feet west of Penitencia Creek Park. The reach of Coyote Creek that forms the western boundary of the site and the reach of Upper Penitencia Creek that bisects the site are designated in the General Plan as Public Park/Open Space. The County of Santa Clara and the City of San José have identified future creek trails that would parallel these creeks and provide regional trail connections to Alum Rock Park, San Francisco Bay, and the southern areas of the County.

The City of San José has established level of service goals for park land and community centers. These levels of service area as follows: 3.5 acres of neighborhood and community serving recreational lands per 1,000 population, of which a minimum of 1.5 acres must be City owned neighborhood or community park lands, up to 2 acres can be provided by school playgrounds, and all should be located within reasonable walking distance; 7.5 acres of regional/City-wide park lands per 1,000 population; and 500 square feet of community center space per 1,000 population.

The City of San José has an adopted Parkland Dedication Ordinance which requires that new residential development either dedicate sufficient space to serve new residents, or pay fees calculated to offset the increased costs of providing new park facilities for new development. This ordinance is intended to reduce the extent to which new development will exacerbate the existing shortfall of park and recreational facilities. Construction of the proposed project would result in an increased demand for park and recreational facilities.

All new development of high density housing is required to provide private and common open space in conformance with the City's adopted Residential Design Guidelines. All new residential projects must also contribute land and/or money sufficient to meet their own public park needs. As discussed in **Section 2, Description of the Proposed Project**, the project includes 33.45 acres of land designated for public park/open space uses, distributed throughout the site. Construction of public park/open space uses within the project on those lands, in conformance with City Design Guidelines, the adopted Riparian Corridor Policy, and the Santa Clara Valley Water District Guidelines & Standards for Land Use Near Streams, is not expected to result in significant impacts different or greater than the overall impacts identified as resulting from the entire proposed project.

Should future designs for the public park and open space lands be proposed that are not consistent with the adopted standards and guidelines, subsequent environmental review will be required, consistent with CEQA.

SECTION 6 ALTERNATIVES

6.1 INTRODUCTION

Section 15126.6 of the CEQA Guidelines provides extensive direction on identifying and evaluating alternatives to a proposed project, specifically:

(a) An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects…There is no ironclad rule governing the nature or scope of the alternatives other than the rule of reason.
(b) …the discussion of alternatives shall focus on alternatives…which are capable of avoiding or substantially lessening any significant effects…
(c) The range…shall include those [alternatives] that…could avoid or substantially lessen one or more significant effects.
(f) The range of alternatives required in an EIR is governed by a "rule of reason" that requires…only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project.

The CEQA Guidelines also advise that the alternatives should feasibly attain most of the project's basic objectives, but are to be considered even if they impede to "some degree", the attainment of project objectives, or could be more costly than the proposed project.

The discussion of alternatives should include enough information to allow a meaningful evaluation and comparison with the proposed project. The CEQA Guidelines state that if an alternative would cause one or more additional impacts, compared to the proposed project, the discussion should identify the additional impact, but in less detail than the significant effects of the proposed project.

The three critical factors to consider in selecting and evaluating alternatives are, therefore (1) the significant impacts from the proposed project that could be reduced or avoided by an alternative, (2) the project's objectives, and (3) the feasibility of the alternatives available. Each of these factors is discussed below.

Significant Impacts

As discussed previously in the respective sections of this EIR, the proposed project would result in: 1) significant unavoidable impacts, 2) significant impacts that can be reduced to a less than significant level with mitigation measures identified in the EIR **but** the mitigation is not included in the proposed project (Note: these impacts would be reduced to a less than significant level, if the mitigation identified in this EIR is required by the City as a condition of project approval), and 3) significant impacts that are reduced to a less than significant level by mitigation measures that are included in the proposed project.

The significant unavoidable impacts that would result from the proposed project are to cultural resources (i.e., loss of the San José Flea Market), hazards and hazardous materials (i.e., possibility of accidental releases from hazardous material used and stored in the project area), transportation and traffic (i.e., impacts to the adjacent freeway system and impacts to protected intersections from project generated traffic), and air quality (i.e., regional air quality impacts). Refer to the respective sections in this EIR for a detailed discussion of the project's significant unavoidable impacts.

Significant impacts that could result from the proposed project, if the mitigation identified in this EIR is **not** required by the City as a condition of project approval is substantial use of energy.

The significant impacts that are reduced to a less than significant level by mitigation measures that are included in the proposed project are biological resources, hazards and hazardous materials, hydrology and water quality, noise, and utility and service systems impacts. Refer to the respective sections in this EIR for a detailed discussion of the project's significant impacts and the mitigation proposed to reduce or avoid them.

Objectives

While CEQA does not require that alternatives must be capable of meeting all project objectives, their ability to meet most of the objectives is considered relevant to their consideration.

The City of San José's objective for the proposed project are to create an innovative, high quality, mixed-use (office/industrial, residential, and commercial), transit-oriented development with a minimum average density of 55 dwelling units per acre on the Flea Market site (i.e., within the Berryessa BART Station Area Node) that will further the goals of the City's General Plan and support BART ridership and the goals of regional transportation agencies.

The applicant's overall objective for the proposed project is to facilitate future development of a mixed use transit-oriented community of mixed residential, commercial, industrial/office uses. The following represent the goals and objectives for the proposed project:

- To take advantage of a unique opportunity in the Bay Area to plan and develop a model of "Smart Growth" and "Sustainable Communities".

- To support Transit-Oriented Development (TOD), lend support to the current "BART to San José" planning effort, and support the transit project's Federal Transit Administration funding approval.

- To help the City fulfill its housing production goals by providing substantial acres of land to produce a diverse range of housing types at an infill site with direct access to regional mass transit and close proximity to jobs in Downtown and North San José. The location of the housing will allow the development to utilize existing freeway and road systems, as well as other existing city services.

- To promote the revitalization of Downtown by providing a significant new population base within the Berryessa BART station area node.

- To set the standard for smart growth transit-oriented development planning for the entire Berryessa Station area.

- To provide innovative land use, circulation and parking plans that support the BART station.

- To develop a well planned mixed-use development that maximizes the use of transit by creating a walkable, transit-oriented, urban community near transit.

- To ensure public spaces are designed, oriented and located such that they are attractive and draw people to "activate" the spaces. Such spaces as the mixed use main street and transit station plaza will draw people to the BART station activity areas.

- To create a safe, walkable environment that includes appropriate connections to the BART station.

- To ensure appropriate interfaces between different uses through items such as screening, building location and design, public spaces and buffer areas. This is especially important to the adjacent light and heavy industrial uses surrounding the transit village.

- To provide a public park that is large enough to be an active park, including soccer and ball fields, to serve both the project residents and existing adjacent residents.

- To provide appropriate riparian setbacks to protect and enhance the rich environments of Coyote Creek and Upper Penitencia Creek areas.

- To support the achievement of the minimum housing threshold of 3,850 units for the overall planned BART Station Area, as adopted under the Metropolitan Transportation Commission (MTC) Resolution 3434, Transit-Oriented Development Policy for Regional Transit Expansion Projects.

- To plan for a mixture of land uses that can viably be developed during the BART construction horizon. The project proponent believes that the recently approved plans to intensify and increase industrial/R&D development in North San José and Downtown will make the development of commercial/industrial uses at this location economically infeasible, because there is insufficient land to achieve a critical mass of such uses.

Feasibility of Alternatives

CEQA, the CEQA Guidelines, and case law on the subject have found that feasibility can be based on a wide range of factors and influences. CEQA's general definition of feasibility is "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." Among the factors that may be taken into account in considering the feasibility of an alternative are "…site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries…and whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site…" [Section 15126.6 (f)(1)].

Selection of Alternatives

In addition to "No Project", the CEQA Guidelines advise that the range of alternatives discussed in an EIR should include those that "would avoid or substantially lessen any of the significant effects of the project." As discussed above, the significant unavoidable, unmitigated, and mitigated impacts that could result from this project include traffic, air quality, cultural resource, hazards and hazardous materials, land use, biological resources, energy, hydrology and water quality, noise, and utility and service systems.

CEQA encourages consideration of an alternative site when the significant effects of the project might be avoided or substantially lessened. Many of the project's significant impacts (e.g., energy,

air quality and traffic) result because of the amount of development proposed by the project (i.e., 2,818 dwelling units and up to 368,322 square feet of retail, office, and/or industrial uses) and, therefore, these impacts would not be reduced by locating the project at another location.

One alternative location is the underdeveloped and underutilized land surrounding the Diridon Caltrain Station. This location is comprised of multiple parcels under multiple ownership, which would make it difficult for a non-governmental entity to acquire and develop, and would likely be economically infeasible. The Diridon Station area is also exposed to higher levels of noise and hazardous material contamination compared to the project site. While compared to the project site, the Diridon Station area is better served by existing mass transit (i.e., Caltrain, Light Rail, and bus) and is closer to the job center of Downtown San José; it is not a feasible site, because it is not under the applicant's control.

The concept of locating the project on a different site conflicts with the City's objective to develop all sites that are within major transit nodes with transit-oriented development. Therefore, even if an alternative site similar to the project site were available and could feasibly be developed with the proposed project, not allowing transit-oriented development on the project site because another site is also located near a major transit node would not meet the City's overall objective, because the project site would not be developed with transit-oriented development. For these reasons, an alternative site is not evaluated.

6.2 NO PROJECT ALTERNATIVE

The CEQA Guidelines require an EIR to include a "No Project" alternative, which addresses both "the existing conditions, as well as what will be reasonably expected to occur in the foreseeable future if the project is not approved, based on current plans and consistent with available infrastructure and community services." Therefore, under the No Project alternative, the project site would continue to be used for the operation of the Flea Market, and it is likely that future redevelopment would be proposed again in the future, under the existing General Plan Land Use Designations. The continued operation of the San Jose Flea Market on the project site would not result in any significant impacts, as defined by CEQA.[55] Impacts from the continued operation of the Flea Market would be the conditions reflected throughout this EIR in the sections entitled "Existing Setting". Impacts from development reasonably expected to occur in the foreseeable future if the project is not approved is described below.

The City of San José standard methodology for estimating development that could occur under relevant General Plan land use categories is 16 dwelling units per acre for *Medium Density Residential(8-16 DU/AC)*, 55 dwelling units per acre for *Transit Corridor Residential(20+ DU/AC)*, 13 employees per acre within *Transit Corridor Residential (20+ DU/AC)* development, 17 employees per acre within *Combined Industrial/Commercial* development, and each of the employees generated by *Transit Corridor Residential (20+ DU/AC)* and *Combined Industrial/Commercial* development require 800 square feet of workspace.
Based on the City's standard methodology, the existing land use designations are assumed to allow a total of approximately 608,000 square feet of ground floor retail uses, 422,000 square feet of combined freestanding retail commercial development, and 3,350 housing units on the project site,

[55] Section 15126.6 (e) (3) (B) of the CEQA Guidelines state the following, "If the project is other than a land use or regulatory plan, for example a development project on identifiable property, the "no project" alternative is the circumstance under which the project does not proceed. Here the discussion would compare the environmental effects of the property remaining in its existing state against environmental effects which would occur if the project is approved."

and; the proposed land use designations are assumed to allow a total of 841,000 square feet of ground floor retail uses, 90,000 square feet of combined freestanding retail commercial development, and 4,690 housing units.

Comparison of Impacts

The development allowed on the project site under the existing General Plan land use designations compared to the proposed land use designations would result in approximately 233,000 less square feet of ground floor retail uses, approximately 332,000 additional square feet of combined freestanding retail commercial development, and approximately 1,340 fewer housing units. Due to the fewer housing units, development under the existing General Plan land use designations would reduce the magnitude of most impacts identified to occur as a result of the proposed project. Although incrementally reduced, the No Project alternative would still result in significant unavoidable air quality, transportation and traffic, hazards and hazardous materials, and cultural resources impacts, the same types of impacts as the proposed project. Significant unmitigated energy impacts would also occur, as would the same types of significant impacts that are mitigated to a less than significant level with mitigation proposed by the project.

Development under the existing General Plan land use designations would not increase the severity of any impacts or result in any new impacts that were not identified to occur under the proposed project.

Conclusion

The No Project Alternative would allow the continued indefinite operation of the Flea Market or future development on the project site under the existing General Plan land use designations. This alternative would be consistent with the City of San José's objective to create an innovative, high quality, mixed-use (office/industrial, residential, and commercial), transit-oriented development with a minimum average density of 55 dwelling units per acre on the Flea Market site (i.e., within the Berryessa BART Station Area Node) that will further the goals of the City's General Plan and support BART ridership and the goals of regional transportation agencies. By providing fewer housing units at the station location, this alternative is less consistent with the MTC policy for prioritizing residential development at the stations.

It would also be consistent with the applicant's overall objective for the proposed project to facilitate future development of a mixed use transit-oriented community of mixed residential, commercial, industrial/office uses, including the following specific goals and objectives for the proposed project:

- To take advantage of a unique opportunity in the Bay Area to plan and develop a model of "Smart Growth" and "Sustainable Communities".

- To support Transit-Oriented Development (TOD), lend support to the current "BART to San José" planning effort, and support the transit project's Federal Transit Administration funding approval

- To help the City fulfill its housing production goals by providing substantial acres of land to produce a diverse range of housing types at an infill site with direct access to regional mass transit and close proximity to jobs in Downtown and North San José. The location of the housing will allow the development to utilize existing freeway and road systems, as well as other existing city services.

- To promote the revitalization of Downtown by providing a significant new population base within the Berryessa BART station area node.

- To set the standard for smart growth transit-oriented development planning for the entire Berryessa Station area.

- To provide innovative land use, circulation and parking plans that support the BART station.

- To develop a well planned mixed-use development that maximizes the use of transit by creating a walkable, transit-oriented, urban community near transit.

- To ensure public spaces are designed, oriented and located such that they are attractive and draw people to "activate" the spaces. Such spaces as the mixed use main street and transit station plaza will draw people to the BART station activity areas.

- To create a safe, walkable environment that includes appropriate connections to the BART station.

- To ensure appropriate interfaces between different uses through items such as screening, building location and design, public spaces and buffer areas. This is especially important to the adjacent light and heavy industrial uses surrounding the transit village.

- To provide a public park that is large enough to be an active park, including soccer and ball fields, to serve both the project residents and existing adjacent residents.

- To provide appropriate riparian setbacks to protect and enhance the rich environments of Coyote Creek and Upper Penitencia Creek areas.

The No Project alternative is less consistent with the MTC policy for a substantial number of dwelling units to be developed in close proximity to each of the BART stations, and therefore is less consistent with the following project objective.

- To support the achievement of the minimum housing threshold of 3,850 units for the planned BART Station Area, as adopted under the Metropolitan Transportation Commission (MTC) Resolution 3434, Transit-Oriented Development Policy for Regional Transit Expansion Projects.

The No Project alternative includes a substantial amount of land (20 acres approximately) designated for *Combined Industrial/Commercial* uses. It is, therefore, not consistent with this objective:

- To plan for a mixture of land uses that can viably be developed during the BART construction horizon. The project proponent believes that the recently approved plans to intensity and increase industrial/R&D development in North San José and Downtown will make the development of commercial/industrial uses at this location, where there is insufficient land from enough land to achieve a critical mass of such uses, economically infeasible.

Although some impacts would be reduced, development of the project site under the No Project alternative (i.e. future development under the existing General Plan land use designations) would not

avoid or reduce to a less than significant level any of the impacts identified to occur under the proposed project. Future development under the No Project alternative would meet the City's and many of the Applicant's objectives for the project.

Based upon the above analysis, the No Project alternative is environmentally superior to the proposed project.

6.3 NO BART ALTERNATIVE

The No BART alternative assumes that BART would not be extended to San José. The density of development on the project site under the No BART alternative would be substantially less. The project site would not be located near a major transit station; therefore, the likelihood of residential development with an average density 55 dwelling units per acre on the project site would be reduced.

This alternative assumes that the average density of residential development on the project site overall would be 35 dwelling units per acre, which could result in approximately 1,500 units being constructed on the project site. High rise residential buildings would not be constructed on the project site. Residential development on the project site would likely consist of two-story, single-family detached dwelling units and two and three-story multi-family dwellings.
The amount of commercial development on the project site would also be reduced under the No BART alternative. Mixed-use development with ground floor commercial uses would likely not be constructed on the project site south of Berryessa. Commercial and/or office/industrial uses similar to those expected under the proposed project could be constructed on the project site north of Berryessa.

Comparison of Impacts

Because the density of development on the project site under the No BART alternative would be substantially reduced, development under the No BART alternative would reduce the magnitude of most impacts identified to occur as a result of the proposed project. Although substantially reduced, the No BART alternative would still result in significant unavoidable air quality, transportation and traffic, hazards and hazardous materials, and cultural resources impacts, but of but of a lesser magnitude than the proposed project. Significant energy impacts would also occur, as would the same types of significant impacts that are mitigated to a less than significant level with mitigation proposed by the project.

The No BART alternative would also reduce the need to construct a new school in the project area. Development under the No BART alternative would not increase the severity of any impacts or result in any impacts that were not identified to occur under the proposed project.

Conclusion

The No BART alternative would not meet the applicant's goals listed below or the City's goal of developing the project site with a mixed use, transit-oriented community of residential, commercial, industrial/office uses on the Flea Market site, but most of these goals would not be relevant under a "No BART" scenario.

- To take advantage of a unique opportunity in the Bay Area to plan and develop a model of "Smart Growth" and "Sustainable Communities".

- To support Transit-Oriented Development (TOD), lend support to the current "BART to San José" planning effort, and support the transit project's FTA funding approval

- To help the City fulfill its housing production goals by providing substantial acres of land to produce a diverse range of housing types at an infill site with direct access to regional mass transit and close proximity to jobs in Downtown and North San José. The location of the housing will allow the development to utilize existing freeway and road systems, as well as other existing city services.

- To promote the revitalization of Downtown by providing a significant new population base just two short BART stops away from Downtown.

- To set the standard for smart growth transit-oriented development planning for the entire Berryessa Station area.

- To provide innovative land use, circulation and parking plans that support the BART station.

- To redevelop under-utilized and out dated commercial property into a well planned mixed-use development that maximize use of transit by creating a walkable, transit-oriented, urban community near transit.

- To ensure public spaces are designed, oriented and located such that they are attractive and draw people to "activate" the spaces. Such spaces as the mixed use main street and transit station plaza will draw people to the BART station activity areas.

- To create a safe, walkable environment that includes appropriate connections to BART.

- To support the achievement of the minimum housing threshold of 3,850 units for the overall planned BART Station Area, as adopted under the Metropolitan Transportation Commission (MTC) Resolution 3434, Transit-Oriented Development Policy for Regional Transit Expansion Projects.

Although most impacts would be substantially reduced, development of the project site under the No BART alternative would not avoid or reduce to a less than significant level any of the impacts identified to occur under the proposed project. The No BART alternative is, however, environmentally superior to the proposed project.

6.4 NORTH ONLY ALTERNATIVE

The North Only alternative assumes that the project site north of Berryessa would be redeveloped exactly as proposed by the project (i.e., up to 1,000 dwelling units and up to 215,622 square feet of either commercial or office/industrial development) and the project site south of Berryessa would continue to operate as the San José Flea Market. The North Only alternative would substantially reduce the amount of parking available for patrons to the Flea Market. To compensate the loss of parking and allow the Flea Market to function at its current capacity, a parking structure would need to be constructed on the south end of the project site near Mabury Road. If a parking structure were not constructed, it is likely that the reduced parking would limit the viability of the Flea Market to the point that either it goes out of business or significantly reduced in size. This alternative could be a variation of the No BART alternative above.

Comparison of Impacts

Because the amount of development included under the North Only alternative would be substantially reduced, development under the North Only alternative would reduce the magnitude of most impacts identified to occur as a result of the proposed project. Although substantially reduced, the North Only alternative would still result in significant unavoidable air quality, transportation and traffic, and hazards and hazardous materials impacts but of a lesser magnitude compared to those from the proposed project. Significant energy impacts could also occur, as would the significant impacts that are mitigated to a less than significant level with mitigation proposed by the project.

The construction of a parking structure would provide parking for the Flea Market. It is possible that the Flea Market could continue to operate at its current location under the North Only alternative; thereby, avoiding the significant unavoidable historic impact resulting under the proposed project (i.e., the loss of the San Jose Flea Market).

The North Only alternative would reduce the need to construct a new school in the project area and would avoid bridge and outfall construction impacts to Upper Penitencia Creek and the construction of two-story, high-density residential development within 250-feet of a high-pressure gas line. These impacts are, however, reduced to a less than significant level with mitigation included in the proposed project. Development under the North Only alternative would not increase the severity of any impacts or result in any new impacts that were not identified to occur under the proposed project.

Conclusion

The North Only alternative becomes a residential project with adjacent commercial uses. It would not meet the City's objective to create an innovative, high quality, mixed-use (office/industrial, residential, and commercial), transit-oriented development on the Flea Market site (i.e., within the Berryessa BART Station Area Node) that will further the goals of the City's General Plan and support BART ridership and the goals of regional transportation agencies.

Similarly, the North Only alternative would not meet the applicant's goals and objectives listed below:

- To take advantage of a unique opportunity in the Bay Area to plan and develop a model of "Smart Growth" and "Sustainable Communities".

- To support Transit-Oriented Development (TOD), lend support to the current "BART to San José" planning effort, and support the transit project's FTA funding approval

- To help the City fulfill its housing production goals by providing substantial acres of land to produce a diverse range of housing types at an infill site with direct access to regional mass transit and close proximity to jobs in Downtown and North San José. The location of the housing will allow the development to utilize existing freeway and road systems, as well as other existing city services.

- To promote the revitalization of Downtown by providing a significant new population base just two short BART stops away from Downtown.

- To set the standard for smart growth transit-oriented development planning for the entire Berryessa Station area.

- To provide innovative land use, circulation and parking plans that support the BART station.

- To redevelop under-utilized and out dated commercial property into a well planned mixed-use development that maximize use of transit by creating a walkable, transit-oriented, urban community near transit.

- To ensure public spaces are designed, oriented and located such that they are attractive and draw people to "activate" the spaces. Such spaces as the mixed use main street and transit station plaza will draw people to the BART station activity areas.

- To create a safe, walkable environment that includes appropriate connections to BART.

- To ensure appropriate interfaces between different uses through items such as screening, building location and design, public spaces and buffer areas. This is especially important to the adjacent light and heavy industrial uses surrounding the transit village.

- To provide a public park that is large enough to be an active park, including soccer and ball fields, to serve both the project residents and existing adjacent residents.

- To provide appropriate riparian setbacks to protect and enhance the rich environments of Coyote Creek and Upper Penitencia Creek areas.

- To support the achievement of the minimum housing threshold of 3,850 units for the overall planned BART Station Area, as adopted under the Metropolitan Transportation Commission (MTC) Resolution 3434, Transit-Oriented Development Policy for Regional Transit Expansion Projects.

Because the North Only alternative would reduce or avoid many of the significant impacts that would occur as a result of the proposed project and would partially meet the City's and the applicant's objectives, the North Only alternative is environmentally superior to the proposed project.

6.5 MITIGATE OAKLAND/HEDDING ALTERNATIVE

Project-generated traffic would significantly impact the intersection of Oakland Road and Hedding Street during the AM peak hour. The project proposes to add the intersection of Oakland Road and Hedding Street to the City of San Jose List of Protected Intersections (**refer to Section 4.2, Transportation and Traffic**). An alternative would be to mitigate the project's traffic impact at this intersection. The improvements required to mitigate the project's impact at this intersection to a less than significant level during the AM peak hour are the addition of a separate westbound right-turn lane and conversion of the southbound approach to two left turns, a through lane, and a shared through-right lane. During the AM peak hour these modifications would reduce the increase in average critical delay and critical volume-to-capacity (V/C) described in Section 4.2 of this EIR, below the impact thresholds. The addition of the separate westbound right-turn lane requires right-of-way acquisition from two existing businesses (a Mexican restaurant and an automotive repair facility) located in the northeast quadrant of this intersection.[56] The modification of the southbound approach requires shifting the lanes of both the northbound and southbound approaches and signal modification to accommodate the northbound-southbound left-turns within the intersection. The modification of the southbound approach requires right-of-way acquisition in the southwest quadrant of this intersection, which would shift travel lanes nearer to an existing residence and could result in the removal of existing structures.[57]

Comparison of Impacts

Compared to the proposed project, the Mitigate Oakland/Hedding alternative would reduce the significant unavoidable traffic impact to the intersection of Oakland Road and Hedding Street during the AM peak hour that is identified to result from the proposed project to a less than significant level. The possible impacts that could result from implementation of the mitigation measure necessary to reduce this impact to a less than significant level are discussed below.

Land Use Impacts

Mitigation of the project's traffic impact at the intersection of Oakland Road and Hedding Street may result in the loss of up to two businesses located in the northeast quadrant of this intersection and would place vehicle travel lanes closer to existing uses in the southwest quadrant of this intersection (i.e., a gas station, residence, and hotel). Acquiring the property to complete the mitigation might require the use of eminent domain by the City of San Jose, if the right-of-way could not be acquired from willing sellers.

Noise Impacts

The improvements to the intersection of Oakland Road and Hedding Street necessary to mitigate project traffic impacts would place vehicle travel lanes closer to existing uses in the southwest quadrant of this intersection (i.e., a gas station, residence, and hotel) and would increase the capacity of the intersection. A noise impact assessment was completed to evaluate if noise impacts would occur from the improvements necessary to mitigate the project's traffic impact at the intersection of Oakland Road and Hedding Street to a less than significant level. The noise impact assessment is included in Appendix B of this EIR. Although the improvements would bring some traffic lanes closer to a house and a hotel, they would not substantially increase noise levels at these receptors.

[56] Acquiring the property to complete the mitigation might require the use of eminent domain by the City of San Jose, if the right-of-way could not be acquired from willing sellers. Such an action would be accompanied by compensation to the landowners and relocation of any tenants, residential or commercial.

For this reason, the Mitigate Oakland/Hedding alternative would not result in a significant noise impact.

Air Quality Impacts

The improvements to the intersection of Oakland Road and Hedding Street necessary to mitigate project traffic impacts would place vehicle travel lanes closer to existing uses in the southwest quadrant of this intersection (i.e., a gas station, residence, and hotel) and would increase the capacity of the intersection. An air quality impact assessment was completed to evaluate if this mitigation would result in a significant air quality impact. The air quality impact assessment is included in Appendix C of this EIR. Although the improvements would bring some traffic lanes closer to receptors, resulting in slightly higher air pollutant levels at those specific receptors, carbon monoxide concentrations are predicted to remain below ambient air quality standards. For this reason, the Mitigate Oakland/Hedding alternative would not result in a significant air quality impact.

Historic Resource Impacts

The improvements to the intersection of Oakland Road and Hedding Street necessary to mitigate project traffic impacts requires right-of-way acquisition from the northeast and southwest quadrant of this intersection, which could result in the removal of existing structures.[57] These structures include two existing businesses (a Mexican restaurant and an automotive repair facility) located in the northwest quadrant (i.e., one building located at 613 East Hedding Street and two buildings located at 904 North 13th Street) and a residence (881 North 13th Street) located in the southwest quadrant. An historic resource assessment was prepared for the structures that would be affected by the proposed mitigation. The historic resource assessment is included in Appendix D of this EIR. None of the structures meet the criteria for a significant historic resource. For this reason, the Mitigate Oakland/Hedding alternative would not result in a significant impact to historic resources.

Conclusion

Because the Mitigate Oakland/Hedding alternative would reduce to a less than significant level the significant traffic impact at the intersection of Oakland Road and Hedding Street that is identified to result under the proposed project and would accomplish the City's and the applicant's project objectives, the Mitigate Oakland/Hedding alternative is environmentally superior to the proposed project. However, widening the intersection would not be consistent with the City's level of service policy.

6.6 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA requires an EIR to identify the Environmentally Superior alternative. For this project, this would be the North Only alternative. The North Only alternative would reduce or avoid many of the significant impacts that would occur as a result of the proposed project and would partially meet the City's and the applicant's objectives.

[57] Acquiring the property to complete the mitigation might require the use of eminent domain by the City of San Jose, if the right-of-way could not be acquired from willing sellers.

SECTION 7 CUMULATIVE IMPACTS

7.1 INTRODUCTION

Cumulative impacts, as defined by CEQA, refer to two or more individual effects, which when combined, are considerable or which compound or increase other environmental impacts. Cumulative impacts may result from individually minor, but collectively significant projects taking place over a period of time. The CEQA Guidelines state (§15130) that an EIR should discuss cumulative impacts "when the project's incremental effect is cumulatively considerable." The discussion does not need to be in as great detail as is necessary for project impacts, but is to be "guided by the standards of practicality and reasonableness." The purpose of the cumulative analysis is to allow decision-makers to better understand the potential impacts which might result from approval of past, present and reasonably foreseeable future projects, in conjunction with the proposed project addressed in this EIR.

The CEQA Guidelines advise that a discussion of cumulative impacts should reflect both their severity and the likelihood of their occurrence. To accomplish these two objectives, the analysis should include either a list of past, present and probable future projects or a summary of projections from an adopted general plan or similar document. The effects of past projects are generally reflected in the existing conditions described in the specific sections of this EIR. For instance, the traffic from recently-approved projects is reflected in the Background Conditions described in **Section 4.2, Transportation and Traffic**.

The discussions below address two aspects of cumulative impacts: 1) would the effects of all of the pending development listed result in a cumulatively significant impact on the resources in question? 2) and, if that cumulative impact is likely to be significant, would the contributions to that impact from the project which is the subject of this EIR make a cumulatively considerable contribution to those cumulative impacts?

The CEQA Guidelines state (§15130) that an EIR should discuss cumulative impacts "when the project's incremental effect is cumulatively considerable." As noted in **Section 9, Significant Unavoidable Impacts** of this EIR, the proposed project would result in significant unavoidable land use, air quality, cultural resource, transportation and traffic, energy, and hazards and hazardous material impacts; therefore, it is possible that the proposed project could contribute to cumulative impacts in these areas, if a cumulative impact exists. Although not identified as a significant impact, the project would incrementally reduce the amount of job-producing uses that could be developed on the project site, incrementally increase demand on public services, and the project-generated traffic would incrementally increase noise levels along roadways in the project area; therefore, it is also possible that the proposed project could contribute to cumulative impacts in these areas, if a cumulative impact exists. Mitigation measures are included in the proposed project to avoid/reduce impacts to biological resources and hydrology and water quality impacts to a less than significant level. Compared to existing conditions, the proposed 100-foot setbacks from the edge of the riparian habitats of Upper Penitencia and Coyote Creeks would improve the riparian habitat adjacent to the project site, and the proposed storm water quality control measures and reduced impervious surfaces on the project site would improve water quality and reduce the amount of stormwater discharged from the project site. For these reasons, the proposed project would not contribute to cumulative biological resource or hydrology and water quality impacts.

Based on the above discussion, the following discussion of cumulative impacts evaluates whether the proposed project would result in cumulatively considerable significant land use, transportation and traffic, hazards and hazardous material, noise, air quality, public services impacts, population, jobs, and housing, cultural resource, and energy.

List of Cumulative Projects

The project proposes amendments to the City of San José General Plan and rezoning that would allow for the future development of residential, combined industrial/commercial, and commercial uses on the project site. Because the project proposes to amend the City's General Plan, the method used to evaluate if the incremental effect of the proposed project is cumulatively considerable combines elements of both the "list" method and the adopted General Plan method.

This cumulative analysis is based on buildout of the San José General Plan in combination with all pending applications to change the City's General Plan. The cumulative projects are summarized in Table 36 and their location is shown on Figure 27. When compared to buildout under the approved San José General Plan, approval and buildout of all of the cumulative projects would result in a net increase of approximately 9,850 jobs and 39,630 dwelling units.

Including the proposed project, the City of San José is currently considering four major long-term projects. The other three projects are the Evergreen East Hill Vision Strategy, Coyote Valley Specific Plan, and iStar. Together, these four projects propose development and/or intensified redevelopment on approximately 4,138 acres of land. The Evergreen East Hill Vision Strategy, Coyote Valley Specific Plan, and iStar projects are described below. The description of these projects is intended to represent a feasible "worst-case" scenario in which these projects contribute toward cumulative environmental impacts. The information included here should not be interpreted to presuppose future public processes, including City Council actions on any of the cumulative projects listed.

iStar Project

The approximately 76-acre project site is bounded by Great Oaks Boulevard to the north, Tucson Way to the east, SR 85 to the east and south, and Manassas Road to the west. The site is comprised of undeveloped land. The project proposed a General Plan amendment to change the land use designation on the site from *Industrial Park* to *Mixed Use with No Underlying Land Use designation* and Planned Development zoning that will allow the development of up to 1.0 million square feet of R&D/office and up to 450,000 square feet of commercial/retail uses on the project site. The iStar project was approved by the City Council in June 2006, but development permits have not yet been issued and construction of the project has not commenced.

Evergreen East Hills Vision Strategy Project

The Evergreen East Hills Vision Strategy is a community based planning effort to develop a vision to guide future development in the Evergreen area. The Evergreen area is defined as the land within San José's Urban Service Area (USA) boundary, south of Story Road, east of US 101 and north of Yerba Buena Road. The planning effort consists of various actions which, when considered together, would provide a comprehensive vision and framework for future development within the Evergreen area of the City of San José. These potential actions include changes in General Plan land use designations and rezoning on approximately 542 acres of land in Evergreen; formation of a

Table 36
List of Cumulative General Plan Amendments

Map #	File Number	Project Location	Existing General Plan Designation	Proposed General Plan Designation	Project Size (acres)	Result of GP Change	
						Households	Jobs
1	GP03-02-05	North side of SR 85, approximately 1,200 feet west of Monterey Rd	Industrial Park	Mixed Use with No Underlying designation	76	0	-3,695
2	GP05-02-02	West side of Snell Ave., approximately 400 feet southerly of Santa Teresa Blvd.	General Commercial	Medium High Density Residential (12-25 DU/AC)	1.46	+28	-18
3	GP05-02-03	Easterly side of Monterey Road approximately 1050 feet north of Burnett Avenue	Agriculture with Coyote Greenbelt Overlay	Public Park/Open Space with Coyote Greenbelt Overlay	73.08	0	0
4	GP05-02-04	Southeast corner of Piercy Road and Tennant Avenue	Non-Urban Hillside	Medium Low Density Residential (8 DU/AC) on 8.4 ac; Private Open Space on 1.29 ac and inclusion of 4.75 ac within the Urban Service Area	9.7	+60	0
5	GP05-02-05	Terminus of Skyway Dr.	Very Low Density Residential (2.0 DU/AC)	Medium Density Residential (8-16 DU/AC)	4.7	+55	0
6	GP05-02-06	East side of Monterey Highway, approximately 800 feet north west of Skyway Drive	Very Low Density Residential (2.0 DU/AC) on 4.3 ac and General Comm. on 0.2 ac	Medium Low Density Residential (8.0 DU/AC)	4.5	+27	0
7	GP06-02-01	Southeasterly side of Silver Creek Valley Road, and at the south teminus of Fontanoso Way	Industrial Park	Combined Industrial/ Commercial	4.4	0	-64

Table 36
List of Cumulative General Plan Amendments

Map #	File Number	Project Location	Existing General Plan Designation	Proposed General Plan Designation	Project Size (acres)	Result of GP Change	
						Households	Jobs
8	GP06-02-02	Easterly side of Piercy Road, northeasterly corner of Piercy Road and Silicon Valley Road	Rural Residential (0.2 DU/AC)	High Density Residential (25-50 DU/AC) on a 2.6-acre site, and incorporation to the Urban Service Area Boundary /Urban Growth Boundary on the 2.6-acre site	2.6	+104	0
9	GP05-03-02	North side of Campbell Avenue, approximately 2000 feet northwesterly of Newhall Street	Light Industrial	High Density Residential (25-50 DU/AC)	4.6	+479	-547
10	GP05-03-05	West side of Tenth Street, approximately 900 feet northwesterly of Hedding Street	Light Industrial	High Density Residential (25-50 DU/AC)	23	+918	-414
11	GP05-03-07	Northeast corner of North King Rd. and Las Plumas Avenue	Light Industrial	High Density Residential (25-50 DU/AC and General Commercial	13.7	+491	-229
12	GP05-03-08	Northeasterly side of Stockton Avenue, approximately 300 feet northerly of W. Santa Clara St.	Combined Industrial/ Commercial on 1 ac and General Commercial on 0.7 ac	Downtown Core Area	1.7	+108	0
13	GP06-03-01	Northeasterly side of N. King Road approximately 600 feet south of Mabury Rd.	Light Industrial	Transit Corridor Residential (20+ DU/AC)	24.8	+1,364	-136
14	GP03-04-08	North side of Berryessa Rd. west of UPRR tracks	Industrial Park	Transit Corridor Residential (20+ DU/AC)	13.5	+743	-462
15	GP04-04-02	Southeasterly corner of North First St. at Liberty St.	Combined Industrial/Commercial	Medium Density Residential (8-16 DU/AC)	19	+243	-326

Table 36
List of Cumulative General Plan Amendments

Map #	File Number	Project Location	Existing General Plan Designation	Proposed General Plan Designation	Project Size (acres)	Result of GP Change	
						Households	Jobs
16	GP05-04-03	East side of Oakland Road approximately 400 feet north of Rock Avenue	Heavy Industrial	Heavy Industrial with a Mixed Industrial Overlay	2.66	0	0
17	GP05-04-08	West side of N. First Street approximately 1800 feet south of Tasman Blvd.	Industrial Park	Industrial Park with a Transit Employment Residential Overlay (55+ DU/AC) on 13 acres and General Commercial on 3.0 acres	16	+826	-101
18	GP05-04-09	South side of Murphy Ave. approximately 500 feet east of Oakland Rd.	Combined Industrial/Commercial	High-Density Residential (25-50 DU/AC) on 3.6 ac and General Commercial on 0.3 ac	3.9	+144	-63
19	GP06-04-01	Both sides of Berryessa Rd west of the UPRR tracks	Transit Corridor Residential (20+ DU/AC) on 58.4 ac and Combined Industrial/Commercial on 31ac	Transit Corridor Residential (20+ DU/AC) on 82.8 ac and Combined Industrial/Commercial on 6.6 ac and request to increase building height from 120 feet to 150 feet within the BART Station Area Node, south of Berryessa Rd. and request to add flexible land use boundary to 120.2 acre project site	120.2	+1,095	-90

Table 36
List of Cumulative General Plan Amendments

Map #	File Number	Project Location	Existing General Plan Designation	Proposed General Plan Designation	Project Size (acres)	Result of GP Change	
						Households	Jobs
20	GP06-04-02	Southwest corner of Brokaw Road and Oakland Road	Industrial Park on 11.8 acres and Industrial Park with a Mixed Industrial Overlay on 15.4 acres	Neighborhood/Community Commercial on 6 acres and High Density Residential (25-50 DU/AC) on 21.4 acres	27.4	+854	-1,206
21	GP05-05-01	East side of South King Rd. approximately 300 feet north of E. San Antonio St.	Medium Density Residential (8-16 DU/AC)	Mixed Use with No Underlying Designation	0.62	0	+15
22	GP05-05-02	Southwest corner of McCreery Ave. and Alum Rock Ave.	Medium Density Residential (8-16 DU/AC)	Neighborhood/Community Commercial on 0.6 ac and expansion of the Neighborhood Business District on 0.12 ac	0.6	-2	+2
23	GP05-05-03	South side of Alum Rock Ave. approximately 250 feet east of McCreery Ave.	General Commercial and Medium High Density Residential (12-25 DU/AC)	Transit Corridor Residential (20+ DU/AC)	4.0	+156	+42
24	GP05-06-01	Site bounded by UPRR tracks to the north, Lincoln Ave. and Northrup St. to the east, I-280 to the south and Race Street to the west	Industrial Park	High Density Residential (25-50 DU/AC)	10.64	+479	-681
25	GP05-06-02	Site bounded by Race St. to the west, industrial buildings on Auzerias Ave. to the north, Lincoln Ave. to the east and the UPRR tracks to the south	Industrial Park and Combined Industrial/Commercial	High Density Residential (25-50 DU/AC)	10.86	+489	-696

Table 36
List of Cumulative General Plan Amendments

Map #	File Number	Project Location	Existing General Plan Designation	Proposed General Plan Designation	Project Size (acres)	Result of GP Change	
						Households	Jobs
26	GP05-06-03	South side of Campbell Ave. approximately 215 feet westerly of O'Brien Ct.	Light Industrial	Transit Corridor Residential (20+ DU/AC)	7.08	+460	-757
27	GP05-06-04	South side of Campbell Ave. approximately 850 west of Newhall St.	Light Industrial	Medium High Density Residential (12-25 DU/AC)	2.67	+50	-47
28	GP02-07-03	Northwest corner of Tully Rd. and South 10th St.	Public/Quasi-Public	Mixed Use with No Underlying Land Use Designation, High Density Residential (25-50 DU/AC) up to 550 units, and General Commercial up to 125,000 sq. ft. of Commercial/Retail space	13.9	+359	+26
29	GP05-07-01	Northwest corner Phelan Ave. and Lucretia Ave.	Medium Low Density Residential (8 DU/AC)	Medium Density Residential (8-16 DU/AC)	1.8	+10	0
30	GP06-07-01	East side of Monterey Rd. approximately 550 feet north of Curtner Ave.	Combined Industrial/Commercial	High Density Residential (25-50 DU/AC) on 2.3 ac and General Commercial on 0.6 ac	2.9	+92	-43
31	GP06-07-02	Northeast side of McLaughlin Ave. approximately 640 feet southeasterly of Tully Rd.	Medium Low Density Residential (8 DU/AC)	Medium Density Residential (8-16 DU/AC)	1.5	+8	0
32	GP06-07-03	South side of Umbarger Rd. approximately 200 feet northeast of Monterey Road	Combined Industrial/Commercial	Medium High Density Residential (12-25 DU/AC)	2.2	+44	-40

Table 36
List of Cumulative General Plan Amendments

Map #	File Number	Project Location	Existing General Plan Designation	Proposed General Plan Designation	Project Size (acres)	Result of GP Change	
						Households	Jobs
33	GP05-08-01A	South side of Quimby Rd. approximately 1,000 feet west of Capitol Expwy.	Public/Quasi-Public, Medium Low Density Residential (8 DU/AC), Office, Industrial Park, and Public Park/Open Space	Mixed-Use with No Underlying Land Use Designation	81	+1,658	-729
34	GP05-08-01B	Northeast corner of Tully Road and White Road	Private Recreation	Medium Density Residential (8-16 DU/AC), Neighborhood/Community Commercial, Public Park/Open Space	114	+825	0
	GP05-08-01C	Southeast corner of Fowler and Yerba Buena Rd. and both sides of expansion of Yerba Buena Rd./Murillo Avenue between Fowler and Aborn Roads	Campus Industrial	Medium Density Residential (8-16 DU/AC), Medium Low Density Residential (8 DU/AC), or Low Density Residential (5 DU/AC) and Parks/Open Space and realignment of a Major Collector (60-90 ft.) to accommodate between 510 and 1,100 single-family attached and detached dwelling units	175	+1,950	-10,081

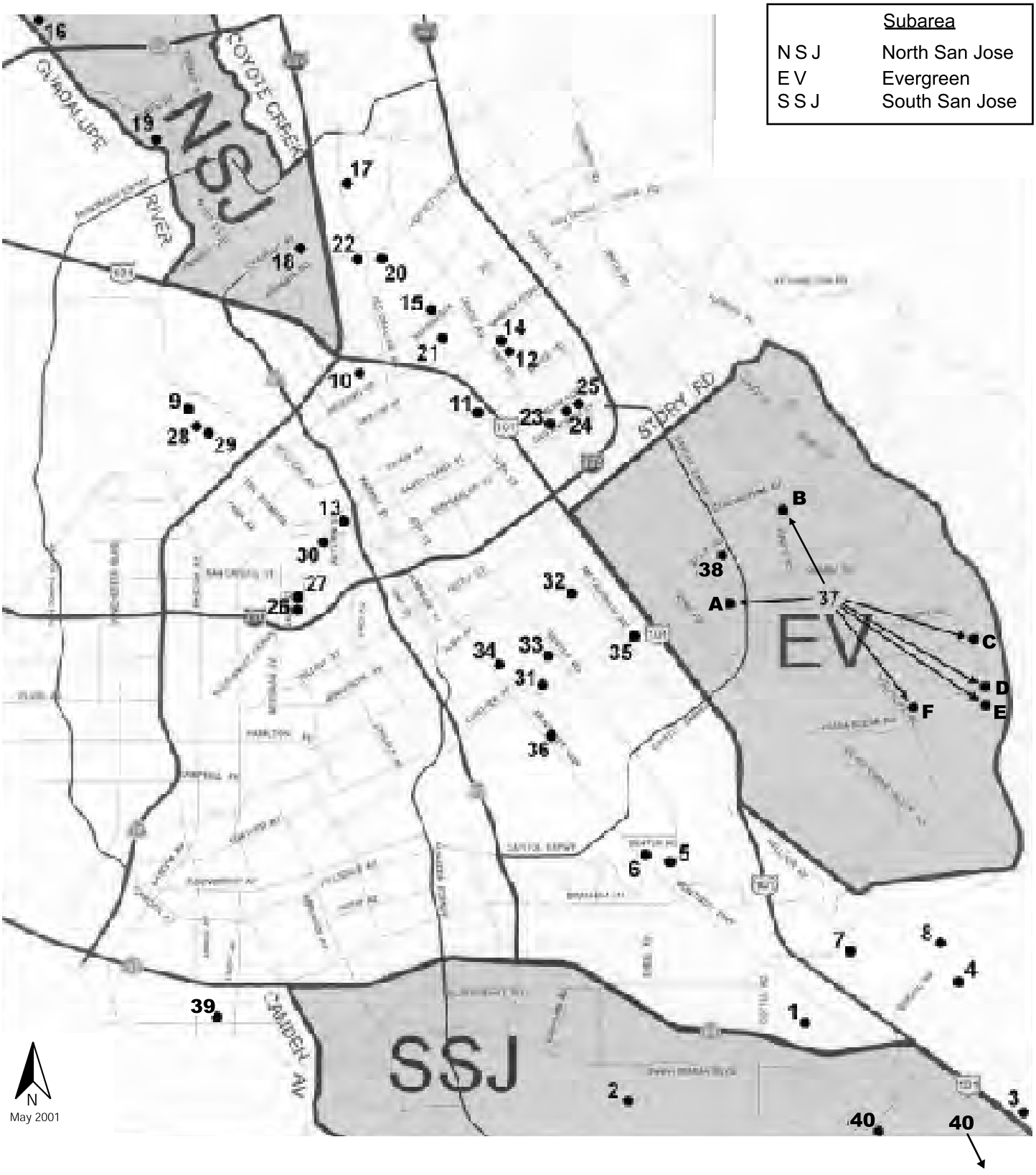
Table 36
List of Cumulative General Plan Amendments

Map #	File Number	Project Location	Existing General Plan Designation	Proposed General Plan Designation	Project Size (acres)	Result of GP Change	
						Households	Jobs
	GP05-08-01D	East side of Yerba Buena Rd. opposite Verona Rd.	Campus Industrial	Medium Density Residential (8-16 DU/AC), Medium Low Density Residential (8 DU/AC), and Parks/Open Space and realignment of a Major Collector (60-90 ft.) to accommodate between 110 and 250 single-family attached and detached dwelling units	24		
35	GP05-08-01E	Northeast corner of Yerba Buena Rd. and Old Yerba Buena Rd.	Campus Industrial	Medium Density Residential (8-16 DU/AC), Medium Low Density Residential (8 DU/AC), and Parks/Open Space and realignment of a Major Collector (60-90 ft.) to accommodate between 330 and 675 single-family attached and detached dwelling units	120		
	GP05-08-01F	North side of Yerba Buena Road approximately 300 feet easterly of San Felipe Road	Public/Quasi-Public	Mixed-Use with No Underlying Land Use Designation	27	+500	+232
36	GP05-08-02	Southwest corner of Capitol Expwy. and Tully Road	Industrial Park	Regional Commercial	1.2	0	-40
37	GP04-09-01	Northwest corner Los Gatos-Almaden Rd and Warwick Rd	Very Low Density Residential	Medium Density Residential (8-16 DU/AC)	0.99	+12	0

Table 36
List of Cumulative General Plan Amendments

Map #	File Number	Project Location	Existing General Plan Designation	Proposed General Plan Designation	Project Size (acres)	Result of GP Change	
						Households	Jobs
38	GP04-10-01	Southeast side of Bailey Ave. approximately 5,300 feet southwesterly of Santa Teresa Blvd.	Private Recreation and Non-Urban Hillside	Private Open Space and Non-Urban Hillside	0	0	0
39	CVSP	Coyote Valley Specific Plan (Full Buildout)			3,400	+25,000	+30,000
				Totals	4,448.86	+39,629	+9,852

*The estimates of jobs accounts for the existing entitlement of approximately 20,000 jobs in Coyote Valley.



Source: Hexagon Transportation Consultants

CUMULATIVE PROJECT LOCATIONS AND SPECIAL SUBAREAS FIGURE 27

Community Facilities District (CFD), which would provide a mechanism for the funding of various transportation and community improvement projects in Evergreen; adoption of a revised Evergreen Development Policy; and adoption of design guidelines for future development in Evergreen. The 542-acres include five separate project sites that are generally referred to as the Evergreen East Hills Vision Strategy Opportunity Sites.

Adoption of a revised Evergreen Development Policy and the proposed General Plan amendments could eventually result in the conversion of lands not currently planned or used for residential purposes to residential use, including approximately 320 acres currently designated for Campus Industrial use. The Evergreen East Hills Vision Strategy process is evaluating six different development scenarios ranging from the "No Project" scenario, which would preserve the existing land use designations on all parcels, to the "Retain Industrial" scenario which would retain the existing industrially designated land and add residential units, and office and commercial space.

When compared to development that could occur under the adopted General Plan, the City estimates an increase of 4,933 dwelling units and a decrease of 10,578 jobs on approximately 542 acres within Evergreen as the worst-case development scenario for lands addressed by the EEHVS. Unless otherwise noted, the cumulative sections below analyze this worst-case development scenario.

Coyote Valley Specific Plan Project

The Coyote Valley Specific Plan (CVSP) is a community-based effort to develop a long-range specific plan to guide the development of the Coyote Valley area over the next 25-30 years. The Coyote Valley Specific Plan area consists of 7,000 acres of mostly undeveloped land in the southern reaches of the City of San José. It is divided into three sub-areas: North, Mid (or Central) and South. The North and Mid Coyote Valley areas are within the City's Urban Growth Boundary (UGB). Mid Coyote Valley is located outside the City's Urban Service Area (USA) boundary. South Coyote Valley is located outside both the UGB and USA.

The City Council initiated the current planning process for the CVSP in August 2002 and appointed a 20-member Task Force charged with guiding the preparation of the CVSP. The City's overall stated vision for Coyote is a unique, vibrant, mixed-use, transit-oriented and pedestrian-friendly community for the North and Mid Coyote Valley areas (3,400 acres). The South Coyote Valley area (3,600 acres) is intended to be a permanent, non-urban buffer between the cities of San José and Morgan Hill, consistent with its current designation as the Coyote Greenbelt. The CVSP will require amendments to the General Plan, and is expected to include Design Guidelines, Zoning and a Financing, Phasing and Implementation Plan.

The City Council has approved a document entitled Vision and Expected Outcomes for the project, which states that the Plan should include a minimum of 50,000 industry-driving jobs and 25,000 housing units (with at least 20% affordable) and should provide for a variety of housing types, schools, parks, commercial centers, job centers, and other community services. This cumulative discussion assumes that buildout of Coyote Valley will result in approximately 25,000 additional households and 30,000 jobs.[58] The land use plan should be sensitive to the environment and the land uses well connected through a rich network of open spaces, trails, bicycle paths, roads and transit. The urban design approach to the CVSP is based on the guiding principles of "smart growth" and the

[58] The assumption of 30,000 jobs takes into account the existing entitlements for approximately 20,000 jobs in Coyote Valley.

related goal of preventing the continuation of "urban sprawl" that has typified urban growth in much of the broader region.

The development of the CVSP has involved a broad-based community outreach process including: monthly Task Force and Technical Advisory Committee (TAC) meetings, regular community meetings, numerous stakeholder and property owner meetings and a very comprehensive website. There will also be Planning Commission and City Council public hearings on the CVSP. The Plan is expected to be considered by the City Council in 2007.

For EIR purposes, the description of the CVSP included herein is intended to represent a feasible "worst-case" scenario for that project in terms of its ability to contribute toward cumulative environmental impacts. The information included here should not be interpreted to presuppose future public processes including City Council actions on the CVSP.

Thresholds of Significance

With the exception of transportation, the thresholds of significance used throughout this analysis of cumulative impacts are the same as those listed in **Section 4** of this EIR. Transportation thresholds of significance for cumulative impacts are listed below at the beginning of the cumulative transportation impacts discussion.

7.4 CUMULATIVE LAND USE IMPACTS

Introduction

Approval of the proposals under consideration (see list of cumulative GPAs in Table 36) would allow substantial development/redevelopment of over 4,448 acres of land within the City of San Jose, most of which is currently vacant/undeveloped land. Amendments to the General Plan, rezoning, and (in some circumstances) annexations would be required to allow development. Most of the sites are located within developed urban areas; however, Coyote Valley and the eastern edge of Evergreen are mostly undeveloped and agricultural.

Cumulative Land Use Impacts

Locating residences in close proximity to industrial areas creates the possibility for conflicts between these land uses. A residential population is more sensitive to what would otherwise be sources of annoyance to a workplace population. Residences are more likely to include sensitive populations including children, the elderly, and the chronically ill. Residents typically object to nighttime noise from loading docks, truck traffic, heavy equipment, outdoor lighting, truck traffic spillover into residential neighborhoods, and the use, storage, and transport of hazardous materials. These activities may be considered unacceptable to nearby residents, even if the businesses are not located immediately adjacent to the residences. Locating residences near industrial uses can result in impacts to the residences from the industrial uses and vice-versa. For example, a hazardous material accident in an industrial area could have significant effects on human health and safety if a residential population is located nearby, or complaints from residents may cause restrictions to be placed on industrial businesses, such as limiting the use of hazardous materials.

The City of San Jose General Plan includes various policies for preserving industrial businesses and lands designated for industrial uses, because industrial land is important for its job creation potential

and contribution to the City's tax revenue need, which provides public services necessary to promote the health and welfare of the general population. Industrial land uses are also more likely to be incompatible with other types of land uses and, therefore, large areas of industrial land are critical to maintain the viability of individual parcels. Although the projects included in the cumulative analysis would all be required to implement General Plan policies and to conform to residential, commercial, and industrial design guidelines that are intended to minimize land use conflicts, approval of 16 of the cumulative GPAs, including the proposed project, would allow residential development adjacent to industrial uses. This would increase the possibility of land use conflicts compared to existing conditions, which could limit the viability of industrial uses. Therefore, this would not be consistent with existing General Plan policies.

These same sixteen cumulative GPAs would also result in the conversion of industrial land uses to residential land uses. The City's General Plan includes *Balanced Community Policy #1*, which states the City should foster development patterns which will achieve a whole and complete community in San José, particularly with respect to improving the balance between jobs and economic development on the one hand, and housing resources and a resident work force on the other. A perfect balance between jobs and housing may not be achievable but the City should attempt to improve this balance to the greatest extent feasible. In order for the City to have a balanced community and maintain the jobs/housing balance discussed in **Section 4.13, Population, Jobs, and Housing**, it is critical that there is land available for the various land uses in the City's General Plan.

Citywide there are currently a total of approximately 10,217 acres of land designated for industrial use. Since 2000, the amount of industrial land citywide has decreased by approximately eight percent. The cumulative projects would convert approximately 487.25 acres of land developed with or planned to be developed with industrial uses to residential use, which is 4.76 percent of the remaining industrial land within the City. The proposed project would convert 24.4 acres land planned for industrial uses to a residential use.

If the City is unable to provide acreage to maintain the supply and viability of the suitable industrial land within the City limits, businesses may need to locate to adjacent communities requiring citizens to seek these services outside the City limits. This situation would result in lost tax revenue for basic City services. Residents driving farther to work will also generate more traffic and air quality impacts associated with increased travel distances and vehicle emissions. The cumulative projects would substantially decrease the amount of industrial land within the City and, therefore, would not be consistent with *Balanced Community Policy #1* and General Plan policies for preserving industrial businesses and lands designated for industrial uses. [**Significant Cumulative Land Use Impact]**

7.4.1 Conclusions Regarding Cumulative Land Use Impacts

The development proposed by the cumulative projects could limit the viability of existing industrial uses and would substantially decrease the amount of industrial land within the City. This is not consistent with *Balanced Community Policy #1* and General Plan policies for preserving industrial businesses and lands designated for industrial uses. The proposed project would result in the loss of approximately 24.4 acres of land designated for *Combined Industrial/Commercial* uses and; therefore, its incremental effect is cumulatively considerable. [**Significant Cumulative Land Use Impact]**

7.5 CUMULATIVE TRANSPORTATION IMPACTS

Introduction

As discussed in **Section 4.2 Transportation and Traffic**, the City of San José's traffic forecasting model was used to determine cumulative traffic impacts attributable to proposed changes to the City's General Plan listed in Table 36. The forecasting model provides projections of future traffic volumes on the planned roadway system, taking into account the traffic from future development planned for the City's own General Plan and in other adjacent jurisdictions. The Winter 2007 cumulative analysis is presented in two sections that include Coyote Valley Specific Plan (CVSP) Partial Build-out and Coyote Valley Specific Plan (CVSP) Full Build-out scenarios. The detailed results of the cumulative analysis model run are included in Appendix A of this EIR.

The cumulative changes in households and jobs are summarized in Table 37 for CVSP Partial Build-out and CVSP Full Build-out scenarios.

Table 37
Description of Cumulative Winter 2007 GPA

	Change in Households	Change in Jobs
CVSP Partial Build-out	26,275	25,984
CVSP Full Build-out	40,975	5,772
Source: City of San Jose		

Thresholds of Significance

For the purposes of this EIR, a cumulative transportation impact is considered significant if the following were to occur during the AM or PM peak hour:

- The total VMT and VHT both increase by 0.10 percent for all roadways in the Santa Clara County; or
- The peak direction volumes across any one of the special subarea cordon lines shown on Figure 27 increases by the percentage shown in Table 38; or
- The aggregated V/C ratios of nearby regional screenlines increase in the peak direction by at least 0.01, and total volumes on the same links increase in the peak direction by at least five percent of the average link capacity; or
- The aggregated E/F link V/C ratios of nearby regional screenlines increase in the peak direction by at least 0.005, and total volumes on the same E/F links increase in the peak direction by at least 2.5 percent of the average congested link capacity; or
- The overall VMT within the proximity area of any of the proposed amendments increase by at least one percent and 200 vehicle-miles; or
- The congested VMT within the proximity area of any of the proposed amendments increase by at least one-half (1/2) the increase in total VMT in the proximity area and 100 vehicle-miles.

Table 38 Impact Thresholds for Cordon Line Analysis	
Subarea	**Percentage Change**
North San José	0.15%
Evergreen	0.05%
South San José	0.15%
Source: Methodology for Preparing Long-Term Traffic Impact Assessments. City of San Jose, Department of Transportation 2005/2006.	

Coyote Valley Specific Plan Partial Build-out Scenario

VMT and VHT Comparison (CVSP Partial Build-out Scenario)

The changes in VMT and VHT are dependent on the size and location of any proposed roadway network changes and/or land use changes being added to or subtracted from the transportation system. VMT and VHT may increase or decrease with the addition of a new arterial roadway depending on travel patterns, speed and capacity, and if it is oriented in the peak direction of travel. Table 39 presents the VMT and VHT comparison within Santa Clara County for the CVSP Partial Build-out scenario.

Table 39 VMT and VHT Comparison Within Santa Clara County for CVSP Partial Build-out Scenario				
	VMT		VHT	
	AM	PM	AM	PM
Cumulative	4,012,697	4,632,292	218,684	375,512
Base	3,867,924	4,524,689	190,829	335,123
Growth	144,773	107,603	27,855	40,389
Project Growth %	3.743%	2.378%	14.597%	12.052%
Source: City of San Jose Cumulative CUBE model October 2006.				

The results of the VMT and VHT analysis show the projected growth under the CVSP Partial Build-out scenario would result in an increase during both peak hours for the vehicle miles and vehicle hours traveled. While this increase exceeds the impact criteria, this significant impact is mostly attributable to GP05-08-01 and the Coyote Valley Specific Plan. Therefore, the incremental effect of the proposed project is not cumulatively considerable. **[Less than Significant Cumulative Traffic Impact]**

Cordon Analysis (CVSP Partial Build-out Scenario)

The cordon analysis was completed to evaluate the increase in AM and PM peak-hour peak directional traffic volumes crossing the boundaries for the special subareas of Evergreen, North San Jose, and South San Jose. Figure 27 illustrates each subarea and cordon line locations. The total AM

peak-hour volumes across the cordon lines for base conditions, cumulative conditions, and the changes are summarized in Table 40.

Table 40
Total AM Peak Hour Cordon Analysis Summary for CVSP Partial Build-out Scenario

Subarea	Base	Winter 2007 Cumulative	Change	%
Evergreen	16,807	19,024	2,217	13.190%
North San Jose	32,313	32,599	286	0.890%
South San Jose	17,379	19,219	1,840	10.590%
Countywide	358,236	366,385	8,149	2.275%

Source: City of San Jose Cumulative CUBE model October 2006

The change in volume ranges from an increase of 286 vehicles to an increase of 2,217 vehicles. The percentage change ranges from 0.890% to 13.190%. The percent increases across the Evergreen and South San Jose cordon lines indicate significant impacts, but this impact is mostly attributable to GP05-08-01 and the Coyote Valley Specific Plan. Therefore, the incremental effect of the proposed project is not cumulatively considerable. The percent increase across the North San Jose cordon line results in a significant traffic impact according to the cordon line impact criteria and the incremental effect of the proposed project is cumulatively considerable. **[Significant Cumulative Traffic Impact]**

The total PM peak-hour volumes across the cordon lines for base conditions, cumulative conditions, and the changes are summarized in Table 41.

Table 41
Total PM Peak Hour Cordon Analysis Summary for CVSP Partial Build-out Scenario

Subarea	Base	Winter 2007 Cumulative	Change	%
Evergreen	18,413	20,357	1,944	10.560%
North San Jose	36,619	36,858	239	0.650%
South San Jose	19,105	21,004	1,899	9.940%
Countywide	439,639	448,139	8,500	1.933%

Source: City of San Jose Cumulative CUBE model October 2006.

The change in volume ranges from an increase of 239 vehicles to an increase of 1,944 vehicles. The percentage change ranges from 0.650% to 10.560%. The percent increases across the Evergreen and South San Jose cordon lines indicate significant impacts, but this impact is mostly attributable to GP05-08-01 and the Coyote Valley Specific Plan. Therefore, the incremental effect of the proposed project is not cumulatively considerable. The percent increase across the North San Jose cordon line results in a significant traffic impact according to the cordon line impact criteria and the incremental effect of the proposed project is cumulatively considerable. **[Significant Cumulative Traffic Impact]**

Aggregated Screenline Analysis (CVSP Partial Build-out Scenario)

The screenline analysis identifies the volume-to-capacity (V/C) ratios of links at the regional screenline that may be affected by the proposed project. V/C is defined as a ratio of the volume of traffic on a roadway segment or link to its capacity. For the purposes of a Cube model analysis, volume-to-capacity ratios (V/C) for roadway links are defined as the equivalent of levels of service for intersections. Screenline analysis measures the area-wide tendencies and impacts of the proposed project by aggregating the V/C ratios of the identified links. The segment analysis divides the links into the following two groups for analysis: 1) all links and 2) those links that are operating at LOS E or F. A 2.5-mile radius around the project site is used to identify links to be used in the aggregated V/C computation.

The cumulative analysis identified four sets of links for evaluation. The first set of links (Link Set 1) are east of US 101. For Link Set 1, the peak direction of travel is westbound during the AM peak hour and eastbound during the PM peak hour. The second set of links (Link Set 2) are south of Jackson Street and Mabury Road. For Link Set 2, the peak direction of travel is northbound during the AM peak hour and southbound during the PM peak hour. The third set of links (Link Set 3) are west of US 101. For Link Set 3, the peak direction of travel is westbound during the AM peak hour and eastbound during the PM peak hour. The fourth set of links (Link Set 4) are west of I-680. For Link Set 4, the peak direction of travel is westbound during the AM peak hour and eastbound during the PM peak hour. Included in the GPA analysis are GP06-03-01 and GP06-04-05 screenlines.

During the AM peak hour, the results of the Aggregated V/C analysis (shown in Table 42) for the CVSP Partial Build-out scenario show that for all links in Link Set 1 there is an increase in the V/C ratio of 0.051 and in the volume of 1,281 vehicles. For the LOS E/F links, there is an increase in the V/C ratio of 0.045 and in the volume of 859 vehicles. Both of these changes exceed the impact criteria and result in a significant impact to all study roadways in the first set during the AM peak hour. The incremental effect of the proposed project is cumulatively considerable. **[Significant Cumulative Traffic Impact]**

The results of Link Set 2 during the AM peak hour show that for all links there is an increase in the V/C ratio of 0.051 and in the volume of 1,059 vehicles. For the LOS E/F links there is an increase in the V/C ratio of 0.037 and in the volume of 640 vehicles. Both of these changes exceed the impact criteria and result in a significant impact to all study roadways in the second set during the AM peak hour. The incremental effect of the proposed project is cumulatively considerable. **[Significant Cumulative Traffic Impact]**

During the AM peak hour, the results of the Aggregated V/C analysis (shown in Table 42) for the CVSP Partial Build-out scenario show that for all links in Link Set 3 there is an increase in the V/C ratio of 0.065 and in the volume of 1,049 vehicles. For the LOS E/F links, there is an increase in the V/C ratio of 0.066 and in the volume of 680 vehicles. Both of these changes exceed the impact criteria and result in a significant impact to all study roadways in the third set during the AM peak hour. The incremental effect of the proposed project is cumulatively considerable. **[Significant Cumulative Traffic Impact]**

Table 42
AM Peak Direction Aggregated Screenline Analysis for CVSP Partial Build-out Scenario

Link Name	LOS E/F Link	Capacity	Base		Cumulative	
			Volume	V/C	Volume	V/C
Link Set 1 – E. of US-101						
I-280	Y	7,600	6,818	0.90	7,248	0.95
Freeway to Freeway 680 to 101	N	5,250	3,706	0.71	3,974	0.76
San Antonio	N	600	382	0.64	537	0.90
Alum Rock	Y	1,800	1,833	1.02	2,001	1.11
McKee	Y	2,700	2,792	1.03	2,802	1.04
Mabury	Y	1,800	1,928	1.07	2,031	1.13
Berryessa	Y	2,700	2,790	1.03	2,917	1.08
Murphy	Y	2,700	2,806	1.04	2,828	1.05
Total Volume		25,150	23,056	0.917	24,337	0.968
Total E/F Links Volume		19,300	18,967	0.983	19,826	1.027
Average Link Capacity		3,144	5% of 3,144 = 157			
Average E/F Link Capacity		3,217	2.5% of 3,217 = 80			
			All Links		E/F Links	
	Change in V/C		0.051		0.045	
	Change in Volume		1,281		859	
	Impact Criteria		0.01 V/C & 157 Vol.		0.005 V/C & 80 Vol.	
	Significant Impact		YES		YES	
Link Set 2 – S. of Jackson and Mabury						
US-101HOV	Y	1,900	1,862	0.98	1,949	1.03
US-101	Y	5,700	6,465	1.13	6,723	1.18
US-101 Aux	Y	1,900	2,172	1.14	2,081	1.10
King	N	1,800	1,432	0.80	1,603	0.89
Jackson	N	1,800	730	0.41	979	0.54
I-680	Y	7,600	8,031	1.06	8,417	1.11
Total Volume		20,700	20,692	1.000	21,751	1.051
Total E/F Links Volume		17,100	18,530	1.084	18,867	1.103
Average Link Capacity		3,450	5% of 3,450 = 172			
Average E/F Link Capacity		4,275	2.5% of 4,275 = 106			
			All Links		E/F Links	
	Change in V/C		0.051		0.037	
	Change in Volume		1,059		640	
	Impact Criteria		0.01 V/C & 172 Vol.		0.005 V/C & 106 Vol.	
	Significant Impact		YES		YES	

Source: City of San Jose Cumulative CUBE model run results October 2006.

Table 42
AM Peak Direction Aggregated Screenline Analysis for CVSP Partial Build-out Scenario

Link Name	LOS E/F Link	Capacity	Base		Cumulative	
			Volume	V/C	Volume	V/C
Link Set 3 – W. of US-101						
Taylor	Y	900	747	0.83	853	0.95
Julian	Y	1,800	1,521	0.84	1,664	0.92
Santa Clara	N	1,800	1,475	0.82	1,601	0.89
San Antonio	N	600	382	0.64	537	0.90
I-280	N	3,500	2,266	0.65	2,354	0.67
I-280	Y	7,600	6,818	0.90	7,248	0.95
Total Volume		16,200	13,208	0.815	14,257	0.880
Total E/F Links Volume		10,300	9,085	0.882	9,766	0.948
Average Link Capacity		2,700	5% of 2,700 = 135			
Average E/F Link Capacity		3,433	2.5% of 3,433 = 85			
			All Links		E/F Links	
	Change in V/C		0.065		0.066	
	Change in Volume		1,049		680	
	Impact Criteria		0.01 V/C & 135 Vol.		0.005 V/C & 85 Vol.	
	Significant Impact		YES		YES	
Link Set 4 – W. of I-680						
Hostetter	N	2,700	2,413	0.89	2,348	0.87
Sierra	N	600	384	0.32	333	0.56
Berryessa	N	2,700	2,335	0.86	2,369	0.88
Mabury	N	1,800	1,004	0.56	966	0.54
McKee	Y	2,700	2,410	0.89	2,493	0.92
Alum Rock	N	1,800	1,468	0.82	1,539	0.85
San Antonio	N	600	202	0.34	283	0.47
I-680	N	3,800	3,314	0.87	3,313	0.87
I-680	Y	7,600	6,543	0.86	6,969	0.92
Total Volume		24,300	20,073	0.826	20,614	0.848
Total E/F Links Volume		10,300	8,953	0.869	9,462	0.919
Average Link Capacity		2,700	5% of 2,700 = 135			
Average E/F Link Capacity		5,150	2.5% of 5,150 = 128			
			All Links		E/F Links	
	Change in V/C		0.022		0.049	
	Change in Volume		541		509	
	Impact Criteria		0.01 V/C & 135 Vol.		0.005 V/C & 128 Vol.	
	Significant Impact		YES		YES	

Source: City of San Jose Cumulative CUBE model run results October 2006.

The results of Link Set 4 during the AM peak hour show that for all links there is an increase in the V/C ratio of 0.022 and in the volume of 541 vehicles. For the LOS E/F links there is an increase in the V/C ratio of 0.049 and in the volume of 509 vehicles. Both of these changes exceed the impact

criteria and result in a significant impact to all study roadways in the fourth set during the AM peak hour. The incremental effect of the proposed project is cumulatively considerable. **[Significant Cumulative Traffic Impact]**

Table 43
PM Peak Direction Aggregated Screenline Analysis for CVSP Partial Build-out Scenario

Link Name	LOS E/F Link	Capacity	Base		Cumulative	
			Volume	V/C	Volume	V/C
Link Set 1 – E. of US-101						
Freeway to Freeway	N	5,250	4,274	0.81	4,623	0.88
I-280	Y	7,600	7,889	1.04	8,097	1.07
San Antonio	Y	600	575	0.96	639	1.06
Alum Rock	Y	1,800	1,917	1.06	1,972	1.10
McKee	Y	2,700	2,777	1.03	2,874	1.06
Mabury	Y	1,800	1,951	1.08	2,042	1.13
Berryessa	Y	2,700	3,122	1.16	3,235	1.20
Murphy	Y	2,700	2,867	1.06	2,984	1.11
Total Volume		25,150	25,372	1.009	26,465	1.052
Total E/F Links Volume		19,900	21,098	1.060	19,900	1.098
Average Link Capacity		3,144	5% of 3,144 = 157			
Average E/F Link Capacity		2,843	2.5% of 2,843 = 71			
			All Links		E/F Links	
	Change in V/C		0.043		0.037	
	Change in Volume		1,093		743	
	Impact Criteria		0.01 V/C & 157 Vol.		0.005 V/C & 71 Vol.	
	Significant Impact		YES		YES	
Link Set 2 – S. of Jackson and Mabury						
US-101Aux	Y	1,900	2,203	1.16	2,329	1.23
US-101	Y	5,700	7,007	1.23	7,220	1.27
US-101 HOV	Y	1,900	2,167	1.14	2,243	1.18
King	Y	1,800	1,693	0.94	1,778	0.99
Jackson	N	1,800	1,511	0.84	1,586	0.88
I-680	Y	7,600	9,298	1.22	9,916	1.30
Total Volume		20,700	23,878	1.154	25,072	1.211
Total E/F Links Volume		18,900	22,367	1.183	23,487	1.243
Average Link Capacity		3,450	5% of 3,450 = 172			
Average E/F Link Capacity		3,780	2.5% of 3,780 = 94			
			All Links		E/F Links	
	Change in V/C		0.046		0.045	
	Change in Volume		960		857	
	Impact Criteria		0.01 V/C & 172 Vol.		0.005 V/C & 94 Vol.	
	Significant Impact		YES		YES	

Source: City of San Jose Cumulative CUBE model run results October 2006.

Table 43
PM Peak Direction Aggregated Screenline Analysis for CVSP Partial Build-out Scenario

Link Name	LOS E/F Link	Capacity	Base		Cumulative	
			Volume	V/C	Volume	V/C
Link Set 3 – W. of US-101						
Taylor	Y	900	956	1.06	927	1.03
Julian	Y	1,800	1,784	0.99	1,760	0.98
Santa Clara	Y	1,800	1,905	1.06	1,872	1.04
San Antonio	Y	600	575	0.96	639	1.06
I-280	Y	7,600	8,109	1.07	8,331	1.10
I-280	N	3,500	1,503	0.43	1,629	0.47
Total Volume		16,200	14,833	0.916	15,156	0.936
Total E/F Links Volume		12,700	13,330	1.050	13,528	1.065
Average Link Capacity		2,700	5% of 2,700 = 135			
Average E/F Link Capacity		2,540	2.5% of 2,540 = 63			
			All Links		E/F Links	
	Change in V/C		0.020		0.016	
	Change in Volume		323		198	
	Impact Criteria		0.01 V/C & 135 Vol.		0.005 V/C & 63 Vol.	
	Significant Impact		YES		YES	
Link Set 4 – W. of I-680						
Hostetter	N	2,700	2,402	0.89	2,414	0.89
Sierra	N	600	689	0.57	499	0.83
Berryessa	N	2,700	2,584	0.96	2,520	0.93
Mabury	N	1,800	1,151	0.64	1,341	0.75
McKee	Y	2,700	2,446	0.91	2,573	0.95
Alum Rock	N	1,800	1,464	0.81	1,440	0.80
San Antonio	N	600	318	0.53	374	0.62
I-680	N	7,600	7,918	1.04	8,211	1.08
I-680	Y	1,900	2,094	1.10	2,061	1.08
Total Volume		22,400	21,068	0.941	21,435	0.957
Total E/F Links Volume		14,900	15,043	1.010	15,366	1.031
Average Link Capacity		2,489	5% of 2,489 = 124			
Average E/F Link Capacity		3,725	2.5% of 3,725 = 93			
			All Links		E/F Links	
	Change in V/C		0.016		0.022	
	Change in Volume		367		323	
	Impact Criteria		0.01 V/C & 124 Vol.		0.005 V/C & 93 Vol.	
	Significant Impact		YES		YES	

Source: City of San Jose Cumulative CUBE model run results October 2006.

During the PM peak hour, the results of the Aggregated V/C analysis (shown in Table 43) for the CVSP Partial Build-out scenario show that for all links in Link Set 1 there is an increase in the V/C ratio of 0.027 and in the volume of 690 vehicles. For the LOS E/F links, there is an increase in the

V/C ratio of 0.021 and in the volume of 417 vehicles. Both of these changes exceed the impact criteria and the proposed project would create a significant impact to all study roadways in the first set during the PM peak hour. The incremental effect of the proposed project is cumulatively considerable. **[Significant Cumulative Traffic Impact]**

The results of Link Set 2 during the PM peak hour show that for all links there is an increase in the V/C ratio of 0.046 and in the volume of 960 vehicles. For the LOS E/F links, there is an increase in the V/C ratio of 0.045 and in the volumes of 857 vehicles. Both of these changes exceed the impact criteria and the impact to this set of links would be considered a significant impact to all study roadways in the second set during the PM peak hour. The incremental effect of the proposed project is cumulatively considerable. **[Significant Cumulative Traffic Impact]**

During the PM peak hour, the results of the Aggregated V/C analysis (shown in Table 43) for the CVSP Partial Build-out scenario show that for all links in Link Set 3 there is an increase in the V/C ratio of 0.020 and in the volume of 323 vehicles. For the LOS E/F links, there is an increase in the V/C ratio of 0.016 and in the volume of 198 vehicles. Both of these changes exceed the impact criteria and the proposed project would create a significant impact to all study roadways in the third set during the PM peak hour. The incremental effect of the proposed project is cumulatively considerable. **[Significant Cumulative Traffic Impact]**

The results of Link Set 4 during the PM peak hour show that for all links there is an increase in the V/C ratio of 0.016 and in the volume of 367 vehicles. For the LOS E/F links, there is an increase in the V/C ratio of 0.022 and in the volumes of 323 vehicles. Both of these changes exceed the impact criteria and the impact to this set of links would be considered a significant impact to all study roadways in the fourth set during the PM peak hour. The incremental effect of the proposed project is cumulatively considerable. **[Significant Cumulative Traffic Impact]**

Proximity Analysis (CVSP Partial Build-out Scenario)

The proximity analysis provides specific information on traffic operations within the area surrounding the proposed project. The proximity area may vary from 0.5 to 1.5 miles, depending on the density of the roadway network and travel activity near the project site. For the analysis, specific quantitative differences are identified, including overall VMT, congested VMT, and the number of congested links that would occur under the project condition compared to the existing General Plan base case.

The proximity analysis provides information on traffic changes near the Berryessa Flea Market site. Traffic analysis zones (TAZ's) 543 and 1008 were identified and used to quantify the planned land use activity in this area. The change in VMT for all links as well as the congested links was determined by comparing the cumulative model run to the base model run results for the CVSP Partial Build-out scenario. The results are shown in Tables 44 and 45.

For TAZ 543, the all links analysis increase by 1,735 and 1,149 vehicle miles during the AM and PM peak hours, respectively. Both peak-hour values exceed the threshold of an increase of 1% and 200 vehicle miles and significant impacts would occur during both peak hours for the all links proximity analysis. The incremental effect of the proposed project is cumulatively considerable. **[Significant Cumulative Traffic Impact]**

The congested links analysis would also result in a significant impact during both peak hours within TAZ 543. The change in traffic would result in an increase of 1,095 vehicle miles during the AM peak hour and an increase of 453 vehicle miles during the PM peak hour. These changes exceed the threshold of one half the all links VMT and 100 vehicle miles during both peak hours. The effect of the proposed project is cumulatively considerable. **[Significant Cumulative Traffic Impact]**

For TAZ 1008, the all links analysis increase by 2,021 and 1,669 vehicle miles during the AM and PM peak hours, respectively. Both peak-hour values exceed the threshold of an increase of 1% and 200 vehicle miles and significant impacts would occur during both peak hours for the all links proximity analysis. The incremental effect of the proposed project is cumulatively considerable. **[Significant Cumulative Traffic Impact]**

Table 44
AM VMT Proximity Analysis for CVSP Partial Build-out Scenario

	Base	Cumulative	Growth	Growth %
GP06-04-011				
All Links	20,117.42	21,852.78	1,735.36	8.63%
Congested Links	11,131.46	13,035.66	1,094.20	17.11%
	½ of all link VMT Growth		867	
GP06-04-012				
All Links	15,252.05	17,273.20	2,021.15	13.25%
Congested Links	4,151.84	6,934.62	2,782.78	67.03%
	½ of all link VMT Growth		1,010	

Source: City of San Jose Cumulative CUBE model run results October 2006.
1 Traffic Analysis Zone (TAZ) 543, Proximity Radius = 0.6 miles
2 Traffic Analysis Zone (TAZ) 1008, Proximity Radius = 0.8 miles

Table 45
PM VMT Proximity Analysis for CVSP Partial Build-out Scenario

	Base	Cumulative	Growth	Growth %
GP06-04-011				
All Links	21,246.49	22,395.36	1,148.87	5.41%
Congested Links	10,795.27	11,247.67	452.40	4.19%
	½ of all link VMT Growth		574	
GP06-04-012				
All Links	19,424.41	21,093.22	1,668.81	8.59%
Congested Links	10,139.20	13,117.31	2,978.11	29.37%
	½ of all link VMT Growth		834	

Source: City of San Jose Cumulative CUBE model run results October 2006.
1 Traffic Analysis Zone (TAZ) 543, Proximity Radius = 0.6 miles
2 Traffic Analysis Zone (TAZ) 1008, Proximity Radius = 0.8 miles

The congested links analysis would also result in a significant impact during both peak hours within TAZ 1008. The change in traffic would result in an increase of 2,783 vehicle miles during the AM peak hour and an increase of 2,978 vehicle miles during the PM peak hour. These changes exceed the threshold of one half the all links VMT and 100 vehicle miles during both peak hours. The incremental effect of the proposed project is cumulatively considerable. **[Significant Cumulative Traffic Impact]**

Coyote Valley Specific Plan Full Build-out Scenario

VMT and VHT Comparison (CVSP Full Build-out Scenario)

The changes in VMT and VHT are dependent on the sizes and locations of the roadway network change being added or subtracted. VMT and VHT may increase or decrease with the addition of a new arterial roadway depending on travel patterns, speed and capacity, and if it is oriented in the peak direction of travel. Table 46 presents the VMT and VHT comparison within Santa Clara County for the CVSP Full Build-out scenario.

The results of the VMT and VHT analysis show the projected growth under the CVSP Full Build-out scenario would result in an increase during both peak hours for the vehicle miles and vehicle hours traveled. While this increase exceeds the impact criteria, this significant impact is mostly attributable to GP05-08-01 and the Coyote Valley Specific Plan. The incremental effect of the proposed project is not cumulatively considerable. **[Less than Significant Cumulative Traffic Impact]**

Table 46
VMT and VHT Comparison Within Santa Clara County for CVSP Full Build-out Scenario

	VMT		VHT	
	AM	PM	AM	PM
Cumulative	4,078,787	4,688,260	228,397	361,263
Base	3,867,924	4,524,689	190,829	335,123
Growth	210,863	163,571	37,568	26,140
Project Growth %	5.452%	3.615%	19.687%	7.800%
Source: City of San Jose Cumulative CUBE model October 2006.				

Cordon Analysis (CVSP Full Build-out Scenario)

The cordon analysis was completed to evaluate the increase in AM and PM peak-hour peak directional traffic volumes crossing the boundaries for the special subareas of Evergreen, North San Jose, and South San Jose. Figure 27 illustrates each subarea and cordon line locations. The total AM peak-hour volumes across the cordon lines for base conditions, cumulative conditions, and the changes are summarized in Table 47.

Table 47
Total AM Peak Hour Cordon Analysis Summary for CVSP Full Build-out Scenario

Subarea	Base	Cumulative	Change	%
Evergreen	16,807	19,114	2,307	13.730
North San Jose	32,313	32,415	102	0.320
South San Jose	17,379	19,839	2,460	14.160
Countywide	358,236	374,422	16,186	4.518

Source: City of San Jose Cumulative CUBE model October 2006

The change in volume ranges from an increase of 102 vehicles to an increase of 2,460 vehicles. The percentage change ranges from 0.320% to 14.160%. The percent increases across the Evergreen and South San Jose cordon lines indicate significant impacts, but this impact is mostly attributable to GP05-08-01 and the Coyote Valley Specific Plan. Therefore, the incremental effect of the proposed project is not cumulatively considerable and would result in a less than significant traffic impact under the CVSP Full Build-out scenario. The percent increase across the North San Jose cordon line results in a significant traffic impact according to the cordon line impact criteria and the incremental effect of the proposed project is cumulatively considerable. **[Significant Cumulative Traffic Impact]**

The total PM peak-hour volumes across the cordon lines for base conditions, cumulative conditions, and the changes are summarized in Table 48.

Table 48
Total PM Peak Hour Cordon Analysis Summary for CVSP Full Build-out Scenario

Subarea	Base	Cumulative	Change	%
Evergreen	18,413	20,474	2,061	11.190%
North San Jose	36,619	36,708	89	0.240%
South San Jose	19,105	21,943	2,838	14.860%
Countywide	439,639	457,880	18,241	4.149%

Source: City of San Jose Cumulative CUBE model October 2006.

The change in volume ranges from an increase of 89 vehicles to an increase of 2,838 vehicles. The percentage change ranges from 0.240% to 14.860%. The percent increase across the Evergreen and South San Jose cordon lines indicates a significant impact according to the cordon line impact criteria. The impact is mostly attributable to GP05-08-01. The percent increases across the North San Jose cordon line indicates a significant impact according to the cordon line impact criteria and the incremental effect of the proposed project is cumulatively considerable. **[Significant Cumulative Traffic Impact]**

Aggregated Screenline Analysis (CVSP Full Build-out Scenario)

The screenline analysis identifies the volume-to-capacity (V/C) ratios of links at the regional screenline that may be affected by the proposed GPA. V/C is defined as a ratio of the volume of traffic on a roadway segment or link to its capacity. For the purposes of a Cube model analysis, volume-to-capacity ratios (V/C) for roadway links are defined as the equivalent of levels of service for intersections. Screenline analysis measures the area-wide tendencies and impacts of the proposed project by aggregating the V/C ratios of the identified links. The segment analysis divides the links into the following two groups for analysis: 1) all links and 2) those links that are operating at LOS E or F. A 2.5-mile radius around the project site is used to identify links to be used in the aggregated V/C computation.

The GPA analysis identified four sets of links for evaluation. The first set of links (Link Set 1) are east of US 101. For Link Set 1 the peak direction of travel is westbound during the AM peak hour and eastbound during the PM peak hour. The second set of links (Link Set 2) are south of Jackson Street and Mabury Road. For Link Set 2 the peak direction of travel is northbound during the AM peak hour and southbound during the PM peak hour. The third set of links (Link Set 3) are west of US 101. For Link Set 3 the peak direction of travel is westbound during the AM peak hour and eastbound during the PM peak hour. The fourth set of links (Link Set 4) are west of I-680. For Link Set 4 the peak direction of travel is westbound during the AM peak hour and eastbound during the PM peak hour. Included in the GPA analysis are GP06-03-01 and GP06-04-05 screenlines.

Table 49
AM Peak Direction Aggregated Screenline Analysis for CVSP Full Build-out Scenario

Link Name	LOS E/F Link	Capacity	Base		Cumulative	
			Volume	V/C	Volume	V/C
Link Set 1 – E. of US-101						
I-280	Y	7,600	6,818	0.90	7,130	0.94
Freeway to Freeway 680 to 101	N	5,250	3,706	0.71	4,206	0.80
San Antonio	Y	600	382	0.64	549	0.91
Alum Rock	Y	1,800	1,833	1.02	1,904	1.06
McKee	Y	2,700	2,792	1.03	2,847	1.05
Mabury	Y	1,800	1,928	1.07	2,043	1.13
Berryessa	Y	2,700	2,790	1.03	2,848	1.05
Murphy	Y	2,700	2,806	1.04	2,862	1.06
Total Volume		25,150	23,056	0.917	24,388	0.970
Total E/F Links Volume		19,900	19,349	0.972	20,182	1.014
Average Link Capacity		3,144	5% of 3,144 = 157			
Average E/F Link Capacity		2,844	2.5% of 2,844 = 71			
			All Links		E/F Links	
	Change in V/C		0.053		0.042	
	Change in Volume		1,332		833	
	Impact Criteria		0.01 V/C & 157 Vol.		0.005 V/C & 71 Vol.	
	Significant Impact		YES		YES	

Link Set 2 – S. of Jackson and Mabury						
US-101HOV	Y	1,900	1,862	0.98	1,996	1.05
US-101	Y	5,700	6,465	1.13	6,770	1.19
US-101 Aux	Y	1,900	2,172	1.14	2,192	1.15
King	N	1,800	1,432	0.80	1,602	0.89
Jackson	N	1,800	730	0.41	1,034	0.57
I-680	Y	7,600	8,031	1.06	8,449	1.11
Total Volume		20,700	20,692	1.000	22,044	1.065
Total E/F Links Volume		17,100	18,530	1.084	19,407	1.135
Average Link Capacity		3,450	5% of 3,450 = 172			
Average E/F Link Capacity		4,275	2.5% of 4,275 = 106			
			All Links		E/F Links	
	Change in V/C		0.065		0.051	
	Change in Volume		1,352		878	
	Impact Criteria		0.01 V/C & 172 Vol.		0.005 V/C & 106 Vol.	
	Significant Impact		YES		YES	

Source: City of San Jose Cumulative CUBE model run results October 2006.

During the AM peak hour, the results of the Aggregated V/C analysis (shown in Table 49) for the CVSP Full Build-out scenario show that all links in the first set increased the V/C ratio and volume by 0.053 and 1,332 vehicles, respectively. The LOS E/F links increased the V/C ratio and volume by

Table 50
AM Peak Direction Aggregated Screenline Analysis for CVSP Full Build-out Scenario

Link Name	LOS E/F Link	Capacity	Base		Cumulative	
			Volume	V/C	Volume	V/C
Link Set 3 – W. of US-101						
Taylor	N	900	747	0.83	772	0.86
Julian	Y	1,800	1,521	0.84	1,655	0.92
Santa Clara	N	1,800	1,475	0.82	1,454	0.81
San Antonio	Y	600	382	0.64	549	0.91
I-280	N	3,500	2,266	0.65	2,318	0.66
I-280	Y	7,600	6,818	0.90	7,130	0.94
Total Volume		16,200	13,208	0.815	13,877	0.857
Total E/F Links Volume		10,000	8,720	0.872	9,333	0.933
Average Link Capacity		2,700	5% of 2,700 = 135			
Average E/F Link Capacity		3,333	2.5% of 3,333 = 83			
			All Links		E/F Links	
	Change in V/C		0.041		0.061	
	Change in Volume		669		613	
	Impact Criteria		0.01 V/C & 135 Vol.		0.005 V/C & 83 Vol.	
	Significant Impact		YES		YES	

Link Set 4 – W. of I-680						
Hostetter	N	2,700	2,413	0.89	2,310	0.86
Sierra	N	600	384	0.32	300	0.50
Berryessa	N	2,700	2,335	0.86	2,312	0.86
Mabury	N	1,800	1,004	0.56	1,005	0.56
McKee	Y	2,700	2,410	0.89	2,449	0.91
Alum Rock	N	1,800	1,468	0.82	1,429	0.83
San Antonio	N	600	202	0.34	277	0.46
I-680	N	3,800	3,314	0.87	3,426	0.90
I-680	N	7,600	6,543	0.86	6,855	0.90
Total Volume		24,300	20,073	0.826	20,424	0.841
Total E/F Links Volume		2,700	2,410	0.890	2,449	0.910
Average Link Capacity		2,700	5% of 2,700 = 135			
Average E/F Link Capacity		2,700	2.5% of 2,700 = 67			
			All Links		E/F Links	
	Change in V/C		0.014		0.020	
	Change in Volume		351		38	
	Impact Criteria		0.01 V/C & 135 Vol.		0.005 V/C & 67 Vol.	
	Significant Impact		YES		NO	

Source: City of San Jose Cumulative CUBE model run results October 2006.

0.042 and 833 vehicles, respectively. Both of these link sets exceed the impact criteria and result in a significant impact to all study roadways in the first set during the AM peak hour. The incremental effect of the proposed project is cumulatively considerable. **[Significant Cumulative Traffic Impact]**

The results of the second set of links (shown in Table 49) during the AM peak hour show that all links increased the V/C ratio and volume 0.065 and 1,352 vehicles, respectively. The LOS E/F links increased the V/C ratio and volume 0.051 and 878 vehicles, respectively. Both of these link sets exceed the impact criteria and result in a significant impact to all study roadways in the second set during the AM peak hour. The incremental effect of the proposed project is cumulatively considerable. **[Significant Cumulative Traffic Impact]**

During the AM peak hour, the results of the Aggregated V/C analysis (shown in Table 50) for the CVSP Full Build-out scenario show that for all links in Link Set 3 there is an increase in the V/C ratio of 0.041 and in the volume of 669 vehicles. For the LOS E/F links, there is an increase in the V/C ratio of 0.061 and in the volume of 613 vehicles. Both of these changes exceed the impact criteria and result in a significant impact to all study roadways in the third set during the AM peak hour. The incremental effect of the proposed project is cumulatively considerable. **[Significant Cumulative Traffic Impact]**

The results of Link Set 4 during the AM peak hour show that for all links there is an increase in the V/C ratio of 0.014 and in the volume of 351 vehicles. These changes exceed the impact criteria and result in a significant impact to all study roadways in the fourth set during the AM peak hour. For the LOS E/F links there is an increase in the V/C ratio of 0.020 and in the volume of 38 vehicles. These changes do not exceed the impact criteria and would result in a less than significant impact. **[Less than Significant Cumulative Traffic Impact]**

Table 51
PM Peak Direction Aggregated Screenline Analysis for CVSP Full Build-out Scenario

Link Name	LOS E/F Link	Capacity	Base		Cumulative	
			Volume	**V/C**	**Volume**	**V/C**
Link Set 1 – E. of US-101						
Freeway to Freeway	Y	5,250	4,274	0.81	4,803	0.91
I-680	Y	7,600	7,889	1.04	8,107	1.07
San Antonio	Y	600	575	0.96	596	0.99
Alum Rock	Y	1,800	1,917	1.06	1,881	1.04
McKee	Y	2,700	2,777	1.03	2,807	1.04
Mabury	Y	1,800	1,951	1.08	2,023	1.12
Berryessa	Y	2,700	3,122	1.16	3,229	1.20
Murphy	Y	2,700	2,867	1.06	2,936	1.09
Total Volume		25,150	25,372	1.009	26,381	1.049
Total E/F Links Volume		25,150	25,372	1.009	26,381	1.049
Average Link Capacity		3,144	5% of 3,144 = 157			
Average E/F Link Capacity		3,144	2.5% of 3,217 = 78			
			All Links		E/F Links	
	Change in V/C		0.040		0.040	
	Change in Volume		1,009		1,009	
	Impact Criteria		0.01 V/C & 157 Vol.		0.005 V/C & 78 Vol.	
	Significant Impact		YES		YES	
Link Set 2 – S. of Jackson and Mabury						
US-101Aux	Y	1,900	2,203	1.16	2,228	1.17
US-101	Y	5,700	7,007	1.23	7,183	1.26
US-101 HOV	Y	1,900	2,167	1.14	2,282	1.20
King	Y	1,800	1,693	0.94	1,819	1.01
Jackson	Y	1,800	1,511	0.84	1,639	0.91
I-680	Y	7,600	9,298	1.22	9,742	1.28
Total Volume		20,700	23,878	1.154	24,894	1.203
Total E/F Links Volume		20,700	23,878	1.154	24,894	1.203
Average Link Capacity		3,450	5% of 3,450 = 172			
Average E/F Link Capacity		3,450	2.5% of 3,450 = 86			
			All Links		E/F Links	
	Change in V/C		0.049		0.049	
	Change in Volume		991		991	
	Impact Criteria		0.01 V/C & 172 Vol.		0.005 V/C & 86 Vol.	
	Significant Impact		YES		YES	

Source: City of San Jose Cumulative CUBE model run results October 2006.

During the PM peak hour, the results of the Aggregated V/C analysis (shown in Table 51) for the CVSP Full Build-out scenario show that all links in the first set increased the V/C ratio and volume 0.040 and 1,009 vehicles, respectively. The LOS E/F links increased the V/C ratio and volume 0.040 and 1,009 vehicles, respectively. Both of these link sets exceed the impact criteria and result in a

significant impact to all study roadways in the first set during the PM peak hour. The effect of the proposed project is cumulatively considerable. **[Significant Cumulative Traffic Impact]**

Table 52
PM Peak Direction Aggregated Screenline Analysis for CVSP Full Build-out Scenario

Link Name	LOS E/F Link	Capacity	Base		Cumulative	
			Volume	V/C	Volume	V/C
Link Set 3 – W. of US-101						
Taylor	Y	900	956	1.06	909	1.01
Julian	Y	1,800	1,784	0.99	1,793	1.00
Santa Clara	Y	1,800	1,905	1.06	1,843	1.02
San Antonio	Y	600	575	0.96	596	0.99
I-280	Y	7,600	8,109	1.07	8,370	1.10
I-280	N	3,500	1,503	0.43	1,470	0.42
Total Volume		16,200	14,833	0.916	14,981	0.925
Total E/F Links Volume		12,700	13,330	1.050	13,511	1.064
Average Link Capacity		2,700	5% of 2,700 = 135			
Average E/F Link Capacity		2,540	2.5% of 3,333 = 63			
			All Links		E/F Links	
	Change in V/C		0.009		0.014	
	Change in Volume		148		182	
	Impact Criteria		0.01 V/C & 135 Vol.		0.005 V/C & 63 Vol.	
	Significant Impact		YES		YES	
Link Set 4 – W. of I-680						
Hostetter	N	2,700	2,402	0.89	2,433	0.90
Sierra	N	600	689	0.57	507	0.84
Berryessa	Y	2,700	2,584	0.96	2,558	0.95
Mabury	N	1,800	1,151	0.64	1,280	0.71
McKee	Y	2,700	2,446	0.91	2,563	0.95
Alum Rock	N	1,800	1,464	0.81	1,347	0.75
San Antonio	N	600	318	0.53	325	0.54
I-680	Y	7,600	7,918	1.04	8,256	1.09
I-680	Y	1,900	2,094	1.10	2,171	1.14
Total Volume		22,400	21,068	0.941	21,440	0.957
Total E/F Links Volume		14,900	15,043	1.010	15,548	1.043
Average Link Capacity		2,489	5% of 2,700 = 124			
Average E/F Link Capacity		3,725	2.5% of 2,700 = 93			
			All Links		E/F Links	
	Change in V/C		0.017		0.034	
	Change in Volume		372		505	
	Impact Criteria		0.01 V/C & 124 Vol.		0.005 V/C & 93 Vol.	
	Significant Impact		YES		YES	

Source: City of San Jose Cumulative CUBE model run results October 2006.

The results of second set of links during the PM peak hour show that all links increased the V/C ratio and volume 0.049 and 991 vehicles, respectively. The LOS E/F links increased the V/C ratio and volume 0.049 and 991 vehicles, respectively. Both of these link sets exceed the impact criteria and the impact to this set of links would be considered a significant impact to all study roadways in the second set during the PM peak hour. The incremental effect of the proposed project is cumulatively considerable. **[Significant Cumulative Traffic Impact]**

The results of Link Set 4 during the PM peak hour show that for all links there is an increase in the V/C ratio of 0.017 and in the volume of 372 vehicles. For the LOS E/F links, there is an increase in the V/C ratio of 0.034 and in the volumes of 505 vehicles. Both of these changes exceed the impact criteria and the impact to this set of links would be considered a significant impact to all study roadways in the fourth set during the PM peak hour. The incremental effect of the proposed project is cumulatively considerable. **[Significant Cumulative Traffic Impact]**

Proximity Analysis (CVSP Full Build-out Scenario)

The proximity analysis provides specific information on traffic operations within the area surrounding the proposed General Plan amendment site. The proximity area may vary from 0.5 to 1.5 miles, depending on the density of the roadway network and travel activity near the project site. For the analysis, specific quantitative differences are identified, including overall VMT, congested VMT, and the number of congested links that would occur under the project condition compared to the existing General Plan base case.

The proximity analysis provides information on traffic changes near the Berryessa Flea Market site. Traffic analysis zones (TAZ's) 543 and 1008 were identified and used to quantify the planned land use activity in this area. The change in VMT for all links as well as the congested links was determined by comparing the cumulative model run to the base model run results for the CVSP Full Build-out scenario. The results are presented in Tables 53 and 54.

For TAZ 543, the all links analysis increase by 1,683 and 848 vehicle miles during the AM and PM peak hours, respectively. Both peak-hour values exceed the threshold of an increase of 1% and 200 vehicle miles and significant impacts would occur during both peak hours for the all links proximity analysis. The incremental effect of the proposed project is cumulatively considerable. **[Significant Cumulative Traffic Impact]**

The congested links analysis would also result in a significant impact during both peak hours within TAZ 543. The change in traffic would result in an increase of 1,845 vehicle miles during the AM peak hour and an increase of 397 vehicle miles during the PM peak hour. These changes exceed the threshold of one half the all links VMT and 100 vehicle miles during both peak hours. The incremental effect of the proposed project is cumulatively considerable. **[Significant Cumulative Traffic Impact]**

For TAZ 1008, the all links analysis increase by 1,865 and 1,095 vehicle miles during the AM and PM peak hours, respectively. Both peak-hour values exceed the threshold of an increase of 1% and 200 vehicle miles and significant impacts would occur during both peak hours for the all links proximity analysis. The incremental effect of the proposed project is cumulatively considerable. **[Significant Cumulative Traffic Impact]**

The congested links analysis would also result in a significant impact during both peak hours within TAZ 1008. The change in traffic would result in an increase of 2,147 vehicle miles during the AM peak hour and an increase of 2,880 vehicle miles during the PM peak hour. These changes exceed the threshold of one half the all links VMT and 100 vehicle miles during both peak hours. The incremental effect of the proposed project is cumulatively considerable. **[Significant Cumulative Traffic Impact]**

Table 53
AM VMT Proximity Analysis for CVSP Full Build-out Scenario

	Base	Cumulative	Growth	Growth %
GP06-04-011				
All Links	20,117.42	21,800.26	1,682.84	8.37%
Congested Links	11,131.46	12,976.58	1,845.12	16.58%
	½ of all link VMT Growth		841	
GP06-04-012				
All Links	15,252.05	17,117.05	1,865	12.23%
Congested Links	4,151.84	6,298.42	2,146.58	51.70%
	½ of all link VMT Growth		932	

Source: City of San Jose Cumulative CUBE model run results October 2006.
1 Traffic Analysis Zone (TAZ) 543, Proximity Radius = 0.6 miles
2 Traffic Analysis Zone (TAZ) 1008, Proximity Radius = 0.8 miles

Table 54
PM VMT Proximity Analysis for CVSP Full Build-out Scenario

	Base	Cumulative	Growth	Growth %
GP06-04-011				
All Links	21,246.49	22,094.64	848.15	3.99%
Congested Links	10,795.27	11,192.56	397.29	3.68%
	½ of all link VMT Growth		424	
GP06-04-012				
All Links	19,424.41	20,519.68	1,095.27	5.64%
Congested Links	10,139.20	13,019.32	2,880.12	28.41%
	½ of all link VMT Growth		547	

Source: City of San Jose Cumulative CUBE model run results October 2006.
1 Traffic Analysis Zone (TAZ) 543, Proximity Radius = 0.6 miles
2 Traffic Analysis Zone (TAZ) 1008, Proximity Radius = 0.8 miles

7.5.1 *Mitigation for Cumulative Traffic Impacts*

No feasible mitigation measures have been identified to reduce the cumulative traffic impacts to a less than significant level.

7.5.2 *Conclusions Regarding Cumulative Traffic Impacts*

Because no feasible mitigation measures are available to reduce the cumulative traffic impacts to a less than significant level, the impact remains significant and unavoidable. **[Significant Unavoidable Cumulative Traffic Impact]**

7.6 CUMULATIVE HAZARDOUS MATERIALS IMPACTS

Existing Hazardous Materials Contamination

Most of the projects included in this cumulative analysis are proposed on sites that were historically or currently developed with industrial or agricultural uses. It is fair to assume that hazardous materials may have been stored, used, and/or transported to and from some of these sites as part of historic or current industrial or agricultural activities. Hazardous materials (e.g., gasoline, oil, propane, and various chemicals used in manufacturing and agriculture) may have been or are currently stored on these sites in above-ground or underground tanks. Storage tanks can leak, often resulting in soil and/or groundwater contamination. If groundwater is affected, it can impact properties downgradient of the spill. The use of pesticides and fertilizers on agricultural properties can result in widespread residual soil contamination, sometimes in concentrations that exceed regulatory thresholds.

In addition, development/redevelopment of some of the sites would result in the demolition of existing buildings that may contain asbestos-containing materials (ACMs), polychlorinated biphenyls (PCBs) and/or lead-based paint. Demolition of these structures could expose construction workers or other persons in the vicinity to harmful levels of these hazardous materials. Similarly, some of the properties may be located on asbestos-containing serpentine rock soils or fill. When this rock, which is naturally-occurring, is disturbed during construction and grading activities, there is a potential for release of asbestos fibers, which could also affect construction workers and/or persons downwind of the site.

The above-described conditions are present on most project sites to varying degrees and can result in significant hazardous material impacts, because they can expose people to substances that adversely affect health. Therefore, General Plan policies and mitigation measures to be considered at the time of future development have been identified for implementation at the time future redevelopment of the sites is proposed. These measures would include incorporating the requirements of various existing local, state, and federal laws, regulations, and agencies such as the State Department of Toxic Substances (DTSC) and Cal/OSHA, during all phases of project construction. Depending upon the extent of the contamination, contaminated soils could be excavated and transported to appropriate landfills, or treated on-site. If groundwater is affected, remediation and on-going groundwater sampling both on and off the site could be warranted. Finally, determining the presence of asbestos, polychlorinated biphenyls, and lead paint would be required prior to building demolition and site grading and, if present, such substances would need to be handled and disposed in a manner that minimizes human exposure.

For sites with hazardous materials contamination, implementation of mitigation and avoidance measures, such as those described above, would be required on a project-by-project basis to avoid or reduce hazardous materials impacts to a less than significant level. Therefore, the cumulative projects would not result in a significant cumulative hazardous materials impact. **[Less than Significant Cumulative Hazardous Material Impact]**

Hazardous Materials Accidental Releases

The cumulative projects would place sensitive residential populations near existing industrial facilities that could use large quantities of hazardous materials. Approval of sixteen of the cumulative projects, including the proposed project, would result in additional residential units being allowed adjacent or very near to existing industrial uses that use or store hazardous materials. This would increase the probability of future residents being exposed to harmful levels of various chemicals, in the event of an accidental hazardous material release. This would also increase the probability of multiple accidental hazardous material releases affecting multiple residential populations in the event of a catastrophe (e.g., major earthquake). Such a catastrophe would overextend existing public emergency services, thereby, limiting their ability to provide adequate service. This is a significant cumulative hazardous material impact.

Future residents of the proposed project evaluated in this EIR (GP06-04-01) could be exposed to harmful chemicals, if an accidental release were to occur at one or more of eight different facilities in the project area (refer to **Section 4.9, Hazards and Hazardous Materials**). Therefore, the incremental effect of the proposed project is cumulatively considerable. **[Significant Cumulative Hazardous Materials Impact]**

7.6.1 *Mitigation for Cumulative Hazardous Materials Impacts*

No feasible mitigation measures have been identified to reduce the cumulative hazardous materials impact resulting from accidental releases to a less than significant level.

7.6.2 *Conclusions Regarding Cumulative Hazardous Materials Impacts*

Because no feasible mitigation measures are available to reduce the cumulative hazardous materials impact to a less than significant level, the impact remains significant and unavoidable. **[Significant Unavoidable Cumulative Hazardous Materials Impact]**

7.7 CUMULATIVE NOISE IMPACTS

Introduction

The cumulative project sites are located throughout the urbanized area of San José. The existing noise environment within the urbanized areas of San Jose is characterized by various urban activities with transportation activities being the single greatest contributor to overall noise. Transportation noise sources include vehicular noise along freeways and arterial streets, rail noise from trains and light rail, and aircraft noise. Noise from aircraft overflights associated with the Mineta San José International Airport affects a large area, extending both to the north and to the south of the airport. Noise from aircraft overflights associated with Reid-Hillview Airport affects a much smaller area, generally limited to portions of Evergreen.

Noise levels along freeways, expressways, arterials, and other streets result from a combination of traffic volumes, speed of the vehicles, and type of vehicles (i.e., percentage of heavy trucks). These variables affect sound levels differently; for example, increased traffic volumes can reduce noise, if it causes congestion/vehicles to slow down. A 26% increase in traffic volume will increase sound levels by one decibel, if the speed remains constant. An increase of three decibels or greater is required to be perceived by the human ear. In general, traffic volumes on a roadway must double to cause a three decibel increase in noise levels, if the speed remains constant.

Cumulative Noise Impacts from Ambient Noise Levels

Including the proposed project, most of the cumulative projects would allow noise-sensitive uses (i.e., residences) on sites with existing noise levels that exceed the noise/land use compatibility goals of San José's General Plan. These sites are typically those adjacent to arterials, expressways, and freeways, as well as in the Downtown Core Area.

Where noise-sensitive uses are proposed at locations with elevated ambient noise levels, the noise impacts are typically mitigated through the use of noise-reducing construction techniques (e.g., noise-rated windows, insulation, etc.) and through site design (e.g., setbacks, soundwalls, placing outdoor use areas in areas that are shielded from roadway noise, etc.).

Existing laws and policies will ensure that interior noise levels meet relevant standards. For some cumulative projects located on infill sites, the existing and projected noise levels from traffic and aircraft will make achieving exterior noise standards difficult. General Plan policies require that residential development only be located in areas of high noise levels if outdoor activity areas can be protected, consistent with relevant standards. All attached residential development is required by state law to use construction techniques adequate to achieve 45 Ldn interior noise levels.

The cumulative projects would not result in a significant cumulative noise impact due to exposing occupants to ambient noise levels above City and/or state thresholds. **[Less than Significant Cumulative Noise Impact]**

Cumulative Noise Impacts to Nearby Uses from Project-Generated Traffic

Traffic generated by the cumulative projects will increase noise along many roadways throughout the City of San José. Given the high existing traffic volumes on most roadways within the City, the noise increase resulting from dispersal of these trips would not be significant along roadways where existing volumes are high (e.g., freeways, expressways, and most existing arterials).

As discussed in the noise analysis prepared for the proposed project (refer to Appendix B), noise level increases resulting from project-generated traffic would not be measurable or perceptible. Therefore, the project's contribution to a significant cumulative traffic noise increase (3 dBA DNL or greater) would not be cumulatively considerable. **[Less than Significant Cumulative Noise Impact]**

Cumulative Noise Impacts from Increased Aircraft Operations

Aircraft-generated noise is primarily a result of the number of aircraft operations (takeoffs and landings) and the noise generated by the aircraft. The new "stage three" aircraft account for significant reductions in sound levels. As a result of quieter aircraft, future sound levels are expected

to remain similar to the existing conditions even though a large increase in the number of aircraft operations is expected. There are normal cyclical fluctuations in the number of aircraft operations related to fuel costs, airfare prices, and other events that result in corresponding fluctuations in airport noise levels.

The net effect of the population and jobs increase under the cumulative scenario upon aircraft operations at Mineta San José International Airport will be less than the normal cyclical fluctuations in aircraft operations and, therefore, the cumulative noise impacts associated with Mineta San José International Airport would not be significant. For the same reasons, the cumulative noise impacts associated with aircraft operations at Reid-Hillview Airport are not expected to be significant. **[Less than Significant Cumulative Noise Impact]**

Cumulative Construction Noise Impacts

Although the construction noise impacts from each individual project in the vicinity of the project site would be reduced to a less than significant level with the use of standard construction noise mitigation measures, the cumulative impact of construction noise in project vicinity would be significant, because there are several projects in close proximity (refer to Figure 27) and construction in the project area would occur over an extended period of time. Construction of the proposed project would extend the longest, due to the substantial amount of development proposed by the project. Therefore, the project's contribution to this significant cumulative construction noise impact in the project vicinity is cumulatively considerable. **[Significant Cumulative Construction Noise Impact]**

7.7.1 *Mitigation for Cumulative Noise Impacts*

While future construction noise impacts of many individual projects on the cumulative project sites can be minimized or reduced to a less than significant level, no feasible mitigation has been identified to reduce the cumulative impacts of construction noise in areas planned for multiple developments.

7.7.2 *Conclusions Regarding Cumulative Noise Impacts*

The cumulative impact of construction noise in project area would be significant. Due to the substantial amount of development proposed by the project, its incremental effect is cumulatively considerable. **[Significant Unavoidable Cumulative Construction Noise Impact]**

7.8 CUMULATIVE AIR QUALITY IMPACTS

The Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines state that any project that individually results in a significant regional air quality impact is also considered to have a significant cumulative air quality impact. As discussed in **Section 4.4, Air Quality**, vehicle trips generated by the proposed project would result in air pollutant emissions affecting the entire San Francisco Bay Air Basin, substantially exceeding BAAQMD's regional emission threshold (i.e., 80 pounds per day) for reactive organic gases, nitrogen oxides, and particulates. Using the BAAQMD CEQA Guidelines cumulative air quality impact threshold of significance, the proposed project would result in a significant cumulative air quality impact. **[Significant Cumulative Air Quality Impact]**

7.8.1 Cumulative Air Quality Mitigation

The City of San Jose General Plan includes all of the Transportation Control Measures identified in the BAAQMD CEQA Guidelines that can be implemented by a local government.

The proposed project does not include implementing the list of BAAQMD mitigation measures for reducing vehicle emissions, which can reduce project-related vehicle emissions up to 20 percent. These measures are listed in **Section 4.4, Air Quality**. Implementation of these measures would not, however, reduce the project's regional air quality impact to a less than significant level.

7.8.2 Conclusions Regarding Cumulative Air Quality Impacts

The development proposed by the cumulative projects would result in a significant increase in air pollutants in the San Francisco Bay Area. The proposed project does not include implementing the list of BAAQMD mitigation measures for reducing vehicle emissions. Even if implemented, however, the BAAQMD measures would not reduce the air quality impacts of the project to a less than significant level. **[Significant Unavoidable Cumulative Air Quality Impact]**

7.9 CUMULATIVE PUBLIC SERVICES IMPACTS

Introduction

As described in **Section 5, Availability of Public Services**, public services are provided to the community as a whole, usually from a central location or from a defined set of nodes. The resource base for delivery of these services, including the physical service delivery mechanisms, is financed on a community-wide basis, usually from a unified or integrated financial system. The service delivery agency can be a city, county, service or other special district. Usually, new development will create an incremental increase in the demand for these services; the amount of demand will vary widely, depending on both the nature of the development (residential versus commercial, for instance) and the type of services, as well as on the specific characteristics of the development (such as senior housing versus family housing) and the location of the project site (i.e., infill development versus sprawl).

The cumulative impact of a group of projects on public services, as with the proposed project, is generally a fiscal impact. By increasing the demand for a type of service, a group of projects could cause an eventual increase in the cost of providing the service (more personnel hours to patrol an area, additional fire equipment needed to service a tall building, etc.). This is a fiscal impact, not an environmental impact. CEQA does not require an analysis of fiscal impacts.

CEQA analysis is, however, required if the increased cumulative demand is of sufficient size to trigger the need for a new facility (such as a school or fire station), because the new facility would have a physical impact on the environment. CEQA requires that an EIR then identify and evaluate the physical impacts that the new facility would have on the environment. To reiterate, the impact that must be analyzed in an EIR is the physical impact on the environment that could result from constructing a new public facility (should one be required), not the fiscal impact.

As described in the introduction to this cumulative impact section, the City of San José is currently considering four major long-term projects that propose development and/or intensified redevelopment on approximately 4,138 acres, as well as 33 other General Plan amendments that

cover approximately 310 acres. When compared to buildout under the approved San José General Plan, approval and buildout of all of the cumulative projects would result in a net increase of approximately 9,850 jobs and 39,630 dwelling units. This jobs and housing increase will increase demand upon public facilities and services, as discussed below.

7.9.1 Fire and Police Protection

The $159 million Public Safety Bond Program approved by voters in March 2002 funds capital projects for the Fire and Police Departments and includes: a public safety driver training facility, new and upgraded 911 communication facilities, an improved training center, a new police substation, new fire stations, fire station relocation, new community policing centers, and upgrades to existing fire stations.

These public safety projects are planned to be implemented over the next decade and would be available to serve the population produced by the cumulative projects. Increased public safety staffing and purchase of equipment is evaluated by the City during the normal budget process, based on the conditions at that time.

Some of the development proposed by the cumulative projects would replace aging buildings with new buildings built to current fire code standards and/or replace industrial buildings that may use hazardous materials. Other cumulative projects would develop vacant parcels. Overall, the cumulative development, particularly residential development, will increase calls for fire and police services. Increased demands for service may be offset by expansion of existing stations, including additional staffing. In the event that future development patterns (including the specific location of new development) and/or service demands indicate that a new fire station is needed in a given area of San Jose, a suitable location for the station would be identified and the station would be constructed.

Construction of a new fire station or police facility, if required, would require supplemental environmental review. Because specific sites for such construction cannot be identified at this time, it cannot be stated conclusively that significant environmental impacts would or would not occur. The construction of a local fire station would contribute incrementally to the impacts of the cumulative development, but is not expected by itself to have new or substantially different significant adverse environmental impacts. As described in **Section 5, Availability of Public Services**, a new fire station (Station #34) is currently under construction in the Berryessa area. The impacts of the new fire station were less than significant and/or reduced to a less than significant level with mitigation measures; therefore, an Initial Study/Mitigated Negative Declaration was prepared and adopted during the environmental review process for Station #34. Further discussion at this time of the impacts that might result from building additional public safety facility at unknown locations would be speculative. **[Less than Significant Cumulative Public Services Impact]**

7.9.2 Schools

Students generated by the proposed project would attend Berryessa Union School District (BUSD) and East Side Union High School District (ESUHSD). In addition to the proposed project, two other cumulative projects would generate students that would attend schools within BUSD (i.e., GP06-03-01 and GP03-04-08). The BUSD elementary school and middle school student generation rates are 0.046 and 0.016 students, respectively. These rates are used for both single-family detached and multi-family attached residential units. Using these rates, the cumulative projects are estimated to

generate approximately 164 elementary school students and 79 middle school students that would attend schools within BUSD.

In response to the Notice of Preparation (NOP) circulated for the proposed project, BUSD stated that a new school will need to be constructed to accommodate the students generated by the proposed project (refer to Appendix I). Therefore, it is assumed that the cumulative projects would exacerbate the need to construct a new school.

Due to the large size of ESUHSD, numerous cumulative projects are located within the ESUHSD attendance boundary. It is estimated that the cumulative projects, including the proposed project, would generate a total of approximately 204 students that would attend ESUHSD high schools.

According to school district staff (Garofalo, 2005), the ESUHSD has existing capacity to accommodate approximately 2,000 students. The ESUHSD anticipates accommodating the additional students created by the proposed cumulative projects through adjustment of their school attendance boundaries to fully use the capacity of the school district.

There are a number of methods that can be used to accommodate the increased numbers of students that do not require that new schools be built. These methods include measures such as: 1) the provision of portable classrooms, 2) expansion of existing schools, 3) the opening of existing schools previously considered surplus, 4) adjustment of school attendance boundaries, 5) the busing of students to schools with surplus capacity, or 6) the conversion to year-round schools with a four-track schedule.

State law (Government Code Section 65996) specifies an acceptable method of offsetting a project's effect on the adequacy of school facilities as the payment of a school impact fee prior to issuance of building permit. The school district is responsible for implementing the specific methods for mitigating school effects under the Government Code. The school impact fees and the school districts' methods of implementing measures specified by Government Code 65996 would partially offset project-related increases in student enrollment.

In the event the Berryessa Union School District and/or the East Side Union High School District decides construction of a new school facility is warranted to accommodate the new students generated by the cumulative projects, future development of the facility would require environmental review. There are also specific school site and construction requirements set by the state that would have to be met. Because a specific site for such construction cannot be identified at this time, it cannot be stated conclusively that significant environmental impacts would or would not occur. The construction of one or more schools on land in the vicinity of the proposed project would contribute incrementally to the impacts of development identified for the proposed project as a whole, but is not expected by itself to have new or substantially different significant adverse environmental impacts. Further discussion at this time of the impacts that might result from building one or more schools in the project area at an unknown location would be speculative.

At the time of future development of new school facilities, it is assumed that the school facilities would be constructed near the proposed residential development, at a location suitable for school uses. **[Less than Significant Cumulative Public Services Impact with Mitigation]**

7.9.3 Parks and Recreation

In November of 2000, the voters of San José overwhelmingly approved the passages of two general obligation bond measures. Seventy-five (75) of the 96 Park Bond projects have been delivered to residents of San José as part of the Safe Neighborhood Parks and Recreation Bond.

The City's General Plan has established level of service benchmarks for parks and community centers. The City has a service level objective of 3.5 acres of neighborhood and community serving recreational lands per 1,000 residents, of which a minimum is 1.5 acres of City owned neighborhood, community, or locally serving regional/City-wide park lands and up to 2 acres of school playgrounds, and all of which are located within a reasonable walking distance from the surrounding residences; 7.5 acres of regional/City-wide parkland per 1,000 population; and 500 square feet of community center floor area per 1,000 population.

Assuming 3.2 persons per household, the 39,318 dwelling units proposed by the cumulative projects would result in approximately 125,817 residents and a corresponding cumulative demand for approximately 440 acres of neighborhood serving parks, 943 acres of regional parkland, and 62,908 square feet of community center space. The projects proposing higher density residential development will produce fewer residents, typically 2.29 for high density housing, than the Citywide average noted above, and so the actual cumulative demand for parkland is likely to be less than described above.

Development proposed by the cumulative projects would result in a substantial increase in San Jose residents. The City has adopted the Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) that require residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. The PIO allows applicants to receive credit towards the parkland dedication requirements for private recreation improvements included as part of the project. Additionally, residential developments are required to provide on-site private and common open space in conformance with City's *Residential Land Use Policy #11*.

Although the population increase resulting from the development proposed by the cumulative projects would increase use of existing parks and trails, this use is not expected to be substantial enough to cause these facilities to deteriorate and no significant adverse physical impact would result. Therefore, while cumulative projects will result in an increase in demand for parks and recreation, they will offset this increased demand through the provision of new and improved parks and open space opportunities.

As discussed in **Section 2, Description of the Proposed Project**, the project includes 33.45 acres of land designated for *Public Park/Open Space* uses, distributed throughout the site. Construction of *Public Park/Open Space* uses within the project on those lands, in conformance with City Design Guidelines, the adopted Riparian Corridor Policy, and the Santa Clara Valley Water District Guidelines & Standards for Land Use Near Streams, is not expected to result in significant impacts different or greater than the overall impacts identified as resulting from the entire proposed project. Similar to the proposed project, new parks facilities would be developed in the project area concurrent with the cumulative development. New parks and recreation facilities would contribute incrementally to the impacts identified to result from each of the cumulative projects as a whole, but would not be expected to have new or substantially different significant adverse environmental impacts. **[Less than Significant Cumulative Public Services Impact with Mitigation]**

7.9.4 Library Service

The San José General Plan benchmarks for library services are 10,000 square feet of library space per 36,000 population, and 18.3 weekly service hours per 10,000 population. In November 2000, the Branch Library Bond Measure was approved to help achieve General Plan library services goals. The measure will provide 212 million dollars over the next ten years for six new and 14 expanded branch libraries.

The additional demand for library service resulting from growth proposed by the cumulative projects will impact individual neighborhood branches in the areas where growth would occur, and the Martin Luther King, Jr. Main Library. As population grows and service demands increase, additional library services would be required. The branch libraries nearest the site include the Educational Park Branch on Educational Park Drive, and the Joyce Ellington Branch on East Empire Street. These branch libraries are planned to be replaced by new facilities in 2009 and 2007, respectively, with funding from the Measure O Library Bond. It is not expected that the additional demand for library service resulting from growth proposed by the cumulative projects would require library facilities in addition to those currently planned for the branch libraries in the project area.

If, however, additional library services would be required, the resources to meet the increased demands could include some or all of the following:

- expanding the physical size of branches and main library;
- adding new branches;
- enlarging materials collections;
- expanding/redefining collections to accommodate changing technologies;
- increasing staff; and
- providing additional services not currently provided.

In the event that a new library is needed, it is not expected that its construction would result in a significant environmental impact. This is supported by the fact that over the past few years Initial Studies have been completed for the construction/reconstruction of 13 libraries within the City of San Jose, none of which identified that significant unavoidable impacts would occur. **[Less than Significant Cumulative Public Services Impact]**

7.9.5 Conclusions Regarding Cumulative Public Services Impacts

The cumulative demands upon public facilities and services are collectively substantial, but would not necessarily result in a significant physical impact upon the environment; their impacts are more likely to be fiscal impacts. New development approvals are required to comply with General Plan services and facilities policies. Impacts to parks and recreation and school facilities would be mitigated to a less than significant level through the payment of impact fees and/or the provision of parks and recreation facilities. If new police and fire protection, school, park and recreation, or library facilities are necessary due to the increased demand resulting from the development proposed by the cumulative projects, their construction is not expected to result in significant unavoidable physical impacts upon the environment. **[Less than Significant Cumulative Public Services Impact with Mitigation]**

7.10 CUMULATIVE POPULATION, JOBS, AND HOUSING IMPACTS

Historically, San Jose has had a shortage of jobs compared to the number of employed residents living in the City, commonly referred to as a jobs/housing imbalance. A jobs/housing imbalance, especially when there is a relative deficit of jobs, can be problematic because it results in longer commutes as City residents travel to other locales for employment. This same imbalance can result in financial hardships for a City due to the costs associated with providing services to residential land uses in relation to revenue generated. In recent years, consistent with the major strategies and objectives of the adopted General Plan, the City has been attempting to correct this imbalance.

A comparison of the existing General Plan buildout and the cumulative effect of the proposed GPAs on the number of jobs and housing units within the City is shown in Table 55, below. Under the current General Plan, there would be 0.99 jobs per employed resident. Under cumulative conditions there would be approximately 0.92 jobs per employed resident, which is inconsistent with the City's objective of a jobs/housing balance of greater than 1.0 jobs per employed resident objective in the City's General Plan. Therefore, development proposed by the cumulative projects would result in a significant cumulative population, jobs, and housing impact. **[Significant Cumulative Population, Jobs, and Housing Impact]**

Table 55
Breakdown of Projected Jobs, Population, and Housing in San Jose

	Projected Buildout	
	Current General Plan*	**With Cumulative Projects**
Households	411,600**	426,229
Persons per Household***	3.2	3.2
Population	1,317,120	1,363,933
Employed Residents per Household	1.5	1.5
Employed Residents	617,400	639,344
Jobs	608,800	588,652
Jobs per Employed Resident	0.99	0.92

Notes:
*Based on City of San Jose. Evergreen East Hills Vision Strategy Draft EIR. February 2006; Projections 2005.
**Includes assumption of 30,000 jobs and 25,000 households in Coyote Valley.
***Persons per household (pph) was rounded up from 3.18 pph identified in Projections 2005.

7.11 CUMULATIVE CULTURAL RESOURCE IMPACTS

The project site is the existing location of the San Jose Flea Market. Development of the proposed project requires closing the San Jose Flea Market and demolishing the on-site structures. As discussed in **Section 4.5 Cultural Resources**, the San José Flea Market is associated with eras and events of cultural interest and value that contribute to local and regional history, heritage, and culture in a distinctive, significant, and important way. Utilizing the Evaluation Rating System established by the City of San José, the San José Flea Market site scores 74.36 points, which indicates that it may be eligible as a San José Historic Landmark site.

The original San José Flea Market meets Criterion 1 of the California Register for its association with patterns of events that have made a significant contribution to the broad patterns of the history and cultural heritage of California. Per Section 15064.5 of the CEQA Guidelines, a resource that meets the criteria for listing on the California Register of Historical Resources is historically significant. Therefore, the proposed project, which would result in the loss of the San José Flea Market, has a significant unavoidable cultural resource impact.

As discussed in the Historic Resources Assessment prepared by *Archives and Architecture* July 2006 for the San Jose Flea Market, the closing of the San José Flea Market at this location and demolition of the buildings and structures will not have a cumulative impact, because the San Jose Flea Market is not a part of a larger context of similar historically associated resources; therefore, the incremental effect of the proposed project upon historic resources is not cumulatively considerable.

The proposed project includes measures to avoid impacts to archaeological resources. Therefore, the incremental effect of proposed project upon archaeological resources is not cumulatively considerable.

7.12 CUMULATIVE ENERGY IMPACTS

To provide information regarding the magnitude of cumulative energy impacts, the estimated annual energy usage of the four largest recently-approved/proposed projects is quantified in Table 56. To put the data of Table 56 into context, the cumulative increase in electricity, 553 million kWhr, is three percent of the total amount of electricity used in Santa Clara County in the year 2000. Similarly, the cumulative increase in gasoline, 36 million gallons, is approximately five percent of the total amount of gasoline used in Santa Clara County in 2003.

Table 56
Estimated Cumulative Energy Usage

	Natural Gas (cubic feet/year)	Electricity (kWh/year)	Gasoline (gallons/year)
Evergreen • East Hills [1,2]			
3,900 residences	176 million	25 million	
4,735,000 ft^2 office/R&D	137 million	85 million	
500,000 ft^2 commercial	19 million	7 million	
115,900 daily trips			6 million
Subtotal:	331 million	117 million	
Coyote Valley [1]			
25,000 residences	1,125 million	163 million	
12,500,000 ft^2 office/R&D	363 million	225 million	
520,489 daily trips			27 million
Subtotal:	1,488 million	388 million	
iStar [1]			
1,000,000 ft^2 office/R&D	29 million	18 million	
450,000 ft^2 commercial	17 million	6 million	
29,352 daily trips			2 million
Subtotal:	46 million	24 million	

San Jose Flea Market			
2,818 residences	127 million	18 million	
215,622 ft^2 office	6 million	4 million	
152,700 ft^2 commercial	6 million	2 million	
22,942 daily trips			1 million
Subtotal:	139 million	24 million	
Totals:	**2,004 million**	**553 million**	**36 million**

[1] Proposed land uses are estimated maximums, based on preliminary information available at the time this EIR was prepared.
[2] For this table, EEHVS Scenario VI was used since it would utilize the most energy of the six scenarios being evaluated.

More important, as discussed in **Section 4.12 Energy**, the California Energy Commission is projecting future shortages of electricity, natural gas, and gasoline during periods of peak demand. In the context of these projected shortages, the increase in energy usage that is shown in Table 56 is a significant cumulative energy impact. Due to the substantial amount of development proposed by the project, its incremental effect is cumulatively considerable. This conclusion is consistent with the thresholds of significance used for energy impacts, which state that energy usage needs to be evaluated in the context of projected supplies. **[Significant Cumulative Energy Impact]**

7.12.1 Mitigation for Cumulative Energy Impacts

There are many measures available to reduce energy consumption in both residences and businesses, as listed in **Section 4.12 Energy**. The proposed project does not include the energy consumption reduction measures listed in **Section 4.12 Energy**. The proposed project would, however, construct residences in the vicinity of job centers, as would the Coyote Valley Specific Plan project. Further, all of the large projects listed in Table 56 are, to varying degrees, located along existing or planned rail corridors (LRT, Caltrain, BART, Altamont Commuter Express). Proximity of jobs to housing and the availability of efficient public transit are important goals of land use planning, as embodied in the policies of San José's General Plan, because they can substantially reduce the adverse effects of automobile usage (i.e., energy consumption, congestion, and air pollution).

7.12.2 Conclusion Regarding Cumulative Energy Impacts

The projected energy consumption of the cumulative project is substantial in the context of project energy supplies. This is a significant cumulative energy impact. Due to the substantial amount of development proposed by the project, its incremental effect is cumulatively considerable. **[Significant Unavoidable Cumulative Energy Impact]**

SECTION 8 GROWTH-INDUCING IMPACTS

8.1 INTRODUCTION

The purpose of this section of an EIR is to disclose whether or not the construction of a project is likely to foster additional growth, either directly or indirectly. This information can be an important factor in a decision to approve a project, if the approval will foster additional growth that may have environmental consequences.

The fact that a project is likely to foster additional growth does not imply that such growth is either detrimental or beneficial. For example, a project that fosters growth consistent with the adopted goals and policies of a city's General Plan would likely be considered as beneficial. Conversely, a project that fosters growth that would conflict with such goals and policies would likely be considered as detrimental.

Projects can induce growth directly or indirectly or both. A direct growth-inducing impact occurs when the construction of one or more projects is dependent on the construction of another project.[59] An indirect growth-inducing impact occurs when a project fosters such growth but there is not direct linkage to future projects.

8.2 GROWTH-INDUCING IMPACTS

The project proposes amendments to the City of San José General Plan and rezoning that would allow for the future development of residential, combined commercial/industrial, and commercial uses on the project site. This growth, however, would not be induced by the proposed project - it is the proposed project.

The proposed project is infill redevelopment; the project site is well within the City's existing urban boundaries; is already served by existing infrastructure, and has long been planned for redevelopment with intensified urban uses.

The proposed project will not allow new development where development is not already allowed and will not substantially increase the need for urban infrastructure beyond levels necessary to serve existing and planned development on the project site. The project does allow for more dwelling units within San José than are currently planned for in the existing General Plan. It is unlikely to induce growth anywhere other than the project site itself, the impacts of which are disclosed in this EIR. For these reasons and those described above, the proposed project will not result in growth-inducing impacts.

[59]Cities and counties frequently place conditions on a project at the time it is approved. These conditions can take the form of restrictions, project modifications, and/or prerequisites to construction. An example of a prerequisite condition would be that the construction of a project cannot proceed until the local wastewater treatment plant has been expanded to accommodate the wastewater to be generated by the project. Therefore, expansion of the wastewater treatment plant would directly foster growth by allowing an approved project that was conditioned to not proceed until the wastewater treatment plant is expanded.

SECTION 9 SIGNIFICANT UNAVOIDABLE IMPACTS

This EIR has identified the following significant unavoidable environmental impacts that would occur as a result of the proposed project. If the project is approved, as currently proposed, a statement of overriding considerations would need to be adopted for all significant unavoidable impacts.

- **Land Use** - As discussed in **Section 4.1**, the residential development proposed by the project along the east project boundary north of Berryessa would not be compatible with the existing industrial uses that are adjacent to the east boundary. If the pending General Plan Amendment (GP 03-04-08) for the property adjacent to the east boundary is approved, then it is likely that the property would redevelop with residential uses that are compatible with the proposed project.

- **Air Quality** – Although the project site is the planned location of the future Berryessa BART Station, as discussed in **Section 4.4**, the emissions from project-generated traffic would have a significant detrimental effect on regional air quality.

- **Cultural Resources** - As discussed in **Section 4.5**, development of the proposed project would result in the loss of the San José Flea Market, a historically significant cultural resource.

- **Energy** - As discussed in **Section 4.12**, the proposed project would result in a substantial increase in demand upon energy resources in relation to projected supplies.

- **Transportation and Traffic –** As discussed in **Section 4.2**, project generated traffic would result in impacts to the adjacent freeway system and impacts to protected intersections and would create a significant unavoidable impact at the intersection of Oakland Road and Hedding Street by adding it to the List of Protected Intersections.

- **Hazards and Hazardous Materials -** As discussed in **Section 4.9**, an accidental release from hazardous material use and storage facilities in the project area could expose people to life-threatening concentrations of hazardous materials.

SECTION 10 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

This section was prepared pursuant to CEQA Guidelines Section 15126.2(c), which requires a discussion of the significant irreversible changes that would result from the implementation of a proposed project.

Significant irreversible changes include the use of nonrenewable resources. During demolition, construction, and operation, development of the proposed project will require the use and consumption of nonrenewable resources. Renewable resources, such as lumber and other wood byproducts, will also be used. Unlike renewable resources, nonrenewable resources cannot be regenerated over time. Nonrenewable resources include fossil fuels and metals.

As discussed in Section 4.12, Energy, energy will be consumed during both the construction and operational phases of the project. The construction phase will require the use of nonrenewable construction material, such as concrete, metals, and plastics. Nonrenewable resources and energy would also be consumed during the manufacturing and transportation of buildings materials, preparation of the site, and construction of the buildings. The operational phase will consume energy for multiple purposes including, building heating and cooling, lighting, appliances, electronics, and commercial machinery. Energy, in the form of fossil fuels, will be used to fuel vehicles traveling to and from the area.

The City of San José encourages the use of building materials that include recycled materials, and makes information available on those building materials to developers. New buildings will be built to current codes, which require insulation and design to minimize wasteful energy consumption. High density residential developments typically use less energy for heat and light because common walls and shared services reduce waste. In addition, the site is an infill location that is located adjacent to the planned alignment of the BART extension from Fremont to Santa Clara, which also includes a BART station on the project site. The project site provides residential opportunities that are more reasonably proximate to existing employment centers in north San José, east San José, and the midtown area of San José than alternative housing in counties to the north and south. The proposed project will, therefore, facilitate a more efficient use of the project site over the long term.

SECTION 11 REFERENCES

Bay Area Air Quality Management District, Toxic Air Contaminant Control Program Annual Report 2002, June 2004.

California Department of Conversation, Santa Clara County 2004 Important Farmlands Map, June 2005.

California Energy Commission, 2003 Integrated Energy Policy Report, December 2003.

California Energy Commission, California Utility Electricity Deliveries by County for 2000.

California Energy Commission, California Gross System Power for 2003.

California Energy Commission, Guide to Buying a Photovoltaic Solar Electric System, March 2003.

California Energy Commission, Base Case Forecast of California Transportation Energy Demand, December 2001.

East Side Union High School District, Overview of Residential Development Impacts, 11/12/91.

San José, City of, San José 2020 General Plan, as amended through June 2005.

San José, City of, Greenprint, 20-Year Strategic Plan for Parks, Community Facilities and Programs, adopted September 5, 2000.

San José, City of, San José Public Library Branch Facilities Master Plan, September 2000.

San José, City of, Riparian Corridor Policy Study, revised March 1999.

San José, City of, San José Fire Department Strategic Plan (Final Report), December 2000.

Santa Clara County Airports Land Use Commission, Land Use Plan for Areas Surrounding Santa Clara County Airports, 1992.

Santa Clara Valley Urban Runoff Pollution Prevention Program, Hydromodification Management Plan, April 2005.

U.S. Department of Energy, Energy Information Administration, 1999 Commercial Buildings Energy Consumption Survey.

U.S. Department of Energy, Energy Information Administration, Annual Energy Review 2002.

U.S. Department of Energy, Energy Information Administration, 2001 Residential Energy Consumption Survey.

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