

City of San Jose - PBCE – Planning Division - Imaging Index Cover Sheet

Address/Location: 195 W. Julian St  
 Permit/Project No.: GP03-03-01 Issuance Date: 2-25-2004  
 Prepped By: M Closed By: L. Xavier RSN: 960933

Category	Document Type	Sub Document Type
<input type="checkbox"/> (EF) Environmental Files (203)	<input type="checkbox"/> (PP) Public Project Files (203-03)	<input type="checkbox"/> (EN) EIR <input type="checkbox"/> (DA) Approved Document <input type="checkbox"/> (EM) Maps <input type="checkbox"/> (AE) Application <input type="checkbox"/> (AG) Agency Correspondence <input type="checkbox"/> (EG) General Correspondence <input type="checkbox"/> (TR) Technical Reports <input checked="" type="checkbox"/> (RE) Archaeological Reports <input type="checkbox"/> (EP) Plans
<input checked="" type="checkbox"/> (GP) General Plan (204)	<input type="checkbox"/> (GA) General Plan Amendments (204-02)	<input type="checkbox"/> (AM) Amendment <input type="checkbox"/> (AA) Application <input type="checkbox"/> (CG) Correspondence
	<input checked="" type="checkbox"/> (GE) Environmental Review (for 204 series GP Amendments)	<input type="checkbox"/> (GD) Approved Document <input type="checkbox"/> (GI) EIR <input type="checkbox"/> (GS) Supporting Documents <input checked="" type="checkbox"/> (GT) Technical Reports <input type="checkbox"/> (GR) Archaeological
<input type="checkbox"/> (DR) Development Review (207)	<input type="checkbox"/> (PR) Projects (207-02, 207-03, etc.)	<input type="checkbox"/> (ZN) Zoning <input type="checkbox"/> (PE) Permit <input type="checkbox"/> (MP) Maps <input type="checkbox"/> (AP) Application <input type="checkbox"/> (AC) Agency Correspondence <input type="checkbox"/> (GC) General Correspondence <input type="checkbox"/> (PL) Plans
	<input type="checkbox"/> (ER) Environmental Review (for 207 series Project Files)	<input type="checkbox"/> (EA) Approved Document <input type="checkbox"/> (EI) EIR <input type="checkbox"/> (ES) Supporting Documents <input type="checkbox"/> (ET) Technical Reports <input type="checkbox"/> (AR) Archaeological
	<input type="checkbox"/> (AD) Adjustments (207-12)	<input type="checkbox"/> (DO) Documents <input type="checkbox"/> (PA) Plans
	<input type="checkbox"/> (PI) Public Info Letters (207-29)	<input type="checkbox"/> (LE) Letter <input type="checkbox"/> (LS) Supporting Docs

GP 03.03.01

PUBLIC REVIEW DRAFT

BRANDENBURG MIXED USE PROJECT/  
NORTH SAN PEDRO HOUSING SITES  
ENVIRONMENTAL IMPACT REPORT

STATE CLEARINGHOUSE #2003012046

TECHNICAL APPENDICES

(VOLUME 2 of 2)

August 2003

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NORTH SAN PEDRO HOUSING SITES  
ENVIRONMENTAL IMPACT REPORT

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TECHNICAL APPENDICES

(VOLUME 2 of 2)

Submitted to the:  
City of San Jose

Prepared by:  
LSA Associates, Inc.

August 2003

## **APPENDICES**

- APPENDIX A: NOTICE OF PREPARATION AND COMMENT LETTERS**
- APPENDIX B: TRAFFIC TECHNICAL MATERIALS**
- APPENDIX C: AIR QUALITY METHODS AND ASSUMPTIONS**
- APPENDIX D: GEOTECHNICAL INVESTIGATION**
- APPENDIX E: CULTURAL RESOURCES**
- APPENDIX F: SUMMARY OF HAZARDOUS MATERIALS ISSUES**

**APPENDIX A**  
**NOTICE OF PREPARATION & COMMENT LETTERS**

...A ASSOCIATES, INC.

JAN 24 2003

Berkeley

**NOTICE OF PREPARATION  
OF AN  
ENVIRONMENTAL IMPACT REPORT  
FOR THE  
BRANDENBURG MIXED USE PROJECT**

Project Applicant: The Redevelopment Agency of the City of San Jose  
File Number: GP03-03-01  
APN: Various

As the Lead Agency, the City of San Jose will prepare an Environmental Impact Report (EIR) for the Brandenburg Mixed Use Project and would like your views regarding the scope and content of the environmental information to be addressed in the EIR. The EIR may be used by your agency when considering approvals for this project. A brief description of the proposed project, its location, and a summary of the potential environmental effects are attached.

According to the California Environmental Quality Act (CEQA), the deadline for your response is 30 days after receipt of this notice. However, an earlier response, if possible, would be appreciated. Please identify a contact person, and send your response to:

City of San Jose  
Department of Planning, Building & Code Enforcement  
Attention: Susie Pineda  
801 North First Street, Room 400  
San Jose, California 95110-1795  
(408) 277-4576

Stephen M. Haase, AICP  
Director, Department of Planning, Building & Code Enforcement

Ron Eddow

Deputy

Date:

January 13, 2003

**NOTICE OF PREPARATION  
OF A DRAFT ENVIRONMENTAL IMPACT REPORT  
FOR THE BRANDENBURG MIXED USE PROJECT**

San Jose, California  
January 2003

**Introduction**

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

The Brandenburg Mixed Use Project Environmental Impact Report (Brandenburg EIR) will be prepared and processed in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended, and the *CEQA Guidelines*. In accordance with CEQA requirements, the Brandenburg EIR will include the following:

- Summary of the proposed Brandenburg Residential Project and its potential environmental effects;
- Description of the proposed project;
- Description of the existing environmental setting, potential environmental impacts, and mitigation measures;
- Cumulative impacts;
- Alternatives to the proposed project; and
- CEQA-required assessment conclusions, including: (1) the growth-inducing impacts of the proposed project; (2) any significant environmental effects which cannot be avoided if the project is implemented; (3) any significant irreversible and irretrievable commitments of resources; and (4) effects found not to be significant.

**Project Location**

The project site is located within the City of San Jose (see Figure 1), generally east of State Route 87 (SR87), south of the Union Pacific Railroad line, north of West St. James Street, and west of Market Street (see Figure 2). The project site of approximately 12.4 acres is comprised of the approximately 5.3-acre Brandenburg site and adjacent San Jose Redevelopment Agency-owned land.

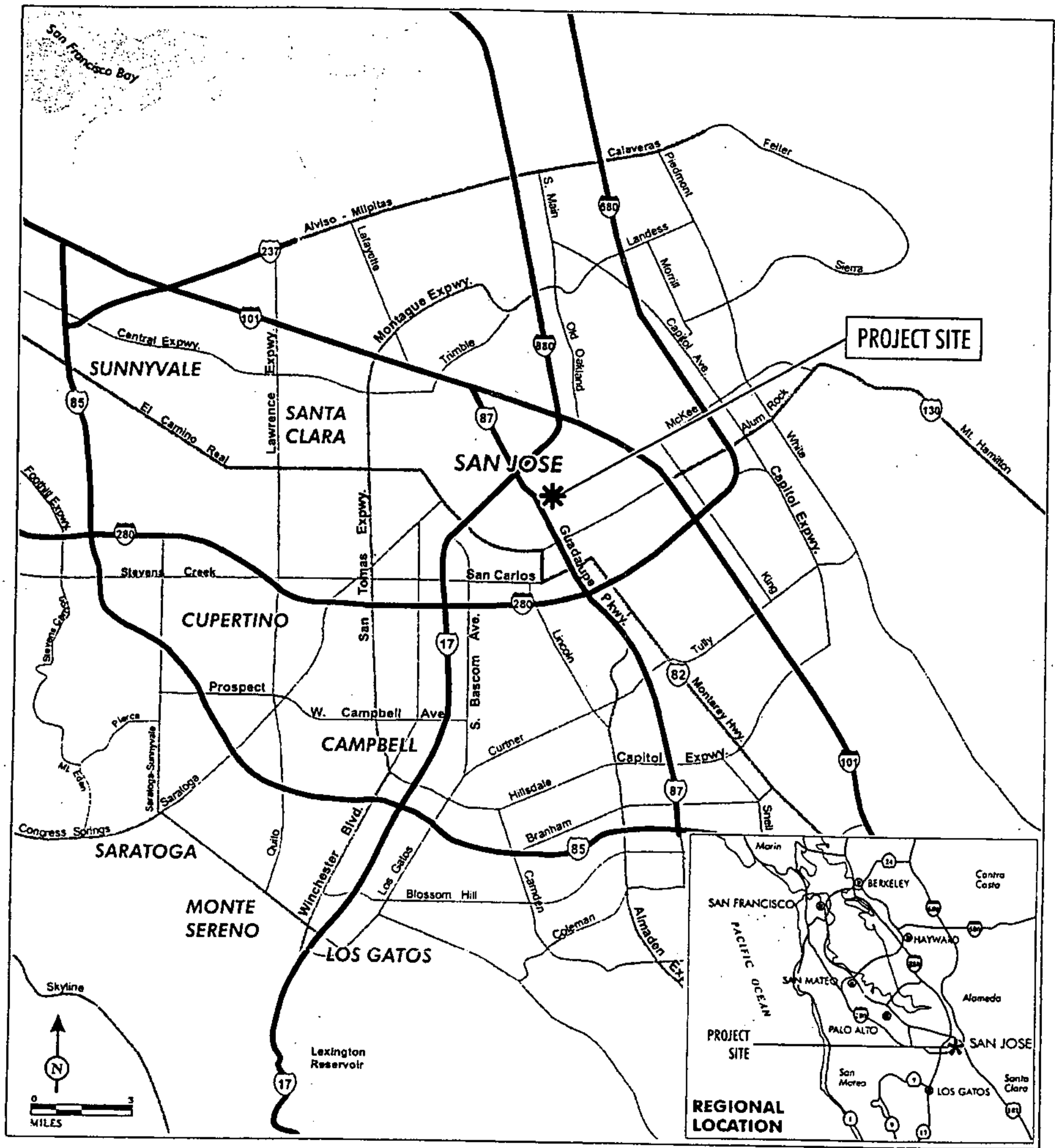


FIGURE I

Brandenburg Residential Project  
Regional Location

SOURCE: LSA ASSOCIATES, INC., 2002.

I:\GRAPHICS\JOBS\SJO230 BRANDENBURG\FIGURES\FIG\_1.CDR (10/29/02)



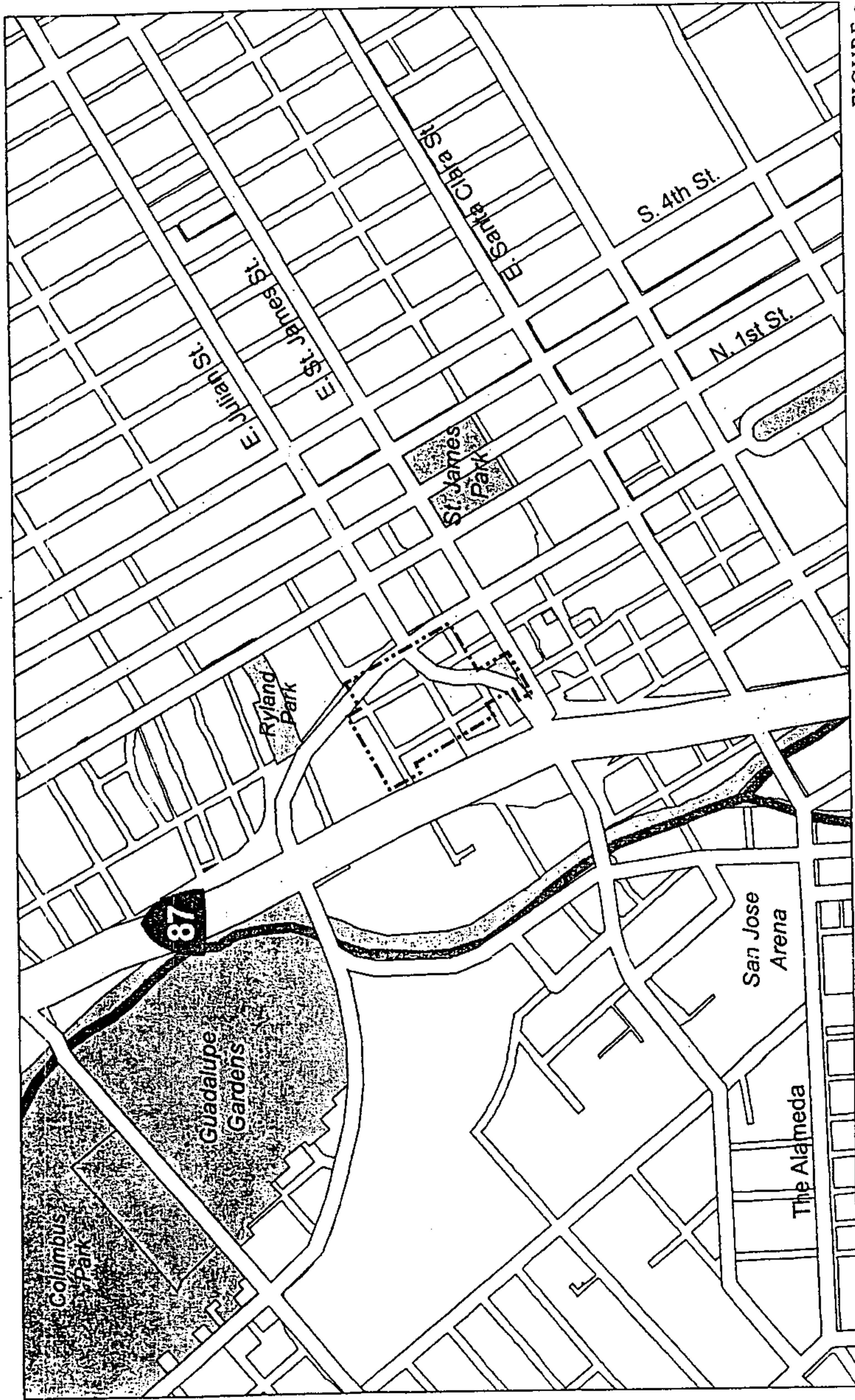



FIGURE 2

Brandenburg Residential Project EIR  
Project Site Location

LEGEND  
 PROJECT SITE

0 1500 3000  
 FEET

SOURCE: LSA ASSOCIATES, INC., 2002

I:\IMAGES\GRAPHICS\JOBS\0230 BRANDENBURG\FIGURES\NOPI\FIG\_2.A1 (11/07/02)

## Project Description

The San Jose Redevelopment Agency prepared a parcel plan for the development of residential, commercial, park and open space, on 17 parcels within the project boundary (see Figure 3). The following discussion describes the proposed project's concepts, including proposed development for each parcel, transportation and circulation improvements, parks and open space, and preliminary grading and excavation. Table 1 provides a summary of development at buildout of the proposed project.

### Proposed Development

As shown in Figure 3, the proposed project envisions the development of both residential and commercial uses on a total of 15 parcels within the project boundary. Table 2 provides a summary of the proposed development for each parcel. Full implementation of the proposed project would result in the coverage of 9.15 acres of the project site's 12.40 acres. The proposed maximum height for any project buildings is 173 feet. The height increase requires a General Plan text amendment.

With the development of 1,501 dwelling units, residential uses would be the most prominent element of the proposed project. Table 2 provides an overview of the distribution of the dwelling units on each parcel. The development of 1,501 dwelling units results in an average of 164 dwelling units per building-acre and an average of 121 dwelling units per site-acre. Assuming 1,200 sq. ft. per dwelling unit, the total gross square footage for residential space would be approximately 1,800,681. Thus, the proposed project's overall floor area ratio (FAR) would be 4.52.

**Table 1: Development Summary at Full Buildout of the Proposed Project**

Development Element	Unit
Total Site Area (sq.ft./acres)	540,173 / 12.40
Total Building Site Coverage (sq.ft./acres)	398,749 / 9.15
Maximum Building Height (ft.)	173
Total Dwelling Units	1,501
Dwelling Units per Building Acre	164
Dwelling Units per Site Acre	121
Floor Area Ratio (FAR)	4.52
Gross Square Footage for Housing (sq.ft.)	1,800,681
Total Commercial Space (sq.ft.)	60,000
Total Parking Spaces	2,301
Total Public Park Space (sq.ft./acres)	55,939 / 1.28
Total Excavated Soil Volume (cu.ft.)	10,068,412
Total Commercial Space - Grocery/Big Box Retail Option (sq.ft.)	100,000
Total Parking Spaces - Grocery/Big Box Retail Option	2,401

Source: San Jose Redevelopment Agency, 2002.

**Table 2: Development Statistics of the Proposed Project by Parcel**

Parcel	Building		Site		D.U.	Comm'l Space (Sq.Ft.)	Pkg. Spaces	Excavation (Cu.Ft.)
	Sq.Ft.	Acres	Sq.Ft.	Acres				
A	24,750	0.57	28,304	0.65	94		141	624,938
B	34,500	0.79	39,256	0.90	131		197	871,125
C	28,125	0.65	30,582	0.70	107		161	710,156
D	18,313	0.42	21,107	0.48	70		105	462,403
E1	22,750	0.52	29,273	0.67	87	8,000	130	574,438
E2	22,750	0.52	29,273	0.67	87	8,000	130	574,438
F	24,000	0.55	39,437	0.91	91	10,500	137	606,000
G	31,500	0.72	39,724	0.91	120		180	795,375
H	28,000	0.64	37,718	0.87	107	10,500	160	707,000
I	34,300	0.79	39,719	1.03	131		196	866,075
J	31,850	0.73	38,428	0.88	121		182	804,213
K	31,850	0.73	38,456	0.88	121	12,000	182	804,213
L1	15,196	0.35	15,196	0.35	58	3,500	87	383,699
L2*	34,115	0.78	34,115	0.78	130	7,500	195	861,404
M	16,750	0.38	18,439	0.42	45		68	422,938
P1			37,435	0.86				
P2			18,504	0.42				
<b>Total</b>	<b>398,749</b>	<b>9.15</b>	<b>540,173</b>	<b>12.40</b>	<b>1,501</b>	<b>60,000</b>	<b>2,251</b>	<b>10,068,412</b>

\* The grocery/big box retail option is not reflected in Table 2. With the grocery/big box retail option, Parcel L2 would accommodate 40,000 sq. ft. of commercial space, rather than 7,500 sq. ft.

Source: San Jose Redevelopment Agency, 2002.



Commercial development is anticipated for seven parcels, fronting N. San Pedro Street, between Bassett and Devine Streets, with approximately 60,000 sq.ft. of space. Table 2 shows the distribution of this commercial space. A grocery/big box retail option is also included in the proposed project. This option proposes to develop 40,000 sq.ft. of commercial space on Parcel L2, rather than 7,500 sq.ft. in the primary project. Implementation of this option would result in a total of 100,000 sq.ft. of commercial space, 40,000 sq.ft. more than the primary project.

The development of residential units and commercial space would require an amendment to the San Jose 2020 General Plan Land Use Transportation Diagram in addition to other required development permits.

#### *Transportation, Circulation, and Parking*

The proposed project includes the realignment of W. Julian Street, a portion of which would be reconstructed to fit the grid pattern of adjacent roadway segments between Market and Terraine Streets. The existing "S" curve through the southern portion of the project site would be vacated as a public street. The realignment of W. Julian Street would require an amendment to the San Jose 2020 Land Use Transportation Diagram.

A total of 2,301 parking spaces would be provided throughout the project area in the form of two parking levels below grade. The number of parking spaces for the 1,501 residential units amounts to 2,251.<sup>1</sup> An additional 50 parking spaces are shown for commercial development. If the grocery/big box retail option is implemented, the proposed project would introduce an additional 150 spaces, totaling 2,401 spaces. Table 2 shows the distribution of the parking spaces over the 15 parcels. As shown in Figure 3, parking access points are found mostly along Bassett Street, W. Julian Street, and Devine Street. Other parking access points are found Terraine Street, San Pedro Street, and Market Street.

#### *Parks and Open Space*

A total of 1.28 acres of parks and open space is also included in the proposed project. Parcels P1 and P2 are set aside to be developed as public park spaces. Parcel P1, located at Terraine and W. Julian Street, provides 0.86 acres of park space, while Parcel P2, located at Terraine and W. St. James Street, provides 0.42 acres.

#### *Preliminary Excavation and Grading*

The proposed project, with its below grade parking, would require the excavation of 10,068,412 cubic feet of surface soils to a depth of approximately 25 feet. All excavated material will need to be exported from the site. Table 2 estimates the volumes of excavated material that will be removed from each parcel.

### **Potential Environmental Effects of the Project**

The Brandenburg EIR will identify the significant environmental effects anticipated to result from the implementation of the proposed project. Specific environmental topics addressed will include:

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<sup>1</sup> Based on 1.5 parking spaces per dwelling unit.

### *Land Use*

The project site is currently undergoing remediation, as it was previously used for warehouses, some of which had underground storage tanks. The proposed project includes the development of new residential and commercial uses in what is historically an industrial area. The EIR will describe the existing land uses within the project site and its surrounding areas. New land uses and their compatibility with existing uses will be described. Appropriate mitigation measures will be identified for any significant land use impacts resulting from the proposed project.

### *Traffic and Circulation*

The proposed project includes the realignment of West Julian Street, as well as the vacation of the existing "S" curve through the southern portion of the project site as a public street. A total of 2,301 parking spaces is anticipated at full buildout of the proposed project. All these improvements will affect the traffic circulation and parking patterns in the project vicinity. The EIR will identify existing roadway conditions and other transportation elements (i.e., light rail, bus routes, bike routes, etc.) within and near the project site, including local streets and intersections, regional facilities (such as expressways), and freeways. The analysis will evaluate baseline (existing and approved) conditions against traffic impacts and the transportation improvements under the proposed project. Conditions and impacts on parking and transit systems likely to experience significant changes will be discussed. Appropriate mitigation measures for significant impacts will be identified, where warranted.

### *Air Quality*

Redevelopment of the project site would, during both the construction and operational periods, increase air pollution emissions in the area. The EIR will address regional air quality conditions in the San Francisco Bay Area and the air quality impacts resulting from the proposed project. The EIR will also discuss compatibility with regional air quality plans and construction-related impacts, such as vehicle exhaust and fugitive dust. Mitigation measures will be identified for potentially significant air quality impacts, as appropriate.

### *Noise*

The development of residential and commercial uses, during both the construction and operational periods, will increase noise levels in the project area. The EIR will assess potential noise impacts associated with the proposed project, including impacts to existing and future development. Noise levels will be evaluated for consistency with San Jose 2020 General Plan noise standards and guidelines. Mitigation measures to reduce noise impacts will be identified, where warranted.

### *Shade and Shadow*

The project site currently consists of low-rise industrial and residential buildings, and is located in a generally low-rise neighborhood of industrial and residential buildings, most of which are one to three stories in height. The proposed project buildings would have a maximum building height of 173 feet. The multi-story complex could cause shade and shadow effects on the surrounding neighborhood.

The EIR will assess these potential impacts based upon a shade and shadow study. Mitigation measures will be proposed, as appropriate.

#### *Aesthetics*

The multi-story residential and commercial structures may result in impacts to the existing visual character of the neighborhood. The EIR will describe the existing visual conditions of the project area and address the potential effects on scenic vistas, scenic resources, or any degradation to the existing visual character. Mitigation measures will be identified to address significant impacts, where appropriate.

#### *Vegetation and Wildlife*

The EIR will describe the existing biological conditions within the project area, and potential impacts of the proposed project on vegetation and wildlife. The EIR will evaluate the likelihood of any significant impacts, including loss of Ordinance-sized trees, and effects on special-status species. Mitigation measures will be recommended, where appropriate.

#### *Geology*

Over 10 million cubic feet of surface soil will be exported for the implementation of the proposed project. The EIR will identify general soil and geotechnical conditions in the project area. The impact analysis will address seismic hazards in the project area, as well as the potential for liquefaction, ground-shaking, and subsidence. Mitigation measures will be recommended, where appropriate.

#### *Cultural Resources*

The project site is located within an archaeologically sensitive area, as it is in proximity to the Guadalupe River, the former Pueblo San Jose lands, and San Jose's historic area. The EIR will address prehistoric and historic cultural resources within the project area based upon an archival search. Potential impacts to archaeological resources and historic structures, including registered buildings and districts, will be identified. Mitigation measures will be recommended, where appropriate.

#### *Hazards and Hazardous Materials*

As the project site is located within a largely industrial area and old warehouses and underground storage tanks are found on-site, redevelopment work may create hazardous situations for construction workers and future project site users. Currently, the project site is undergoing extensive remediation to address these concerns. The EIR will provide an updated description of those remediation activities and will analyze the potential impacts of hazardous materials and contaminated soils associated with the proposed project. The EIR will also disclose of other hazardous waste sites in the project area and their potential impacts. Mitigation measures will be recommended, where appropriate.

### *Public Facilities and Services*

The development of residential units and commercial space will result in an increase in demand for public facilities and services. The EIR will identify existing public facilities and services serving the project area, based upon information available from the City of San Jose and other local agencies or service providers. The public facilities and services addressed will include: police protection services, fire protection and emergency medical services, schools, libraries, and parks and recreation. Where sufficient data are available, the EIR will quantify the increase in service demands resulting from the proposed project. The availability and adequacy of existing services will be analyzed. Mitigation measures will be identified for any significant impacts to public facilities and services.

### *Hydrology and Flooding*

The EIR will address any hydrology and flooding impacts that may occur as a result of the implementation of the proposed project. The analysis will discuss whether water quality and discharge requirements would be met, drainage patterns would be affected or altered, water resources would be degraded or depleted, and if there is an increased risk for flood-related property loss or hazards to human life.

### *Utilities and Infrastructure Systems*

The development of residential units and commercial space will introduce new demands for utilities and infrastructure systems. The EIR will identify existing utilities and infrastructure systems serving the project area, based upon information available from the City of San Jose and other local agencies or service providers. The utilities and infrastructure systems addressed will include: electricity, natural gas, and telephone; water supply; sanitary sewer/wastewater treatment; storm drainage; and solid waste. Where sufficient, the EIR will quantify the increase in service demands resulting from the proposed project. The availability and adequacy of existing services to serve the proposed project will be analyzed. Mitigation measures, as required, will be identified for any significant impacts to utilities and infrastructure service systems.

### *Energy Resources*

The development of residential units and commercial space will require energy resources. The EIR will identify the potential for project-induced energy impacts. Conservation measures will be recommended to avoid any significant energy impacts.

### *Cumulative Impacts*

The EIR will address the potentially significant cumulative impacts of the project when considered with other past, present, and reasonably foreseeable future projects in the area. This analysis will cover all environmental topics discussed in the EIR (e.g., traffic, air quality, etc.) and will specify which areas are anticipated to result in significant cumulative impacts. Cumulative impacts will be discussed qualitatively, unless specific quantitative information on other pending projects is available prior to circulation of the Draft EIR. Where appropriate, mitigation measures will be identified.

*Alternatives to the Project*

The EIR will identify and address the potential impacts of five possible alternatives to the proposed project: (1) No Development; (2) Reduced Scale; (3) Retail Mix; (4) Office/Residential Mix; and (5) No Project under the existing General Plan and Zoning designations.



## LIST OF COMMENTORS

1. Brian Grattidge  
Senior Planner, State Clearinghouse  
Governor's Office of Planning and Research  
State of California  
January 15, 2003
2. Timothy Sable  
District Branch Chief, IGR/CEQA  
Department of Transportation  
State of California  
February 10, 2003
3. Sandy Hesnard  
Aviation Environmental Planner  
Department of Transportation  
State of California  
February 11, 2003
4. Brian Wines  
Water Resources Control Engineer  
Alameda-Santa Clara Watershed Section  
California Regional Water Quality Control Board  
January 24, 2003
5. Sean Quach  
Project Engineer  
Roads and Airports Department  
County of Santa Clara  
January 16, 2003
6. Derek Farmer  
ALUC Staff Coordinator  
Airport Land Use Commission  
February 10, 2003
7. Roy Molseed  
Senior Environmental Planner  
Santa Clara Valley Transportation Authority  
February 14, 2003
8. William C. Norton  
Executive Officer/APCO  
Bay Area Air Quality Management District  
February 13, 2003

9. Alfred Poon  
Land Agent  
Pacific Gas and Electric Company  
February 10, 2003
10. Douglas R. Korten, Esq.  
February 11, 2003
11. Charles W. Davidson  
February 6, 2003



Gray Davis  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse



Tal Finney  
Interim Director

Notice of Preparation

January 15, 2003

RECEIVED  
JAN 21 2003  
CITY OF SAN JOSE  
PLANNING DEPARTMENT

To: Reviewing Agencies  
  
Re: Brandenburg Mixed Use Project (File No. GP03-03-01)  
SCH# 2003012046

Attached for your review and comment is the Notice of Preparation (NOP) for the Brandenburg Mixed Use Project (File No. GP03-03-01) draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

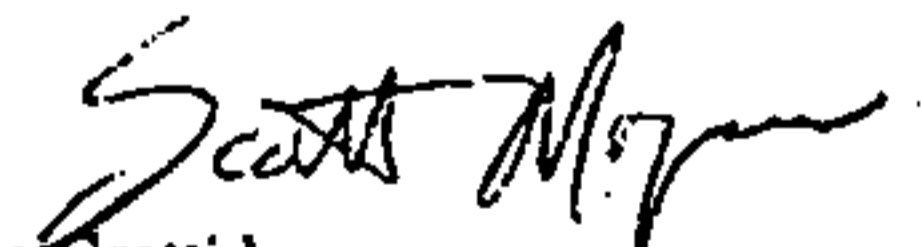
Please direct your comments to:

Susie Pineda  
City of San Jose  
801 North First Street  
San Jose, CA 95110-1795

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

  
Brian Grattidge  
Senior Planner, State Clearinghouse

Attachments  
cc: Lead Agency

**SCH#** 2003012046  
**Project Title** Brandenburg Mixed Use Project (File No. GP03-03-01)  
**Lead Agency** San Jose, City of

**Type** NOP Notice of Preparation  
**Description** General Plan amendment to allow a mixed use project including 1,501 dwelling units, 100,000 square feet of commercial uses and a 1.28 acre public park on a 12.4 acre site located east of State Route 87, south of the Union Pacific Railroad line, north of West St. James Street, and west of Market Street.

**Lead Agency Contact**

**Name** Susie Pineda  
**Agency** City of San Jose  
**Phone** 408-277-4576 **Fax**  
**email**  
**Address** 801 North First Street  
**City** San Jose **State** CA **Zip** 95110-1795

**Project Location**

**County** Santa Clara  
**City** San Jose  
**Region**  
**Cross Streets** W. St. James Street, and W. Market Street  
**Parcel No.** Various

Township	Range	Section	Base
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**Proximity to:**

**Highways** 87  
**Airports** NYM San Jose International  
**Railways** UP/SP  
**Waterways** Guadalupe River  
**Schools** San Jose  
**Land Use** Residential, Commercial, and Industrial Uses  
 HI Heavy Industrial, LI Light Industrial, CG Commercial General  
 General Commercial and Core Area

**Project Issues** Aesthetic/Visual; Air Quality; Archaeologic-Historic; Flood Plain/Flooding; Geologic/Seismic; Noise; Public Services; Other Issues; Traffic/Circulation; Vegetation; Water Quality; Wildlife; Landuse; Cumulative Effects; Toxic/Hazardous

**Reviewing Agencies** Department of Parks and Recreation; Department of Water Resources; Department of Fish and Game, Region 3; Native American Heritage Commission; State Lands Commission; Caltrans, District 4; Department of Housing and Community Development; California Highway Patrol; Air Resources Board, Major Industrial Projects; State Water Resources Control Board, Division of Water Quality; Regional Water Quality Control Board, Region 2; Resources Agency

**Date Received** 01/15/2003 **Start of Review** 01/15/2003 **End of Review** 02/13/2003

Resources Agency

- Resources Agency Nadell Gayou
- Dept. of Boating & Waterways Suzi Balzer
- California Coastal Commission Elizabeth A. Fuchs
- Dept. of Conservation Roseanne Taylor
- Dept. of Forestry & Fire Protection Allen Robertson
- Office of Historic Preservation Harris Kreutzberg
- Dept. of Parks & Recreation B. Noah Tighman Environmental Stewardship Section
- Reclamation Board Pam Bruner
- S.F. Bay Conservation & Dev't. Comm. Steve McAdam
- Dept. of Water Resources Resources Agency Nadell Gayou

Fish and Game

- Dept. of Fish & Game Scott Flint Environmental Services Division
- Dept. of Fish & Game 1 Donald Koch Region 1
- Dept. of Fish & Game 2 Banky Curtis Region 2
- Dept. of Fish & Game 3 Robert Fieberke Region 3
- Dept. of Fish & Game 4 William Laudermilk Region 4
- Dept. of Fish & Game 5 Don Chadwick Region 5, Habitat Conservation Program
- Dept. of Fish & Game 6 Gabriela Gatchel Region 6, Habitat Conservation Program
- Dept. of Fish & Game 6 J/M Tarmy Allen Region 6, Inyo/Mono, Habitat Conservation Program
- Dept. of Fish & Game M Tom Napoli Marine Region

Colorado River Board

- Colorado River Board Gerald R. Zimmerman
- Tahoe Regional Planning Agency (TRPA) Lyn Barnett
- Office of Emergency Services John Rowden, Manager
- Delta Protection Commission Debby Eddy
- Santa Monica Mountains Conservancy Paul Edelman

Dept. of Transportation

- Dept. of Transportation 10 Tom Dumas District 10
- Dept. of Transportation 11 Bill Figge District 11
- Dept. of Transportation 12 Bob Joseph District 12

State Water Resources Control Board

- State Water Resources Control Board Student Intern, 401 Water Quality Certification Unit Division of Water Quality
- State Water Resources Control Board Mike Falkenstein Division of Water Rights
- Dept. of Toxic Substances Control CEQA Tracking Center

Business, Trans & Housing

- Housing & Community Development Cathy Creswell Housing Policy Division
- Caltrans - Division of Aeronautics Sandy Hesnerd
- California Highway Patrol Lt. Julie Page Office of Special Projects
- Dept. of Transportation Ron Helgeson Caltrans - Planning
- Dept. of General Services Robert Steppy Environmental Services Section

Regional Water Quality Control Board (RWQCB)

- RWQCB 1 Cathleen Hudson North Coast Region (1)
- RWQCB 2 Environmental Document Coordinator San Francisco Bay Region (2)
- RWQCB 3 Central Coast Region (3)
- RWQCB 4 Jonathan Bishop Los Angeles Region (4)
- RWQCB 5S Central Valley Region (5)
- RWQCB 5F Central Valley Region (5) Fresno Branch Office
- RWQCB 5R Central Valley Region (5) Redding Branch Office
- RWQCB 6 Lahontan Region (6)
- RWQCB 6V Lahontan Region (6) Victorville Branch Office
- RWQCB 7 Colorado River Basin Region (7)
- RWQCB 8 Santa Ana Region (8)
- RWQCB 9 San Diego Region (9)

Independent Commissions

- California Energy Commission Environmental Office
- Native American Heritage Comm. Debbie Treadway
- Public Utilities Commission Ken Lewis
- State Lands Commission Betty Silva
- Governor's Office of Planning & Research State Clearinghouse Planner

Health & Welfare

- Health & Welfare Wayne Hubbard Dept. of Health/Drinking Water

Food & Agriculture

- Food & Agriculture Steve Shaffer Dept. of Food and Agriculture

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

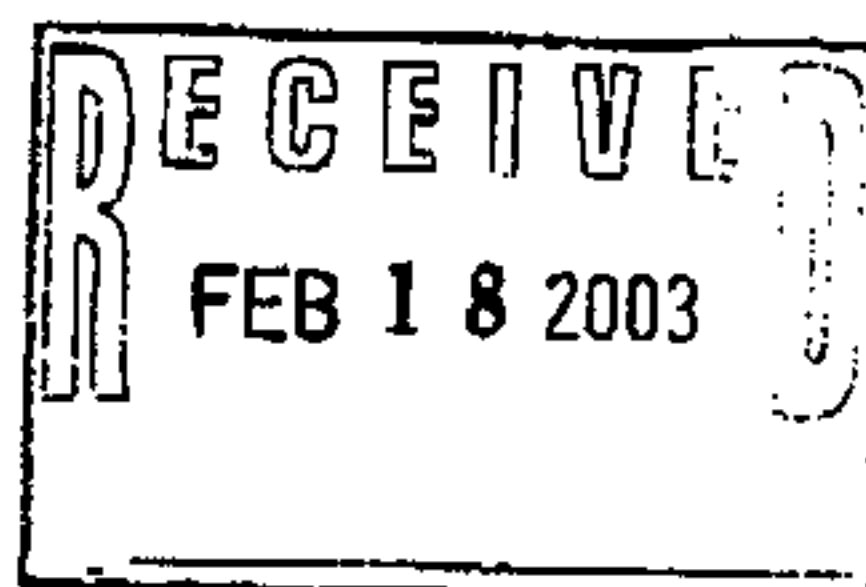
GRAY DAVIS, Governor

**DEPARTMENT OF TRANSPORTATION**

P. O. BOX 23660  
OAKLAND, CA 94623-0660  
(510) 286-4444  
(510) 286-4454 TDD



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February 10, 2003

SCL-87-6.10  
SCL087084  
SCH 2003012046

Ms. Susie Pineda  
City of San Jose  
Department of Planning, Building and Code Enforcement  
801 North First Street, Room 400  
San Jose, CA 95110-1795

Dear Ms. Pineda:

**Brandenburg Mixed Use Project – Notice of Preparation (NOP)**

Thank you for including the California Department of Transportation in the environmental review process for the proposed project. We have examined the Notice of Preparation and have the following comments to offer:

**Transportation, Circulation, and Parking:**

Page seven paragraph four states "an additional 150 spaces," it should be corrected to "an additional 100 spaces totaling 2,401 spaces," if the grocery / big box retail option is implemented.

Our primary concern with the project is the potentially significant impact it may have to traffic volume and congestion. In order to adequately address our concerns regarding the operation of State Route 87, the on-ramps at North Market Street, and Notre Dame Street, and the off-ramps at North Almaden Boulevard and Coleman Avenue, we recommend a traffic impact analysis be prepared. The traffic impact analysis should include, but not be limited to the following:

1. Information on the project's traffic impacts in terms of trip generation, distribution, and assignment. The assumptions and methodologies used in compiling this information should be addressed.
2. Average Daily Traffic (ADT) and AM and PM peak hour volumes on all significantly affected streets and highways, including crossroads and controlling intersections.

S. Pineda  
February 10, 2003  
Page 2

3. Schematic illustration of the traffic conditions for: 1) existing, 2) existing plus project, and 3) cumulative for the intersections in the project area.
4. Calculation of cumulative traffic volumes should consider all traffic-generating developments, both existing and future, that would affect the State Highway facilities being evaluated.
5. Mitigation measures should consider highway and non-highway improvements and services. Special attention should be given to the development of alternate solutions to circulation problems that do not rely on increased highway construction.
6. All mitigation measures proposed should be fully discussed, including financing, scheduling, implementation responsibilities, and lead agency monitoring.

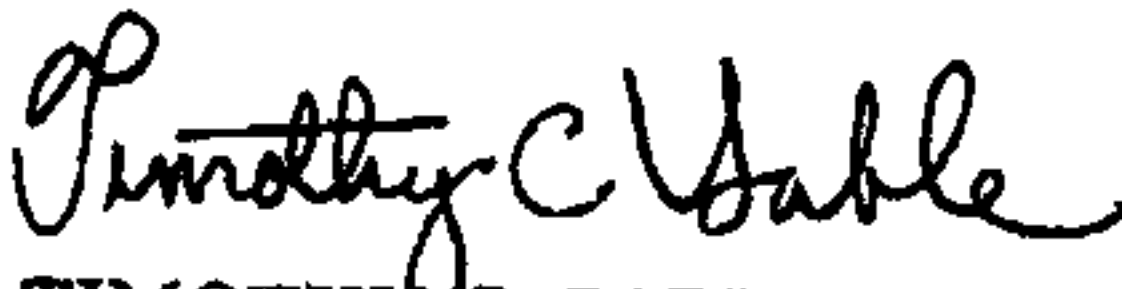
We recommend you utilize Caltrans' *"Guide for the Preparation of Traffic Impact Studies"* which can be accessed from the following webpage:  
<http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf>

We look forward to reviewing the DEIR for this project. We do expect to receive a copy from the State Clearinghouse, but in order to expedite our review, you may send three hard copies and one digital copy in advance to:

Tom Holley  
Transit and Community Planning  
Department of Transportation, District 4  
P.O. Box 23660  
Oakland, CA 94623-0660

Should you require further information or have any questions regarding this letter, please call Tom Holley of my staff at (510) 622-8706.

Sincerely,



TIMOTHY C. SABLE  
District Branch Chief  
IGR/CEQA

c: Gregoria Garcia (State Clearinghouse)

**DEPARTMENT OF TRANSPORTATION**

DIVISION OF AERONAUTICS – M.S.#40

1120 N STREET

P. O. BOX 942873

SACRAMENTO, CA 94273-0001

PHONE (916) 654-4959

FAX (916) 653-9531

*Flex your power!  
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Ms. Susie Pineda  
City of San Jose  
801 North First Street  
San Jose, CA 95110-1795

**RECEIVED**  
FEB 20 2003  
CITY OF SAN JOSE  
PLANNING DEPARTMENT

February 11, 2003

Dear Ms. Pineda:

*Re: City of San Jose's Notice of Preparation for a Draft Environmental Impact Report (EIR)  
for the Brandenburg Mixed Use Project (File No. GP03-03-01); SCH# 2003012046*

The California Department of Transportation, Division of Aeronautics (Division), reviewed the above-referenced document with respect to airport-related noise and safety impacts and regional aviation land use planning issues pursuant to CEQA. The following comments are offered for your consideration.

1. This proposal is for a General Plan Amendment to allow a mixed-use project including 1,501 dwelling units, 100,000 square feet of commercial uses and a 1.28-acre park on a 12.4-acre site located east of State Route 87, south of the Union Pacific Railroad line, north of West St. James Street and west of Market Street. The project sit is located approximately one and one-half miles southeast of the San Jose International/Norman Y. Mineta Airport just outside the extended centerline for Runway 12L-30R. Structural heights will be a maximum of 173 feet above ground level.
2. This project will result in the construction of new residential uses within the existing and future 65 dB Community Noise Equivalent Level (CNEL) contour for San Jose International Airport. New residential within the 65 dB CNEL is considered an incompatible use. The Airport Noise Standards (Title 21, Subchapter 6, Sec 5012) states the "standard for the acceptable level of aircraft noise for persons living in the vicinity of airports is hereby established to be a community noise equivalent level of 65 decibels."
3. San Jose International Airport is classified as a "noise problem airport" and is currently operating with a State Noise Variance. The Airport is working to resolve existing noise impact areas. New incompatible uses such as residential should be discouraged from locating within the 65 dB CNEL. This proposal will further increase the number of incompatible residences within the noise impact area. Mitigation measures cannot reduce the impacts to a level of insignificance, however, the proposed mitigation measures should be in compliance with Santa Clara County's Airport Land Use Commission (ALUC) policies. A thorough airport-related noise analysis must be included in the Draft EIR. If residential is ultimately allowed, an avigation easement for aircraft noise should be attached to each residence so the airport is not forced further out of compliance with the Noise Standards.



4. According to the Santa Clara County Airport Land Use Commission (ALUC) Land Use Plan for Areas Surrounding Santa Clara County Airports, the project site is within the San Jose International Airport ALUC Referral Boundary. The proposal must be submitted to the ALUC for a consistency determination. The proposal should also be coordinated with Airport staff.
5. In addition, in accordance with CEQA, Public Resources Code 21096, the Department's Airport Land Use Planning Handbook (Handbook) must be utilized as a resource in the preparation of environmental documents for projects within an airport comprehensive land use plan boundaries or if such a plan has not been adopted, within two nautical miles of an airport. The Handbook can be accessed at [www.dot.ca.gov/hq/planning/aeronaut/](http://www.dot.ca.gov/hq/planning/aeronaut/) under the Office of Technical Services or please contact this office to request a copy. The Handbook is a resource that should be applied to all public use airports.
6. Protecting people and property on the ground from the potential consequences of near-airport aircraft accidents is a fundamental land use compatibility-planning objective. To accomplish this, some form of land use restrictions is essential. The Handbook identifies six airport safety zones based on risk levels. The project site appears to be within Safety Zone 4 (Outer Approach/Departure Zone) according to the Handbook. Safety Zone 4 is situated along the extended runway centerline beyond Safety Zone 3. Approaching aircraft are usually at less than traffic pattern altitude. The potential severity of an off-airport aircraft accident is highly dependent upon the nature of the land use at the accident site. Airport-related noise, safety and land use concerns should be thoroughly addressed in the Draft EIR.
7. Another concern is structural heights. Penetration of the airport approach surfaces or navigable airspace by any of the proposed buildings could result in a hazard to flight. The Federal Aviation Administration (FAA) pursuant to Federal Aviation Regulations Part 77 may require a Notice of Proposed Construction or Alteration (Form 7460-1). For further information, please refer to the FAA's Air Traffic and Airspace Management web page at <http://www1.faa.gov/ats/ata/ATA400/oeaaa.html>. A copy of the Form 7460-1 and FAA's advisory circular is enclosed for your reference.
8. The need for compatible and safe land uses near airports in California is both a local and a state issue. Along with protecting individuals who reside or work near an airport, the Division of Aeronautics views each of the 255 public use airports in California as part of the statewide transportation system, which is vital to the state's continued prosperity. This role will no doubt increase as California's population continues to grow and the need for efficient mobility becomes more crucial. We strongly feel that the protection of airports from incompatible land use encroachment is vital to California's economic future. The ALUC, however, is key to protecting the airport and the people residing and working in the vicinity of an airport.

Ms. Susie Pineda  
February 11, 2003  
Page 3

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

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

Sincerely,

  
SANDY HESNARD  
Aviation Environmental Planner

c: State Clearinghouse,  
Jaime Locquiao, Airport Noise Management Officer-San Jose International Airport  
Santa Clara County ALUC



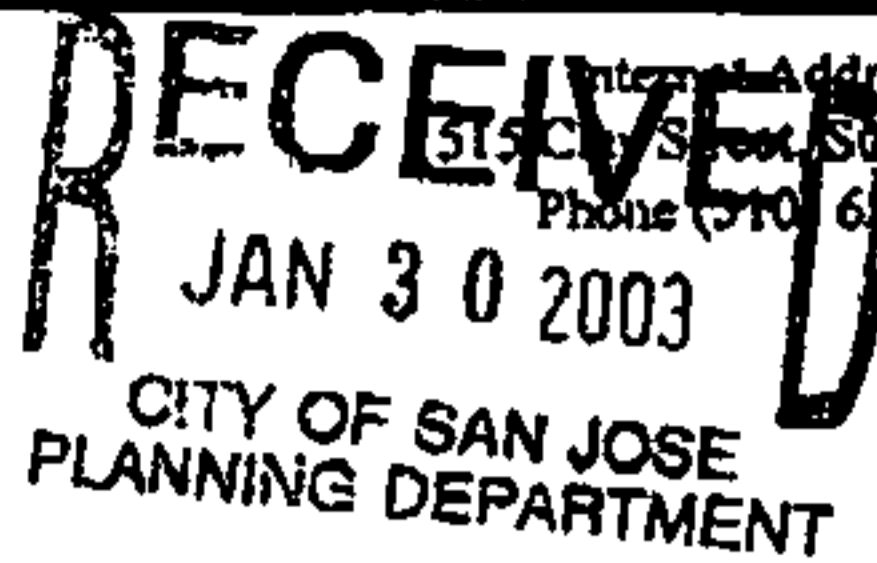
Winston H. Hickox  
Secretary for  
Environmental  
Protection

# California Regional Water Quality Control Board

## San Francisco Bay Region



Gray Davis  
Governor



Internet Address: <http://www.swrcb.ca.gov>  
315 Clay Street, Suite 1400, Oakland, California 94612  
Phone (510) 622-2300 FAX (510) 622-2460

Date: JAN 24 2003  
File No. 2188.05 (BKW)

Ms. Susie Pineda  
Department of Planning, Building & Code Enforcement  
City of San Jose  
801 North First Street  
San Jose, CA 95110-1795

Re: **Notice of Preparation for the Brandenburg Mixed Use Project (File No. GP03-03-01) draft Environmental Impact Report, City of San Jose; SCH # 2003012046**

Dear Ms. Pineda:

Regional Water Quality Control Board (Regional Board) staff have reviewed the *Notice of Preparation (NOP) for the Brandenburg Mixed Use Project (File No. GP03-03-01) draft Environmental Impact Report*. The NOP describes the preparation of an Environmental Impact Report (EIR) for a General Plan amendment to allow a mixed use project on a 12.4-acre site located east of State Route 87 in San Jose. Mixed uses will include residential dwelling units, commercial uses, and a public park. Regional Board staff have the following comments on the *NOP*.

### Comment 1

The discussion of Hydrodology and Flooding in the EIR should include compliance with the National Pollutant Discharge Elimination System (NPDES) permit to discharge storm water held by the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP). This discussion should include recent changes to Provision C.3 of SCVURPPP's NPDES permit (NPDES Permit No. CAS0299718; Regional Board Order No. 01-024). Provision C.3 provides enhanced performance standards for the post-construction management of stormwater at new development and significant redevelopment projects. Although proposed projects may not result in a significant net increase in impervious surfaces, projects may still be subject to Provision C.3, as described in subsection c.i.3, *Significant redevelopment projects*; the requirements of this subsection are effective July 15, 2003. A significant redevelopment project is defined as a project on a previously developed site that results in the addition or replacement of impervious surfaces that combined total 43,560 square feet or more of impervious surface on such an already developed site. The Brandenburg Mixed Use Project appears to meet this definition of a significant redevelopment project. The size threshold drops from 43,560 square feet to 5,000 square feet on October 15, 2004. Significant redevelopment projects are required to design and implement stormwater treatment BMPs to reduce stormwater pollution to the maximum extent practicable. The DEIR should reference subsection d of Provision C.3, Numeric Sizing Criteria for Pollutant Removal Treatment Systems, which

*California Environmental Protection Agency*

presents the numeric sizing criteria that are to be used in the design of stormwater treatment BMPs.

Regional Board staff encourage inclusion of Provision C.3 requirements as early as possible in the planning and design process, since effective management of stormwater is highly site-specific. Evaluation and identification of cost-effective treatment options requires that the topography, soil type, and developed site layout all be considered early in the planning process. Regional Board staff recommend that the project proponents consult *Start at the Source*, a design guidance manual for storm water quality protection, for a fuller discussion of the selection of stormwater management practices. This manual provides innovative procedures for designing structures, parking lots, drainage systems, and landscaping to mitigate the impacts of stormwater runoff on receiving waters. This manual may be obtained from most cities' planning departments, or by contacting the San Francisco Estuary Project (510-622-2465). Many effective management and treatment options require early incorporation in the site planning process. Therefore, it is important that effective stormwater management procedures be incorporated into the early design phase of projects.

Regional Board staff strongly encourage the use of landscape-based stormwater treatment measures, such as biofilters and vegetated swales, to manage runoff from the site. Since landscape-based stormwater treatment measures require that some of the site surface area be set aside for their construction, the proper sizing and placement of these features should be evaluated early in the design process. Treatment controls should be sized to appropriately treat 85 to 90 percent of annual average stormwater runoff from the site. Regional Board staff would like to discourage the use of inlet filter devices for stormwater management. Filtration systems require a maintenance program that is adequate to maintain the functional integrity of the systems and to ensure that improperly maintained filtration devices do not themselves become sources of stormwater contaminants or fail to function. Regional Board staff have observed problems with the use of inlet filter inserts, since these devices require high levels of maintenance and are easily clogged by leaves or other commonly occurring debris, rendering them ineffective. Research conducted by the California Department of Transportation has demonstrated that inlet filters can be clogged by a single storm event. The study found that these devices required maintenance before and after storm events as small as 0.1 inch of rain. Therefore, adequate maintenance of inlet filters to provide water quality treatment would be prohibitively expensive and impractically time consuming.

#### **Comment 2**

Stormwater runoff from the Brandenburg Mixed Use Project will eventually discharge to the Guadalupe River, which is less than half a mile to the west of the project site. The

Guadalupe River is on the Clean Water Act Section 303(d) list of impaired waters because of pesticide-related impairment. Therefore, it is important to reduce the toxicity of pesticides that will be transported to the Guadalupe River via the stormwater system at the site.

Regional Board staff encourage the development of an Integrated Pest Management (IPM) program for the Brandenburg Mixed Use Project. IPM is an ecosystem-based strategy that focuses on long-term prevention of pests or their damage through a combination of techniques such as biological control, habitat manipulation, modification of cultural practices, and use of resistant varieties. Pesticides are used only after monitoring indicates they are needed according to established guidelines, and treatments are made with the goal of removing only the target organism. Pest control materials are selected and applied in a manner that minimizes risks to human health, beneficial and nontarget organisms, and the environment.

In addition to being on the 303(d) list of impaired waters because of pesticide-related impairments, the Guadalupe River has been designated as critical habitat for the endangered Central Coast California Steelhead (Federal Register, Vol. 65, No. 32, pages 7764 - 7787). Therefore, it is important to take full advantage of any opportunities to reduce the level of contaminants in the stormwater runoff from the site.

If you have any questions, please contact me at (510) 622-5680 or by e-mail at [bkw@rb2.swrcb.ca.gov](mailto:bkw@rb2.swrcb.ca.gov).

Sincerely,



Brian Wines  
Water Resources Control Engineer  
Alameda-Santa Clara Watershed Section

cc State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044

**County of Santa Clara**

Roads and Airports Department  
Land Development and Permits

101 Skyport Drive  
San Jose, California 95110-1302  
(408) 573-2400 FAX (408) 441-0275



January 16, 2003

Mr. Stephen M. Haase  
Director of Planning  
City of San Jose  
801 North First Street, Rm 400  
San Jose, CA 95110-1795

**Subject : Project Review - Brandenburg Mixed Use Project  
SR 87/UPRR/W. St. James Street/West of Market Street**

**Project Coordinator : Ron Eddow**

**City File Nos. : GP03-03-01**

Dear Mr. Haase,

We have reviewed the Notice of Preparation of an Environmental Impact Report dated January 13, 2003 for the subject projects and have no comments.

Thank you for the opportunity to review and comment on this project. If you have any questions, please call me at (408) 573-2463.

Sincerely,

Sean Quach  
Project Engineer

cc : File

csj 48-03

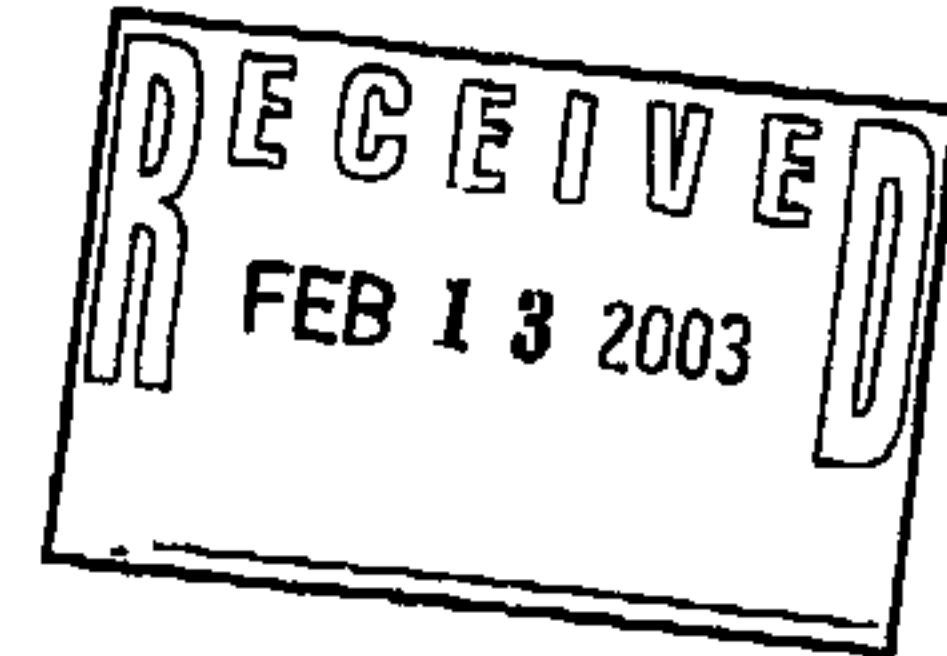


**Airport Land Use Commission**

County Government Center, East Wing, 70 West Hedding Street, 7th Floor, San Jose, California 95110  
(408) 299-2521 • FAX (408) 279-8537

February 10, 2003

Ms. Susie Pineda  
City of San Jose  
Department of Planning, Building and Code Enforcement  
801 North First Street  
Room 400  
San Jose, CA 95110-1795



**Re: City of San Jose File No. GP03-03-01: Notice of Preparation of an Environmental Impact Report for the Brandenburg Mixed Use Project**

Dear Ms. Pineda:

Thank you for the opportunity to comment on the Notice of Preparation of an Environmental Impact Report for the above-referenced project. The project site lies within the Airport Land Use Commission's (ALUC) referral boundary for San Jose International Airport and is subject to a determination of consistency with the policies as defined in the *ALUC Land Use Plan for Areas Surrounding Santa Clara County Airports*.

The ALUC is currently revising its *Land Use Plan* to reflect the updated *San Jose International Airport Master Plan* and the *CalTrans California Airport Land Use Planning Handbook*. Since the ALUC is utilizing these documents in its revision it is strongly recommended that the EIR discuss the project's consistency with the noise, height and safety elements of these documents. The City of San Jose, along with all affected jurisdictions, will have the opportunity to comment on the proposed revisions prior to adoption, which is anticipated for Spring 2003.

Given the proximity of the project site to San Jose International Airport, ALUC staff recommends that the EIR closely examine the following issues:

1. **Noise Impacts:** The projected 2006 and 2010 65 CNEL Noise Contour boundary for San Jose International Airport bisects the project site. The project proposes to construct 1,501 new housing units and approximately half of those units would be located within this boundary. According to the policies in the *Land Use Plan*, residential uses within this boundary are considered incompatible and are therefore strongly discouraged. The NOP states that noise levels will be evaluated for consistency with the *San Jose 2020 General Plan* noise standards and guidelines, and mitigation measures to reduce noise impacts will be identified where warranted. Projected noise levels must also be evaluated for compliance with all applicable ALUC noise policies. These policies include those related to both CNEL and Single Event Noise Exposure Levels (SENEL), and any mitigation measures should achieve interior decibel reduction levels as listed in the *Land Use Plan*. In addition, project consistency with all applicable noise policies and guidelines listed in the *Handbook* is also encouraged.



2. **Height Impacts/Aviation Safety:** According to the project description in the NOP, the proposed maximum height for any proposed buildings is 173 feet. The project site is located within a height-restricted area in the vicinity of the approach flight path to San Jose International Airport. Therefore, any resultant development would be subject to specific height limits established by the FAA and listed in the *Land Use Plan*. The EIR should discuss the project's consistency with these height limits and identify measures, including aviation easements, necessary to ensure future consistency.
3. **Airport Safety Zones:** The project site is not located in any existing safety zone for San Jose International Airport. However, as the ALUC revises its policies and safety zone boundaries it is likely to incorporate the guidelines as listed in the *Handbook*. Therefore, the EIR should consult the safety zone definitions and development guidelines in the *Handbook*. According to Figure 9L of the *Handbook*, a portion of the site is located in *Safety Zone 4: Outer Approach/Departure Zone*. Residential uses and densities are restricted in this zone to infill projects that are subject to specific development criteria as defined in the *Handbook*. It is likely that the ALUC will adopt at least some of these criteria as it revises its *Land Use Plan*.

ALUC staff requests a copy of the EIR when available, and requests that the City of San Jose refer the General Plan amendment and rezoning applications to the ALUC upon completion of the EIR process. If you have any questions, please call me at (408) 299-5785.

Sincerely,



Derek Farmer  
ALUC Staff Coordinator

cc: Cary Greene, San Jose International Airport  
Sandy Hesnard, CalTrans Division of Aeronautics



February 14, 2003

Ms. Susie Pineda  
Department of Planning and Building  
801 North First Street  
San Jose, CA 95110

Subject: City File No. GP-03-03-01 / Brandenburg Mixed Use

Dear Ms. Pineda:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the NOP for a Draft EIR to construct 1,501 residential units and 160,000 square feet of commercial uses on 12.4 acres in the area bounded by State route 87, UP Railroad, West St. James Street, and Market Street. We have the following comments.

#### Project Design

VTA sent a comment letter dated June 29, 2001 to the City of San Jose in response to the West Julian Revitalization DEIR and TIA. Although the project description has changed significantly, the following comments are still applicable.

- VTA recommends that particular care be given to building design and landscaping on the north and east sides of the project, which border residential developments.
- Due to proximity to transit, VTA recommends that the parking requirements be reduced.
- Sidewalks should be wide, shaded by street trees, and well lit to encourage pedestrian and transit activities.

#### Mixed-Use

VTA staff supports the proposal to allow for ground floor retail along San Pedro Street between Devine and Bassett Streets and along the north side of Devine Street between Market and San Pedro Streets. This ground floor retail will provide resources and services locally to encourage pedestrian and bicycle travel and to reduce automobile trips to outside areas.

Ms. Susie Pineda  
February 14, 2003  
Page 2

### Grocery Store/Big Box Retail Option

VTA staff strongly recommends that a grocery store be provided in this project area to accommodate the grocery needs of such a dense development of residences. However, VTA strongly recommends that special care and design be considered to maintain the urban rather than a suburban design for this area. The grocery store should have limited parking to encourage local residents to bike and walk to the store for their groceries rather than driving. VTA staff also recommends that the grocery store provide underground parking so as not to detract from the pedestrian environment in this project area with on-site surface parking lots. In *Table 1: Development Summary at Full Buildout of the Proposed Project* on page 5 of the NOP for the DEIR, it states that a Grocery/Big Box Retail Option would warrant 2,401 parking spaces. This seems excessive. The DEIR should investigate options and strategies to reduce the parking provided, including arrangements to share parking with nearby developments.

### Julian Street Realignment

VTA staff strongly support the proposal to realign the portion of Julian Street within this project area to a grid pattern. It is unclear from the NOP; however, it appears as though the width of Julian Street will be significantly reduced to be consistent with the surrounding grid pattern. If this is the case, VTA strongly supports this reduction in width. This will significantly reduce speeds along Julian Street and will provide a more pedestrian- and bicycle-friendly environment for the new residents of this area.

### Auto Parking

VTA strongly recommends that all parking provided in the project area be in underground parking garages rather than surface lots. Also, if the magnitude of the development warrants a new parking garage, VTA staff strongly recommends that all ground floors along the parking garage frontages along public streets should provide retail rather than presenting a blank wall of garage to the street front.

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

Ms. Susie Pineda  
February 14, 2003  
Page 3

### Bicycle Parking

Based on VTA's *Bicycle Technical Guidelines*, the following table shows the recommended ratios of bicycle parking spaces to use.

Land Use	Class I Spaces	Class II Spaces
Retail	1/30 employees	1/6,000 square feet = 10
Big Box Retail	1/30 employees	1/6,000 square feet = 17
Residential	1/3 units = 501	1/15 units = 101

The Class II bicycle racks should be located in a visible location. If bike lockers for the retail space are infeasible, VTA then suggests that the project at least provide bike racks near employee entrances for employee use. The *Bicycle Technical Guidelines* provide additional guidance on estimating siting and design for bicycle storage facilities. Contact Chester Fung at (408) 321-5725 for a copy of these guidelines.

### Residential Eco Pass Program

The location of the site within San Jose's Downtown Core offers an excellent opportunity for a project that takes advantage of VTA's Eco Pass program. For further information regarding this program, please contact Scott Haywood at (408) 321-7544.

### Transportation Impact Analysis Report

VTA's Congestion Management Program (CMP) requires a Transportation Impact Analysis for any project that is expected to generate 100 or more new peak-hour trips. Based on the information provided on the size of the project, a TIA may be required.

VTA's *Transportation Impact Analysis Guidelines* should be used when preparing the TIA. These guidelines include the analysis of bicycle facilities, parking, site circulation and pedestrian access, as well as roadways. For more information on TIA guidelines, please call Chester Fung of the CMP at (408) 321-5725.

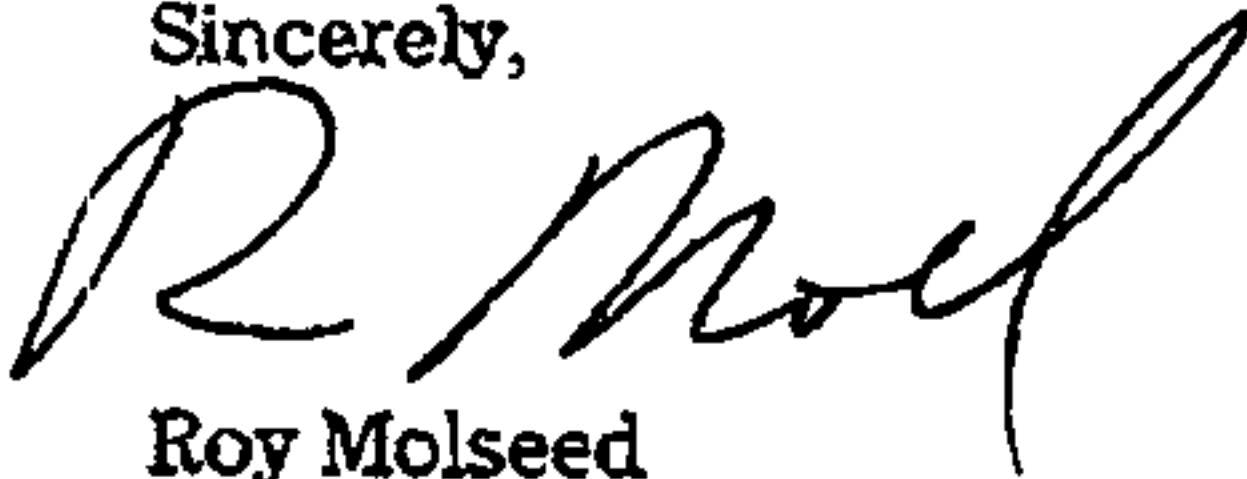
### West Julian Street LRT Shuttle

The West Julian Street LRT shuttle currently travels on the section of West Julian Street proposed for realignment. The shuttle serves the St. James LRT Station and the San Jose Diridon Station. As a result of the proposed project, there will be a need to slightly modify the route. Impacts to the shuttle service should be examined in the EIR.

Ms. Susie Pineda  
February 14, 2003  
Page 4

Thank you for the opportunity to review this project. If you have any questions, please call Somruthai Michelutti at (408) 321-5785.

Sincerely,



Roy Molseed  
Senior Environmental Planner

RM:kh

cc: Samantha Swan, VTA  
Ebrahim Sohrabi, San Jose Public Works Department



**BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT**

**ALAMEDA COUNTY**  
Roberta Cooper  
Scott Haggerty  
(Chairperson)  
Nate Miley  
Shelia Young

**CONTRA COSTA COUNTY**  
Mark DeSaulnier  
Mark Ross  
Gayle Ulkema  
(Secretary)

**MARIN COUNTY**  
Harold C. Brown, Jr.

**NAPA COUNTY**  
Brad Wagenknecht

**SAN FRANCISCO COUNTY**  
Willie Brown, Jr.  
Chris Daly  
(Vacant)

**SAN MATEO COUNTY**  
Jerry Hill  
Marland Townsend  
(Vice-Chairperson)

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**SONOMA COUNTY**  
Tim Smith  
Pamela Torfiatt

William C. Norton  
EXECUTIVE OFFICER/APCO

February 13, 2003

Susie Pineda  
Department of Planning, Building & Code Enforcement  
City of San Jose  
801 North First Street, Room 400  
San Jose, CA 95110-1795

**Subject: Brandenburg Mixed Use Project**

Dear Ms. Pineda:

The Bay Area Air Quality Management District (District) has received your agency's Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Brandenburg Mixed Use Project. The project proposes the development of both residential and commercial uses on a total of 15 parcels within the 12.4 acre site. Buildout of the proposed project would include the development of 1,501 dwelling units, 60,000 square feet of commercial space, 2,301 parking spaces and 1.28 acres of parks and open space.

District staff agree with the NOP's conclusion that the DEIR should analyze the project's potential impacts upon air quality. The Bay Area is currently a non-attainment area for national and state ambient air quality standards for ground level ozone, and state standards for particulate matter. The air quality standards are set at levels to protect public health and welfare. Toxic air contaminants are also an area of serious concern in the Bay Area. Any project which exposes sensitive receptors or the general public to substantial levels of criteria air pollutants or toxic air contaminants would be deemed to have a significant impact and would need to be properly mitigated. As general background for readers, the DEIR should discuss the health effects of air pollution, and provide quantitative summaries of the region's attainment status with regard to ambient air quality standards and the contribution of mobile and stationary sources to air pollution emissions.

The DEIR should also evaluate potential nuisance impacts, such as odors and dust that could result from project implementation. Odors and dust may not necessarily cause physical harm, but can still be unpleasant and can motivate citizen complaints. Particulate matter (PM) is a pollutant of concern for both nuisance and health-related reasons. PM larger than ten microns is more likely to be a public nuisance than a serious health hazard. On the other hand, research has demonstrated a correlation between high levels of fine PM and increased mortality rates and high incidences of chronic respiratory illness.

The DEIR should evaluate whether the proposed project creates or exacerbates land use conflicts that would result in adverse air quality impacts. For example, the NOP indicates that the proposed project is located in a historically industrial area. New housing built adjacent to an existing industrial facility has the potential to cause air quality impacts on future residents. The DEIR should address

Ms. Susie Pineda

-2-

February 13, 2003

all potential air quality impacts of development proposed for the project area, including the impact of the existing nearby industrial land uses upon potential new residents and other sensitive receptors.

The NOP indicates that old warehouses and underground storage tanks exist on-site, and that the project is likely to involve the demolition and removal of such structures. The remediation of petroleum-contaminated soil also can have air quality ramifications and may be subject to District regulations. These actions could expose people to hazardous materials such as asbestos, lead-based paint and/or contaminated soil. Such activities require careful mitigation planning and may require prior approval from the District. For more information on District regulations regarding demolition and soil remediation, please contact our Compliance and Enforcement Division at (415) 749-4762.

The DEIR should analyze the potential impact on air quality from project construction and project operation at buildout. Without mitigation, a residential and commercial project of this size is likely to have significant air quality impacts through an increase in motor vehicle traffic. Motor vehicles constitute the largest source of air pollution in the Bay Area; therefore, we have a strong interest in promoting alternative modes of transportation. The project site is located in a relatively transit-rich part of San Jose close to a number of VTA buses, light rail lines, and the downtown San Jose Caltrain station. The DEIR should identify strategies to maximize linkages between the project site and these mass transit nodes.

As part of the Regional Agencies Smart Growth Strategy/Regional Livability Footprint Project, Santa Clara County residents recently expressed a strong preference for more infill and mixed use development that provides a range of travel options. We believe that through land use decisions that support transit, walking and cycling, Bay Area cities can help to reduce the rate of increase in vehicle miles traveled and improve local and regional air quality. In many ways, this project fulfills our goals by redeveloping a variety of land uses on urban in-fill sites near transit and we commend the City for these efforts.

District staff support the smart growth approach the City has taken with this project. As with all projects, if significant air quality impacts are identified, the DEIR must include all feasible mitigation measures to reduce the air quality impacts. Given this project's size, the number of vehicle trips generated by the project could be significant. Therefore, we suggest the City do as much as possible to reduce vehicle trips associated with the project. The City can maximize the benefits of the project's location by incorporating as many appropriate transportation demand management (TDM) measures as possible, including: reduced or shared parking; transit subsidies such as VTA's EcoPass program; and bicycle/pedestrian facilities and access. These measures promote transportation alternatives to the single-occupant vehicle which help to mitigate the project's air quality impacts.

For more details on our agency's guidance regarding environmental review, we recommend that the City refer to the *BAAQMD CEQA Guidelines: Assessing the Air Quality Impacts of Projects and Plans (1999)*. The document provides information on best practices for assessing and mitigating air quality impacts related to projects and plans, including construction emissions, land use/design measures, project operations, motor vehicles, nuisance impacts and

Ms. Susie Pineda

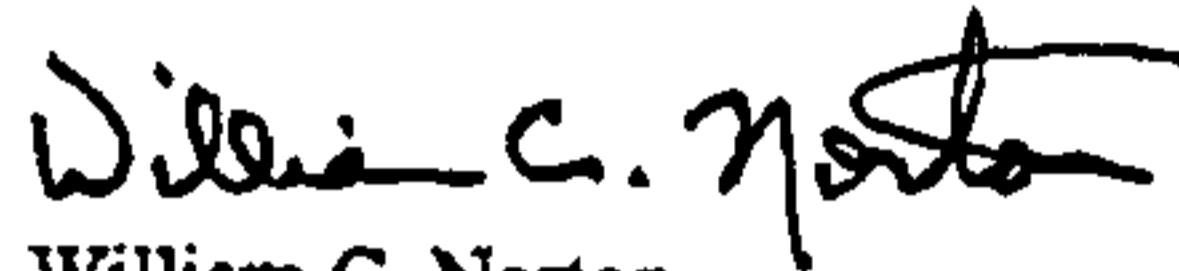
-3-

February 13, 2003

more. If you do not already have a copy of our guidelines, we recommend that you obtain a copy by calling our Public Information Division at (415) 749-4900 or downloading the online version from the District's web site at <http://www.baaqmd.gov/planning/plntrns/ceqaguid.htm>.

If you have any questions regarding these comments, please contact Suzanne Bourguignon, Environmental Planner, at (415) 749-5093.

Sincerely,



William C. Norton  
Executive Officer/APCO

WN:SB

cc: BAAQMD Director Liz Kniss  
BAAQMD Director Julia Miller  
BAAQMD Director Dena Mossar





**Pacific Gas and  
Electric Company**

Land Services

111 Almaden Boulevard  
San Jose, CA 95115

February 10, 2003

Dept. of Planning, Building and Code Enforcement  
City of San Jose, City Hall Annex, Rm. 400  
801 North First St.  
San Jose, CA 95110  
Attn: Susie Pineda

RE: Notice of Preparation of Environmental Impact Report  
Brandenburg Mixed Use Project  
East of SR 87, s/o Union Pacific Railroad, n/o West St., James St, and  
West of Market St, San Jose  
City's File No. GP03-03-01  
PG&E File : 40228169-03-MR-10

**RECEIVED**  
FEB 12 2003  
CITY OF SAN JOSE  
PLANNING DEPARTMENT

Dear Ms. Pineda :

Thank you for the opportunity to review the Notice of Preparation of Environmental Impact Report for the Brandenburg Mixed Use Project at East of SR 87, s/o Union Pacific Railroad, n/o West St., James St, and West of Market St. in San Jose. PG&E has the following comments to offer:

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

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

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



**Pacific Gas and  
Electric Company**

Land Services

111 Almaden Boulevard  
San Jose, CA 95115

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

Expansion of distribution and transmission lines and related facilities is a necessary consequence of growth and development. In addition to adding new distribution feeders, the range of electric system improvements needed to accommodate growth may include upgrading existing substation and transmission line equipment, expanding existing substations to their ultimate buildout capacity, and building new substations and interconnecting transmission lines. Comparable upgrades or additions needed to accommodate additional load on the gas system could include facilities such as regulator stations, odorizer stations, valve lots, distribution and transmission lines.

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

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

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



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Electric Company*

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

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

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

Sincerely,

  
Alfred Poon  
Land Agent  
South Coast Area, San Jose



February 11, 2003

HAND DELIVERED

James R. Derryberry  
 Director of Planning, Building & Code Enforcement  
 Attn: Susie Pineda  
 801 North First Street, Room #400  
 San Jose, Ca 95110

Re: Written Opposition to "Brandenburg Mixed Use Project", City File No. GPO3-03-01; hearing date February 11, 2003, Rm 106, Mayor's Conference Rm, City Hall, 801 N. First Street, San Jose, CA.

Dear Ms. Pineda:

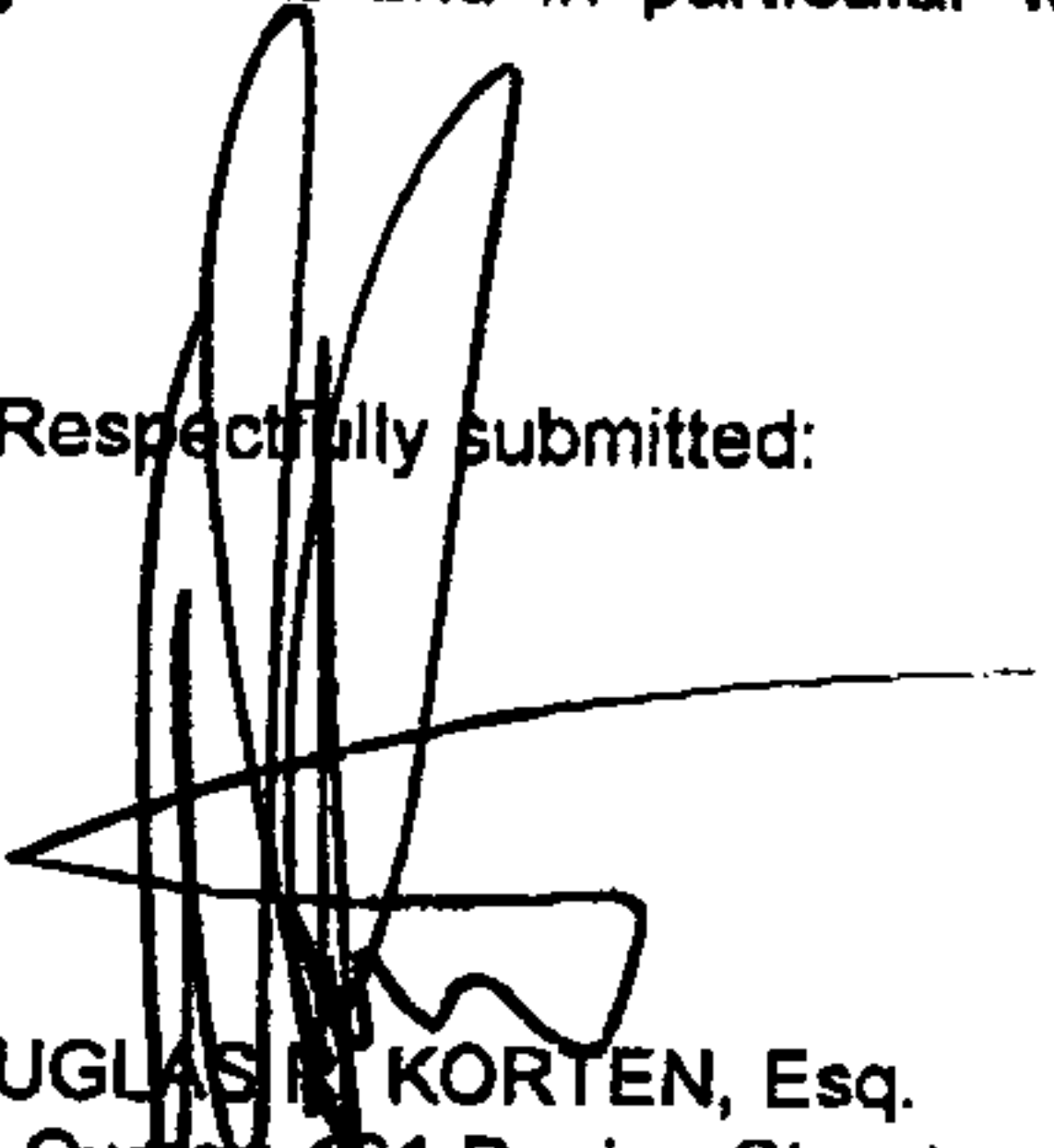
I am the owner of real property located at 181 Devine Street, San Jose, CA which is apparently included in the "Project Cite" noted in the Notice (received on February 3, 2003) of Public Scoping Meeting referred to above. As such, and pursuant to said "Notice", I oppose and object to the proposed development and the requested, related EIR, as follows:

1. No notice was received of any City application regarding the "Proposed Project", information thereon or of any related public hearings;
2. Although the subject notice refers to the "Brandenburg Mixed Use Project, I am informed and advised that this project is, in fact, a San Jose Redevelopment Agency project and as such, I hereby submit my written opposition and objection to:
  - a. "The Project", including the re-alignment of Julian Street;
  - b. To any jurisdiction of the San Jose Redevelopment Agency, or other governmental agency, to pursue the "Project" on any basis whatsoever and in particular, upon "blight" as defined under California law; and

James R. Derryberry  
February 11, 2003  
Page #2

c. To any determination by any organization or agency, government or otherwise, that "blight", as defined in California law, sufficient to allow or authorize the noticed "Proposed Project", by the Redevelopment Agency or other governmental body, to any extent whatsoever, including any condemnation of real property contained within the "project cite", exists in the project area and in particular with reference to the 181 Devine Street property.

Respectfully submitted:



DOUGLAS R. KORTZEN, Esq.  
Owner, 181 Devine Street  
San Jose, Ca 95110

DRK/tj



CHARLES W. DAVIDSON

RECEIVED  
FEB 10 2003  
CITY OF SAN JOSE  
PLANNING DEPARTMENT

February 6, 2003

Mr. Ron Eddow  
City of San Jose - City Hall  
Department of Planning, Building & Code Enforcement  
801 N. First Street, Room 400  
San Jose, CA. 95110

Re: Environmental Impact Report - Parking Lot

Dear Mr. Eddow:

Your environmental Impact Report shows a portion of my parking lot to be included in your scoping meeting. I would appreciate it if you would remove my parking lot from your E.I.R. I have no desire to make any changes with this property.

Sincerely,

Charles W. Davidson  
CD:mt

Cc: Dave Panagore - Project Manager  
Redevelopment Agency