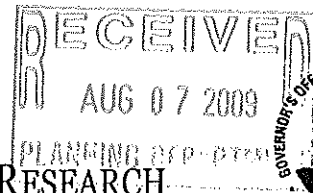




ARNOLD SCHWARZENEGGER  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT  
DIRECTOR

Notice of Preparation

July 31, 2009

To: Reviewing Agencies  
Re: Envision San Jose 2040 General Plan Update  
SCH# 2009072096

Attached for your review and comment is the Notice of Preparation (NOP) for the Envision San Jose 2040 General Plan Update 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:

John W. Baty  
City of San Jose  
200 E. Santa Clara Street  
San Jose, CA 95113-1905

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,

Scott Morgan  
Assistant Deputy Director & Senior Planner, State Clearinghouse

Attachments  
cc: Lead Agency

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2009072096  
**Project Title** Envision San Jose 2040 General Plan Update  
**Lead Agency** San Jose, City of

**Type** NOP Notice of Preparation

**Description** The Envision San Jose 2040 process is a comprehensive update to the City's current San Jose 2020 General Plan. The update will address a whole host of issues and topics including:

- \* Strategies to create a balanced mix of jobs and housing
- \* Strategies to address global warming and conserve natural resources
- \* Village strategies that create complete mixed-use communities
- \* Fiscally sustainable public service delivery goals
- \* Complete streets designed for all transportation modes, including bicycles and pedestrians
- \* Strategies to create healthy communities
- \* Art and cultural facilities and programs

The land use/transportation scenarios under consideration include the potential addition of up to 158,970 new dwelling units in one scenario, and up to 526,050 new jobs within the City of San Jose' in another scenario.

**Lead Agency Contact**

**Name** John W. Baty  
**Agency** City of San Jose  
**Phone** (408) 535-7894 **Fax**  
**email**  
**Address** 200 E. Santa Clara Street  
**City** San Jose **State** CA **Zip** 95113-1905

**Project Location**

**County** Santa Clara  
**City** San Jose  
**Region**  
**Cross Streets**  
**Lat / Long** 37° 20' 10" N / 121° 53' 26" W  
**Parcel No.** multiple  
**Township** **Range** **Section** **Base**

**Proximity to:**

**Highways** 17, 82, 85, 87  
**Airports** SJV and RGV  
**Railways**  
**Waterways**  
**Schools** multiple  
**Land Use** multiple

**Project Issues** Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Water Quality; Water Supply; Landuse; Cumulative Effects; Other Issues

**Reviewing Agencies** Resources Agency; Department of Conservation; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Native American Heritage Commission; Office of Emergency Services; Department of Fish and Game, Region 3; California Highway Patrol; Department of Housing and Community Development; Caltrans, District 4; Air Resources Board, Transportation Projects; Regional Water Quality Control Board, Region 2

**Document Details Report  
State Clearinghouse Data Base**

---

*Date Received* 07/31/2009

*Start of Review* 07/31/2009

*End of Review* 08/31/2009

Resources Agency

Resources Agency  
Nadell Gayou

Dept. of Boating & Waterways  
Mike Sotelo

California Coastal Commission  
Elizabeth A. Fuchs

Colorado River Board  
Gerald R. Zimmerman

Dept. of Conservation  
Rebecca Salazar

California Energy Commission  
Dale Edwards

Cal Fire  
Allen Robertson

Office of Historic Preservation  
Wayne Donaldson

Dept of Parks & Recreation  
Environmental Stewardship Section

Central Valley Flood Protection Board  
Jon Yego

S.F. Bay Conservation & Dev't. Comm.  
Steve McAdam

Dept. of Water Resources  
Resources Agency  
Nadell Gayou

Conservancy

fish and Game

Dept. of Fish & Game  
Scott Flint  
Environmental Services Division

Fish & Game Region 1  
Donald Koch

Fish & Game Region 1E  
Laurie Hamsberger

Fish & Game Region 2  
Jeff Drongesen

Fish & Game Region 3  
Robert Floerke

Fish & Game Region 4  
Julie Vance

Fish & Game Region 5  
Don Chadwick  
Habitat Conservation Program

Fish & Game Region 6  
Gabrina Gatchel  
Habitat Conservation Program

Fish & Game Region 6 I/M  
Gabrina Gatchel  
Inyo/Mono. Habitat Conservation Program

Dept. of Fish & Game M  
George Isaac  
Marine Region

Other Departments

Food & Agriculture  
Steve Shaffer  
Dept. of Food and Agriculture

Dept. of General Services  
Public School Construction

Dept. of General Services  
Anna Garbett  
Environmental Services Section

Dept. of Public Health  
Bridgette Binning  
Dept. of Health/Drinking Water

Independent Commissions, Boards

Delta Protection Commission  
Linda Flack

Office of Emergency Services  
Dennis Castrillo

Governor's Office of Planning & Research  
State Clearinghouse

Native American Heritage Comm.  
Debbie Treadway

Public Utilities Commission  
Leo Wong

Santa Monica Bay Restoration  
Guangyu Wang

State Lands Commission  
Marina Brand

Tahoe Regional Planning Agency (TRPA)  
Cherry Jacques

Business, Trans & Housing

Caltrans - Division of Aeronautics  
Sandy Hesnard

Caltrans - Planning  
Terri Pencovic

California Highway Patrol  
Scott Loetscher  
Office of Special Projects

Housing & Community Development  
CEQA Coordinator  
Housing Policy Division

Dept. of Transportation

Caltrans, District 1  
Rex Jackman

Caltrans, District 2  
Marcelino Gonzalez

Caltrans, District 3  
Bruce de Terra

Caltrans, District 4  
Lisa Carboni

Caltrans, District 5  
David Murray

Caltrans, District 6  
Michael Navarro

Caltrans, District 7  
Eimer Alvarez

Caltrans, District 8  
Dan Kopulsky

Caltrans, District 9  
Gayle Rosander

Caltrans, District 10  
Tom Dumas

Caltrans, District 11  
Jacob Armstrong

Caltrans, District 12  
Chris Herre

Cal EPA

Air Resources Board

Airport Projects  
Jim Lerner

Transportation Projects  
Douglas Ito

Industrial Projects  
Mike Tollstrup

California Integrated Waste Management Board  
Sure O'Leary

State Water Resources Control Board  
Regional Programs Unit  
Division of Financial Assistance

State Water Resources Control Board  
Student Intern, 401 Water Quality Certification Unit  
Division of Water Quality

State Water Resources Control Board  
Steven Herrera  
Division of Water Rights

Dept. of Toxic Substances Control  
CEQA Tracking Center

Department of Pesticide Regulation  
CEQA Coordinator

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  
Teresa Rodgers  
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)

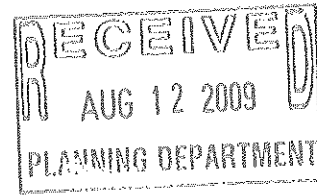
Other

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Planning Division



August 10, 2009

City of San Jose Planning Division  
Attn: John Bay, Project Manager  
200 East Santa Clara Street, 3<sup>rd</sup> Floor  
San Jose, CA 95113-1905

Re: Notice of Preparation of a Draft Program Environmental Impact Report for the  
Envision San Jose 2040 General Plan Update

Dear Mr. Bay:

Thank you for including the City of Santa Clara in the public review process for the environmental review associated with the San Jose 2040 General Plan update. At this time, the City of Santa Clara has no formal comments, but we do reserve the right to make comments in the future on documents associated with the General Plan update, including those relevant to the environmental review process.

In the future, please direct all correspondence regarding this matter to Rachel Grossman, Assistant Planner II, 1500 Warburton Avenue, Santa Clara, CA 95050. Again, thank you for including the City of Santa Clara in the public review process for the environmental review for the San Jose 2040 General Plan update.

Sincerely,

Carol Anne Painter  
City Planner

CC: Kevin Riley, AICP, Director of Planning



California Natural Resources Agency  
DEPARTMENT OF FISH AND GAME  
Bay Delta Region  
Post Office Box 47  
Yountville, California 94599  
(707) 944-5500  
<http://www.dfg.ca.gov>

ARNOLD SCHWARZENEGGER, Governor  
DONALD KOCH, Director



RECEIVED

AUG 20 2009

CITY OF SAN JOSE  
DEVELOPMENT SERVICES

August 10, 2009

Mr. John Baty  
City of San Jose  
Planning Division  
200 East Santa Clara Street, 3<sup>rd</sup> Floor  
San Jose, CA 95113-1905

Dear Mr. Baty:

Subject: Envision San Jose General Plan Update, Notice of Preparation,  
SCH #2009072096, City of San Jose, Santa Clara County

The Department of Fish and Game (Department) has received the referenced Notice of Preparation for the City of San Jose's (City) environmental review of its 2040 General Plan Update (Project). We appreciate this opportunity to comment on the above-referenced Project. Although evaluating the impacts of the policies and resulting development for a project of this scale can be difficult, careful planning at this stage can avoid many significant problems that could arise over the next several decades as the City continues to grow in population, area and economic potential. In keeping with the programmatic nature of the activity and the forthcoming Programmatic Environmental Impact Report (PEIR), our comments will focus on those issues which tend to be programmatic and long-term in nature.

The Project is described as a comprehensive update to the City's current 2020 General Plan. The PEIR will evaluate four alternatives for future development of the City: low growth, medium growth, high housing growth, and high job growth. Depending on the alternative selected, the City could expect up to 158,970 additional housing units or as many as 526,050 new jobs. The current plan is to accommodate all growth within the existing Urban Growth Boundary and emphasize policies and development that maximize use of existing infrastructure and transit networks.

There are a number of areas in which long-term growth of the City can be expected to result in generalized impacts to State wildlife, fisheries and habitats. These are: impacts to serpentine habitats through nitrogen deposition, generalized light pollution, water use quality, ongoing stressors on nesting bird populations, and impacts on specific species, such as burrowing owls.

The degradation of serpentine habitats locally from various types of air pollution is well known and urban related growth appears to be the proximal cause. The PEIR should fully evaluate the increased impact from additional vehicular use, industry and other factors over the General Plan period.

*Conserving California's Wildlife Since 1870*

The impacts of light pollution on wildlife is a very complex issue that is only beginning to be understood, but a number of significant behavioral changes in a wide range of wildlife have been documented. The PEIR should discuss this issue and provide programmatic measures to ensure light pollution does not increase as a result of City development and, where possible, reverse it. Measures to mitigate these types of impacts may also be beneficial in reducing energy use.

The PEIR should evaluate and discuss the impacts, both locally and at the diversions points, of increased water use resulting from additional City growth over the period covered by the General Plan Update. Additionally, impacts to local waterbodies, including San Francisco Bay, should be described and evaluated. Impacts from chemical pollutants, organic materials, temperature changes, particulate matter and pharmaceuticals should all be evaluated.

General development, maintenance and repair activities in an urban areas can cause varying levels of impacts on local bird populations through nest destruction. We recommend that the PEIR evaluate this issue and consider measures to reduce mortality to birds. An effective measure is to avoid tree removal during the nesting period (generally February 1 through August 31) unless the trees are surveyed for nests prior to removal or trimming.

The burrowing owl population in Santa Clara County has declined precipitously over the last decade, with the sole significant populations located at Mineta San Jose International Airport and in the area bounded roughly by San Francisco Bay and Highways 237, 880 and 101. It is no coincidence that this area contains a large portion of the remaining undeveloped land in the City and, as noted in the NOP, is targeted for growth. This growth will remove the last remaining significant open areas for burrowing owls in the South Bay and the PEIR should evaluate this impact and propose appropriate mitigations.

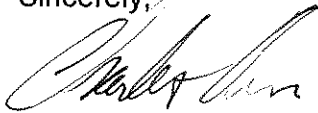
In addition to the specific issues noted above, the PEIR should discuss the Santa Clara HCP/NCCP and the consistencies or inconsistencies between the assumptions, impacts and mitigations in that plan and the Envision San Jose Plan. How the two plans will be integrated should be discussed. Since the Habitat Plan is not yet completed, we recommend that the PEIR not fully defer to that document but also contain measures that will be independently implemented, if necessary.

Finally, we encourage the City to not feel constrained by the legal parameters of environmental review in developing programs and policies to guide development through 2040. It appears clear from the NOP that the City is emphasizing sustainability and environmental policies in many of its decisions and the Department fully supports you in these efforts. There are a number of actions the City could undertake to enhance wildlife and habitat values in and around the City, such as stream restoration, water quality restoration, implement bird and bat friendly measures and connectivity in surrounding areas.

Mr. John Baty  
August 10, 2009  
Page 3

Thank you for this opportunity to comment. Questions regarding this letter and further coordination on these issues should be directed to Mr. Dave Johnston, Environmental Scientist, at (831) 464-6870; or Mr. Liam Davis, Habitat Conservation Supervisor, at (707) 944-5529.

Sincerely,



Chuck Armor  
Region Manager  
Bay-Delta Region

cc: State Clearinghouse

Mr. Chris Nagano  
Ms. Cori Mustin  
U.S. Fish and Wildlife Service  
2800 Cottage Way, W-2605  
Sacramento, CA 95825

Mr. Gary Stern  
Mr. Jon Ambrose  
Mr. Darren Howe  
National Marine Fisheries Service  
777 Sonoma Avenue, Room 325  
Santa Rosa, CA 95404

Mr. Ken Schrieber  
Santa Clara County  
Office of Planning and Development  
County Government Center, East Wing, 7<sup>th</sup> Floor  
70 West Hedding Street  
San Jose, CA 95110





**GREENBELT ALLIANCE**  
Open Spaces & Vibrant Places

August 21, 2009

Mr. John Baty, Project Manager  
City of San Jose  
Planning Division  
200 East Santa Clara Street  
San Jose, CA 95113

RE: Notice of Preparation of a Draft Program Environmental Impact Report for the  
Envision San Jose 2040 General Plan Update

Dear Mr. Baty,

Thank you for allowing Greenbelt Alliance the opportunity to provide comments for this proposed project and for the City's consideration of these comments as part of the California Environmental Quality Act (CEQA) process.

Project Description

The City of San Jose is updating the General Plan which was last comprehensively updated in 1994. The horizon for the update is 2040. The update will address a number of issues including Land Use, Housing, Sustainability and Transportation.

To assist the City of San Jose in its analysis and evaluation of this project, and aid in the determination of the adequacy of the Draft Environmental Impact Report (DEIR), Greenbelt Alliance requests that the following comments be addressed in the DEIR under preparation by the lead agency.

Climate Change

Climate change is perhaps the most serious environmental threat facing California, and as the City of San Jose looks to 2040, it must plan to accommodate all projected new growth in a sustainable manner. Transportation accounts for nearly 42% of the region's

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EAST BAY OFFICE • 1601 North Main Street, Suite 105, Walnut Creek, CA 94596 • (925) 932-7776 • Fax (925) 932-1970  
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greenhouse gases as people commute to jobs in Silicon Valley from as far as the Central Valley.

The Draft Environmental Impact Report should include context setting around climate change. This should include background on climate change impacts on the state, region and City of San Jose. There should also be background on state and regional regulations, targets and inventories such as AB32, SB375, the Mayor's Climate Protection Agreement and the recent settlement between the City of Stockton and the Attorney General on that City's General Plan.

The Draft Environmental Impact Report should analyze the projected greenhouse gas emissions and vehicle miles traveled (VMT) from the plan as well as the cumulative impacts. The analysis should include the greenhouse gas impacts of the following variables:

- Residential density
- Mix of uses
- Levels of housing affordability
- Proximity to transit
- Bicycle and Pedestrian amenities
- Decreased parking requirements
- Jobs/ Housing ratio

Then the Draft EIR should propose mitigations, including on-site mitigations, such as increasing density, decreasing parking, ensuring new development is within a half mile of a fixed transit station, etc.

Additionally, the analysis of land use scenarios should include the analysis of the true alternative. For example, if Scenario 1 includes 1000 new homes and Scenario 2 includes 700 new homes, the analysis of Scenario 2 must also analyze the impacts for where the additional 300 homes would be developed if not in the City, such as the associated greenhouse gas impacts.

### Transportation

The Draft EIR should study the impact of widening roadways on greenhouse gas emissions. Adding lanes to roadways will increase total greenhouse gas emissions over the long term, even if it reduces congestion over the short term. A critical question the General Plan must address is whether the City can achieve a net reduction in total VMT within San Jose below current levels while accommodating the City's reasonable share of the region's population growth.

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The Draft EIR should also look at whether the methodology for evaluating mobility on streets- automobile LOS- is the correct metric to use as it accommodates drivers over all other road users. Since San Jose has set a goal of becoming a sustainable city, then the Draft EIR should look into the benefits of using a multi-modal LOS. Recognizing that people will still drive, a multi-modal LOS would encourage a street classification system that measures the importance of any given street to pedestrians, cyclists and cars and then prioritizes appropriately. If a particular street is an important bicycle corridor, adjustments are made to the roadway to improve bicycle LOS. If another street makes sense primarily for cars, then automobile LOS takes precedence. If the General Plan update accommodates all road users- cyclists, the elderly, children, transit riders- it will facilitate other modes of travel and help the City reach its greenhouse gas emission reduction targets. Automobile LOS is an outdated metric. Greenbelt Alliance encourages San Jose to study multi-modal LOS.

### Biological Resources

Greenbelt Alliance commends San Jose for pursuing infill opportunities first in Envision 2040. Holding off on the planning and development of the Coyote Valley and South Almaden Valley urban reserves makes sense from a fiscal and environmental perspective.

Students from the Environmental Studies Department at De Anza College have been engaged in a Wildlife Corridor Project for over two years. They have been counting bird and mammal species that use Coyote Valley to cross between the Mt. Hamilton Range and the Santa Cruz Mountains. They have counted over 171 bird species alone. With contiguous development all along the Highway 101 corridor from San Francisco to just before Coyote Valley, this crossing represents one of the few opportunities for birds and mammals to freely roam, mate and find food.

Greenbelt Alliance encourages San Jose to study the value of Coyote Valley as a wildlife corridor- especially as most of the land is within the Urban Growth Boundary.

### Hydrology and Water Quality

San Jose should demonstrate a commitment to recycled water and low impact development when it studies water supply and quality in the Draft EIR. Infill development uses less water than sprawling low-density development, but further mitigations can be made to ensure San Jose prepares itself well for a growing population in a region prone to droughts. The value of Coyote Valley and South Almaden Valley as part of a larger watershed plan must not be overlooked. Their roles in groundwater recharge are significant.

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Other

In addition to planning for air quality, traffic and noise impacts, San Jose should also study where the food will come from to feed a growing population. This is often overlooked as cities grow and pave over farmland to accommodate growth. We live in uncertain times as fuel costs rise, droughts become more frequent, and population around the world grows. San Jose is already taking steps in the right direction by accommodating its share of the region's growth through infill development. However, it is still worthwhile for San Jose to consider the value of its last remaining farmland as well as the benefits of promoting more community gardens.

If you have any questions regarding these comments, please contact me at 408.983.0856. Again, thank you for your consideration of these comments.

Sincerely,



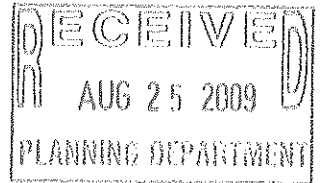
Michele Beasley  
Senior Field Representative

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



August 24, 2009

City of San Jose  
Department of Planning  
200 E Santa Clara St., 3<sup>rd</sup> Floor  
San Jose, CA 95113  
Attn: John Baty  
Email: John.baty@sanjoseca.gov

RE: Review of Notice of Preparation of a Draft Program  
Environmental Impact Report ( PEIR)  
For: The Envision San Jose 2040 General Plan Update Project  
Loc: Citywide, San Jose  
Project Title: Envision San Jose 2040 General Plan  
City's Ref: TBD- dated July 2009  
State Clearinghouse # : TBD  
PG&E File : SJ 255 (Land)

Dear Mr. Baty,

Thank you for this opportunity to comment on this NOP of the Draft Program Environmental Impact Report ( PEIR) for the above Project. PG&E has the following comments to offer:

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

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

We would like to note that expansion of utility facilities is a necessary consequence of growth and development. As development occurs, the cumulative impacts of new energy load growth use up available capacity in the utility system. In addition to adding new distribution feeders, the range of electric system improvements needed to

accommodate growth may include upgrading existing substations and building new substations and interconnecting transmission line. Comparable upgrades or additions would be required for our gas system as well. Environmental impacts associated with new and or relocated gas or electric facilities as a result of the proposed project should be fully addressed in the Final EIR and, if appropriate, mitigation measures to minimize or eliminate such impacts should be incorporated into the document as well.

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

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

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

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

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

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

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

EMFs are invisible fields of force created by electric voltage (electric fields) and by electric current (magnetic fields). Wherever there is a flow of electricity, both electric and magnetic fields are created; in appliances, homes, schools and offices, and in power lines. There is no scientific consensus on the actual health effects of EMF exposure, but it is an issue of public concern. PG&E relies on organizations and health agencies such as the California Department of Health Services, U.S. Environmental Protection Agency and the Electric Power Research Institute to review research on EMF and provide a foundation for developing policies.

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

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

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

Thank you.

Sincerely,



Alfred Poon  
Land Rights Protection  
Southern Area

**Baty, John**

---

**From:** Bill Yeung [Bill.Yeung@rda.sccgov.org]  
**Sent:** Wednesday, August 26, 2009 10:40 AM  
**To:** Baty, John  
**Subject:** CSJ - NOP - DEIR Envision 2009

Hi John:

Thanks for your NOP for the subject DEIR. Our review is complete and we do not have any comments.

Bill Yeung  
County of Santa Clara  
Roads and Airports Department  
101 Skyport Dr.  
San Jose, CA 95110

(408) 573-2463

---

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August 28, 2009

John W. Baty  
City of San Jose  
200 E. Santa Clara Street  
San Jose, CA 95113-1905

Re: Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR)  
Envision San Jose 2040 General Plan Update  
SCH # 2009072096

Dear Mr. Baty:

As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission) recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind. New developments and improvements to existing facilities may increase vehicular traffic volumes, not only on streets and at intersections, but also at at-grade highway-rail crossings. In addition, projects may increase pedestrian movement at crossings, and elsewhere along rail corridor rights-of-way. Working with CPUC staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrians, railroad personnel, and railroad passengers.

There is a High Speed Train (HST) project proposed from S.F. to San Diego and for the segments between S.F. to San Jose and San Jose to Merced, San Jose is a proposed station stop. The High Speed Rail Authority (HSRA) is currently completing the DEIR for this project. The City of San Jose needs to include the proposed HST project for all traffic scenarios within the DEIR Transportation/Traffic Circulation section (other sections may also apply) specifically in the traffic impact study. The land use adjacent to the proposed station and preferred rail corridor alternative will be critical when the HST project EIR/EIS is approved by the High Speed Rail Authority (HSRA). Appropriate planning needs to take place at the local level to accommodate the ultimate right of way and footprints for all grade separated crossings along the preferred rail corridor in the City of San Jose. The 2040 General Plan Update is the most appropriate document to initiate this planning process which would include the HST project.

The Traffic Impact Study (T.I.S) for the DEIR needs to specifically consider and address traffic safety issues to all at-grade railroad crossings. The DEIR needs to evaluate, for example, whether traffic queues would extend across the railroad tracks. Such queuing increases the possibility that a motorist would stop on the tracks and be unable to clear the tracks as a train approaches, e.g., due to congestion or a stalled vehicle. In general, the major types of impacts to consider are collisions between trains and vehicles, and between trains and pedestrians.

Mr. John W. Baty  
City of San Jose  
August 28, 2009  
SCH #2009072096  
Page 2 of 3

General categories of measures to reduce potential adverse impacts on rail safety include:

- Installation of grade separations at crossings, i.e., physically separating roads and railroad track by constructing overpasses or underpasses
- Improvements to warning devices at existing highway-rail crossings
- Installation of additional warning signage
- Improvements to traffic signaling at intersections adjacent to crossings, e.g., traffic preemption
- Installation of median separation to prevent vehicles from driving around railroad crossing gates
- Where sound walls, landscaping, buildings, etc. would be installed near crossings, maintaining the visibility of warning devices and approaching trains
- Prohibition of parking within 100 feet of crossings to improve the visibility of warning devices and approaching trains
- Installation of pedestrian-specific warning devices and channelization including sidewalks
- Construction of pull-out lanes for buses and vehicles transporting hazardous materials
- Installation of vandal-resistant fencing or walls to limit the access of pedestrians onto the railroad right-of-way
- Elimination of driveways near crossings
- Increased enforcement of traffic laws at crossings
- Rail safety awareness programs to educate the public about the hazards of highway-rail grade crossings

Commission approval is required to modify an existing highway-rail crossing or to construct a new crossing.

Please forward the proposed Draft T.I.S. Scope for our review and comment before the project consultants commence the actual analysis to assure that all at-grade rail crossings are within the parameters of the study. We further request to be notified of any scoping meetings pertaining to the T.I.S. that the City may conduct in the future for responsible, permitting, resource agencies and or general public.

Mr. John W. Baty  
City of San Jose  
August 28, 2009  
SCH # 2009072096  
Page 3 of 3

Thank you for your consideration of these comments and we look forward to working with the City of San Jose on this project. If you have any questions in this matter, please contact me at (415) 713-0092 or email at [ms2@cpuc.ca.gov](mailto:ms2@cpuc.ca.gov).

Sincerely,



Moses Stites  
Rail corridor Safety Specialist  
Consumer Protection and Safety Division  
Rail Transit and Crossings Branch  
515 L Street, Suite 1119  
Sacramento, CA 95814



August 28, 2009

City of San José  
Development Services  
200 East Santa Clara Street  
San José, CA 95113

Attention: John Baty

Subject: Envision San José 2040 General Plan Update NOP

Dear Mr. Baty:

The Santa Clara Valley Transportation Authority (VTA) has reviewed the Notice of Preparation (NOP) for a Program Environmental Impact Report (PEIR) for a comprehensive update to the City of San José's General Plan. We have the following comments.

#### Goals and Policies

VTA strongly supports the emphasis of the Envision San José 2040 process in directing growth at transit nodes and corridors. Focusing growth near transit is supportive of transit use, congestion management, and greenhouse gas reduction objectives, and is consistent with the principles of VTA's Community Design & Transportation (CDT) Program. The CDT Program was developed through an extensive community outreach strategy in partnership with VTA Member Agencies, has been endorsed by all 15 Santa Clara cities and the County, and we are pleased to see Santa Clara County's largest city taking such supportive policy actions. In addition, the Envision San José 2040 strategy of focusing growth around transit supports regional goals established by MTC and ABAG, and establishes San José as a leader with respect to the goals of AB 32 and SB 375.

#### Extent of Analysis

It is our understanding from page 2 of the NOP that the City does not intend to conduct a "significant review" of areas that are covered by Specific Plans and Area Development Policies in the General Plan Update and PEIR. VTA recommends that the City address these areas explicitly in the General Plan Update and PEIR, as many of these areas are near transit stations and corridors, and can play a large role in encouraging focused growth around transit.

#### Land Use/Transportation Scenario Evaluation

VTA recommends that there be a feedback loop in the analysis of land use/transportation scenarios in the PEIR. As stated in the NOP, the initial analysis will involve four land

use/transportation scenarios. VTA, along with other stakeholders, would be interested in reviewing the results and providing input on the initial analysis of the four scenarios. This feedback can then be considered during the refinement of the alternatives through the General Plan Update and PEIR process.

Modeling indicators that should be used in the analysis of the alternatives include: Vehicle-Miles-Traveled (VMT), roadway Level of Service (LOS), transit boardings, delay (person-hours), and air quality emissions. Where appropriate, indicators should be expressed per capita, to highlight the differences between the impacts of various growth scenarios.

The City's model for PEIR analysis should use the Valley Transportation Plan (VTP) 2035 committed projects for both the roadway and transit network. VTA can provide the GIS layers from VTP 2035; please contact Ya Wang in the Congestion Management Agency Division at (408) 321-5660 for assistance. Based on the map included in the NOP, some adjustments are needed to the transit network for the PEIR and the General Plan documents. For consistency with VTP 2035, light rail (LRT) should not be shown beyond Nieman Boulevard, and Bus Rapid Transit (BRT) should be added on Stevens Creeks Boulevard and Monterey Highway. We suggest that the PEIR and General Plan documents include descriptions of various existing and planned transit services, including BRT, and the map of the transit network should be revised to more clearly show corridors with planned BRT service. The PEIR model should also include the planned Express Lane projects that are included in VTP 2035, including Express Lanes on all or portions of SR 85, SR 87, US 101, SR 237, I-680 and I-880 in Santa Clara County, as well as the SR 237/I-880 Express Connector project.

#### Roadway Network/Complete Streets

VTA strongly supports the City's efforts to adopt a multimodal approach in its General Plan Update, including an emphasis on local and regional transit service. VTA requests that the City address transit accommodations on multimodal roadways in the Update and accompanying PEIR. Consideration should be given to adopting a "transit first" policy for key LRT and BRT corridors, and to establishing an additional category of multimodal streets which would emphasize mobility for all modes and which would include enhanced stop amenities, transit priority treatments, and supporting pedestrian improvements. These improvements would help make transit a more viable option for San José residents and workers and help reduce single-occupant automobile travel in the City.

VTA encourages the City to explore improvements to the connectivity of the roadway system in the General Plan Update, in general and especially across freeways, for both motorized and non-motorized modes. Through and interconnected streets should be expanded and optimized, and street closures which result in a loss of connectivity and reduction in travel path choices should be avoided.

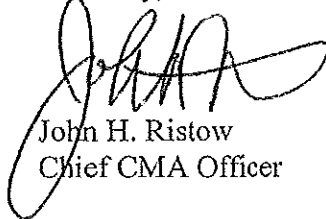
John Baty  
August 28, 2009  
Page 3 of 3

Level of Service Policy/Protected Intersections

VTA encourages the City to continue to adopt a flexible approach to roadway Level of Service (LOS) in the General Plan Update and the PEIR. We recommend that the City's approach to the inclusion of LOS protected intersections be addressed in the PEIR. In particular, protected intersections may need to be added along BRT corridors in order avoid introducing mitigation measures for traffic impacts that would adversely impact pedestrians, bicyclists, transit vehicles and users, or neighboring land uses.

VTA looks forward to continuing to partner with the City of San José in the Envision San José 2040 General Plan Update process. If you have any questions, please call Chris Augenstein at (408) 321-7093 or Robert Swierk at (408) 321-5949.

Sincerely,



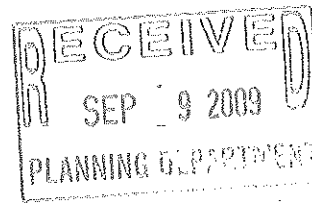
John H. Ristow  
Chief CMA Officer

JHR:RM:rs

cc: Joseph Horwedel, City of San José Planning, Building and Code Enforcement  
Akoni Danielson, City of San José Planning, Building and Code Enforcement  
Ebrahim Sohrabi, City of San José Development Services  
Chris Augenstein, VTA  
Robert Swierk, VTA  
Roy Molseed, VTA

SJ0907

**DEPARTMENT OF TRANSPORTATION**  
DIVISION OF AERONAUTICS – M.S.#40  
1120 N STREET  
P. O. BOX 942874  
SACRAMENTO, CA 94274-0001  
PHONE (916) 654-4959  
FAX (916) 653-9531  
TTY 711



*Flex your power!  
Be energy efficient!*

August 25, 2009

Mr. John Baty  
City of San Jose Planning Division  
200 East Santa Clara Street, 3<sup>rd</sup> Floor  
San Jose, CA 95113-1905

Dear Mr. Baty:

Notice of Preparation of a Program Environmental Impact Report for the City of San Jose 2040 General Plan Update

The California Department of Transportation (Caltrans), 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 the California Environmental Quality Act (CEQA). The Division has technical expertise in the areas of airport operations safety and airport land use compatibility. We are a funding agency for airport projects and we have permit authority for public-use and special-use airports and heliports.

The proposal is for an update to the City of San Jose General Plan.

Norman Y. Mineta San Jose International Airport (SJC) and Reid Hillview Airport (RHV) are located within the City of San Jose. Aviation plays a significant role in California's transportation system. This role includes the movement of people and goods within and beyond our state's network of over 250 airports. Aviation contributes nearly 9 percent of both total state employment (1.7 million jobs) and total state output (\$110.7 billion) annually. These benefits are discussed in the study "Aviation in California: Benefits to Our Economy and Way of Life" available on-line at <http://www.dot.ca.gov/hq/planning/aeronaut/econstudy2003.html>. Aviation improves mobility, generates tax revenue, saves lives through emergency response, medical and fire fighting services, annually transports air cargo valued at over \$170 billion and generates over \$14 billion in tourist dollars, which in turn improves our economy and quality of life.

The proposal should be coordinated with SJC and RHV to ensure its compatibility with future as well as existing airport operations.

Additionally, in accordance with California Public Utilities Code (PUC) Section 21676 *et seq.*, prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the Santa Clara County Airport Land Use Commission (ALUC), the local agency shall first refer the proposed action to the ALUC.

If the ALUC determines that the proposed action is inconsistent with the airport land use compatibility plan, the referring agency shall be notified. The local agency may, after a public hearing, propose to overrule the ALUC by a two-thirds vote of its governing body after it makes specific findings. At least

45 days prior to the decision to overrule the ALUC, the local agency's governing body shall provide to the ALUC and Caltrans a copy of the proposed decision and findings. Caltrans reviews and comments on the specific findings a local government intends to use when proposing to overrule an ALUC. Caltrans specifically looks at the proposed findings to gauge their relationship to the overrule. Also, pursuant to the PUC 21670 et seq., findings should show evidence that the local agency is minimizing "...the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses."

General plans and elements must clearly demonstrate intent to adhere to ALUC policies to ensure compliance with compatibility criteria. Direct conflicts between mapped land use designations in a general plan and the ALUC criteria must be eliminated. A general plan needs to include at the very least, policies committing the county to adopt compatibility criteria essential to ensuring that such conflicts will be avoided. The criteria do not necessarily need to be spelled out in the general plan. There are a number of ways for a city or county to address the airport consistency issue, including:

- Incorporating airport compatibility policies into the update.
- Adopting an airport-combining zoning ordinance.
- Adopting an "Airport Element" into the general plan.
- Adopting the airport compatibility plan as a "stand alone" document or as a specific plan.

The general plan must acknowledge that until ALUC compatibility criteria are incorporated into the general plan, proposals within the airport influence area must be submitted to the ALUC for review. These provisions must be included in the general plan at a minimum for it to be considered consistent with the airport compatibility land use plan.

CEQA, Public Resources Code 21096, requires the California Airport Land Use Planning Handbook (Handbook) be used as a resource in the preparation of environmental documents for projects within airport land use compatibility plan boundaries or if such a plan has not been adopted, within two nautical miles of an airport. The Handbook provides a "General Plan Consistency Checklist" in Table 5A and a "Possible Airport Combining Zone Components" in Table 5B. The Handbook is available on-line at <http://www.dot.ca.gov/hq/planning/aeronaut/documents/ALUPHComplete-7-02rev.pdf>.

Pursuant to the Noise Standards, (California Code of Regulations (CCR), Title 21, Section 5000 *et seq.*), the County of Santa Clara declared SJC to have a "noise problem". The regulations require a noise problem airport to reduce the size of its "noise impact area" (NIA), which is the area within the airport's 65 decibel (dB) Community Noise Equivalent Level (CNEL) contour that is composed of incompatible land uses. Allowing new residential within the airport's 65 dB CNEL contour could result in an increase, rather than the required decrease, in the size of the airport's NIA. Consistent with the Noise Standards, new residential development is not an appropriate land use within the airport's 65 dB CNEL contour.

While the Noise Standards set 65 dB CNEL as the "standard for the acceptable level of aircraft noise for persons living in the vicinity of [noise problem] airports" (CCR Section 5012), for most airports in California, 65 dB CNEL is considered too high a noise level to be appropriate as a standard for land use



compatibility planning. This is particularly the case for evaluating new development in the vicinity of an airport. The 60 dB CNEL, or even 55 dB CNEL, may be more suitable for new development around most airports. Sound insulation, buyer notification and aviation easements are typical noise mitigation measures. These measures, however, do not change exterior aircraft noise levels and are not a substitute for good land use compatibility planning for new development

The planned height of buildings, antennas, and other objects should be checked with respect to Federal Aviation Regulation (FAR) Part 77 criteria if development is close to the airport, particularly if situated within the runway approach corridors. General plans must include policies restricting the heights of structures to protect airport airspace. To ensure compliance with FAR Part 77 "Objects Affecting Navigable Airspace" submission of a Notice of Proposed Construction or Alteration (Form 7460-1) to the Federal Aviation Administration (FAA) may be required. Form 7460-1 is available on-line at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp> and should be submitted electronically.

California's Education Code Section 17215 requires a school site investigation by the Division prior to acquisition of land for a proposed school site located within two miles of an airport runway. Our recommendations are submitted to the State Department of Education for use in determining acceptability of a site. This should be a consideration prior to designating residential uses in the vicinity of an airport. The Division's school site evaluation criterion is available on-line at <http://www.dot.ca.gov/hq/planning/aeronaut/regulations.html>.

Business and Professions Code Section 11010 and Civil Code Sections 1102.6, 1103.4, and 1353 address buyer notification requirements for lands around airports and are available on-line at <http://www.leginfo.ca.gov/calaw.html>. Any person who intends to offer subdivided lands, common interest developments and residential properties for sale or lease within an airport influence area is required to disclose that fact to the person buying the property.

Land use practices that attract or sustain hazardous wildlife populations on or near airports can significantly increase the potential for wildlife-aircraft collisions. The FAA recommends that landfills, wastewater treatment facilities, surface mining, wetlands and other uses that have the potential to attract wildlife, be restricted in the vicinity of an airport. FAA Advisory Circular (AC150/5200-33B) entitled "Hazardous Wildlife Attractants on or Near Airports" and AC 150/5200-34 entitled "Construction or Establishment of Landfills Near Public Airports" address these issues. For further information, please refer to the FAA website [http://wildlife-mitigation.tc.faa.gov/public\\_html/index.html](http://wildlife-mitigation.tc.faa.gov/public_html/index.html).

The protection of airports from incompatible land use encroachment is vital to California's economic future. SJC and RHV are economic assets that should be protected through effective airport land use compatibility planning and awareness. Although the need for compatible and safe land uses near airports is both a local and State issue, airport land use commissions and airport land use compatibility plans are key to protecting an airport and the people residing and working in the vicinity of an airport. Consideration given to the issue of compatible land uses in the vicinity of an airport should help to relieve future conflicts between airports and their neighbors.

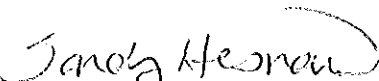
These comments reflect the areas of concern to the Division of Aeronautics with respect to airport-

Mr. John Baty  
August 25, 2009  
Page 4

related noise, safety, and regional land use planning issues. We advise you to contact our District 4 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 or by email at [sandy.hesnard@dot.ca.gov](mailto:sandy.hesnard@dot.ca.gov).

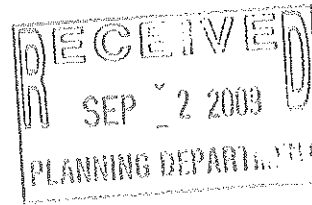
Sincerely,

  
SANDY HESNARD  
Aviation Environmental Specialist

c: Santa Clara County ALUC, SJC, RHV

**DEPARTMENT OF TRANSPORTATION**

P. O. BOX 23660  
OAKLAND, CA 94623-0660  
PHONE (510) 622-5491  
FAX (510) 286-5559  
TTY 711



*Flex your power!  
Be energy efficient!*

August 19, 2009

SCL-GEN  
SCL000204  
SCH2009072096

Mr. John W. Baty  
City of San José  
200 East Santa Clara Street  
San José, CA 95113-1905

Dear Mr. Baty:

**Envision San José 2040 General Plan Update – Notice of Preparation**

Thank you for including the California Department of Transportation (Department) in the environmental review process for the proposed general plan update. We have reviewed the Notice of Preparation and have the following comments to offer:

As lead agency, the City of San José is responsible for all future mitigation, including any needed improvements to state highways. While the City of San José conducts its traffic studies in accordance with guidelines, which conform to the local Congestion Management Program managed by the Santa Clara County Valley Transportation Authority, the Department's thresholds are primarily concerned with potential impacts to the State Highway System. We encourage the City of San José to consult the Department for the preparation of the study to help sharpen the focus of your scope of work and answer any questions you may have. Please see the Department's "*Guide for the Preparation of Traffic Impact Studies*" at the following website for more information:

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

The traffic study should analyze the effect this general plan update will have on State highway facilities and include, but not be limited to the following:

1. Existing Conditions – Current year traffic volumes and peak hour level of service (LOS) analysis of affected State highway facilities.
2. Proposed General Plan Update Only with Select Link Analysis – Trip generation and assignment for build-out of general plan. Select link analysis represents a project only (in this case, proposed general plan amendment only) traffic model run, where the project's trips are distributed and assigned along a loaded highway network. This procedure isolates the specific impact on the State highway network.
3. General Plan Build-out Only – Trip assignment and peak hour LOS analysis. Include current land uses and other pending general plan amendments.

4. General Plan Build-out plus Proposed General Plan Update– Trip assignment and peak hour LOS analysis. Include proposed general plan amendment and other pending general plan amendments.
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 look forward to reviewing the environmental document and the Traffic Impact Analysis, *including* Technical Appendices for the Envision San José 2040 General Plan Update. Please send two copies to:

José L. Olveda  
Office of Transit and Community Planning  
Department of Transportation, District 4  
P.O. Box 23660  
Oakland, CA 94623-0660

### **Community Planning**

The Department encourages the City of Jose to locate any needed housing, jobs and neighborhood services near major mass transit nodes, and to connect these nodes with streets configured to facilitate walking and biking, as a means of promoting mass transit use and reducing regional vehicle miles traveled and traffic impacts on the state highways.

Please consider developing and applying pedestrian, bicycling and transit performance or quality of service measures and modeling pedestrian, bicycle and transit trips that the City's projects will generate so that impacts and mitigation measures can be quantified. In addition to urban design treatments, these measures could include Travel Demand Management (TDM) policies (for example, lower parking ratios, car-sharing programs, transit subsidies, etc.) to encourage usage of nearby public transit lines.

In addition, please analyze secondary impacts on pedestrians and bicyclists that may result from any traffic impact mitigation measures. Please describe any pedestrian and bicycle mitigation measures and safety countermeasures that would therefore be needed as a means of maintaining and improving access to transit facilities and reducing traffic impacts on state highways.

### **Encroachment Permit**

Work that encroaches onto the State right of way (ROW) requires an encroachment permit that is issued by the Department. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to the address below. Traffic-related mitigation measures should be incorporated into the construction plans during the encroachment permit process.

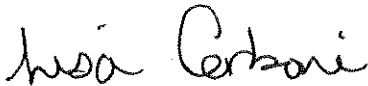
Mr. John Baty  
August 19, 2009  
Page 3

Office of Permits  
California DOT, District 4  
P.O. Box 23660  
Oakland, CA 94623-0660

See the website link below for more information.  
<http://www.dot.ca.gov/hq/traffops/developserv/permits/>

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

Sincerely,

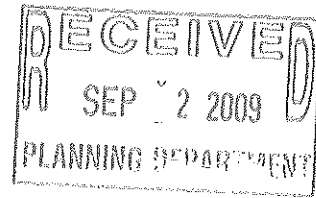


LISA CARBONI  
District Branch Chief  
Local Development – Intergovernmental Review

c: Scott Morgan (State Clearinghouse)



Making San Francisco Bay Better



August 26, 2009

John Baty  
City of San Jose Planning Division  
200 East Santa Clara Street,  
San Jose, CA 95113-1905

SUBJECT: BCDC Inquiry File No. SC.SJ.7008.1; Notice of Preparation of a Draft Program  
Environmental Impact Report for the Envision San Jose 2040 General Plan Update

Dear Mr. Baty:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) of a Draft Program Environmental Impact Report (PEIR), dated July 2009, and received in our office on July 31, 2009. These are staff comments based on the San Francisco Bay Conservation and Development Commission (BCDC) laws and regulations, the McAtter-Petris Act, and the provisions of the *San Francisco Bay Plan* (Bay Plan). In particular, these comments are related to BCDC jurisdiction within the project area, public access, transportation and global climate change.

**Jurisdiction and Authority.** As a permitting authority along the San Francisco Bay shoreline, BCDC is responsible for granting or denying permits for any proposed fill (earth or any other substance or material, including pilings or structures placed on pilings, and floating structures moored for extended periods), extraction of materials or change in use of any water, land or structure within the Commission's jurisdiction. Generally, BCDC's jurisdiction over San Francisco Bay extends from the Golden Gate to the Sacramento River and includes tidal areas up to the mean high tide level, including all sloughs, and in marshlands up to five feet above mean sea level; a shoreline band consisting of territory located between the shoreline of the Bay and 100 feet landward and parallel to the shoreline; salt ponds; managed wetlands (areas diked from the Bay and managed as duck clubs); and certain waterways tributary to the Bay. The Commission can grant a permit for a project if it finds that the project is either (1) necessary to the health, safety or welfare of the public in the entire Bay Area, or (2) is consistent with the provisions of the McAtter-Petris Act and the Bay Plan. The McAtter-Petris Act provides for fill in the Bay for water-oriented uses where there is no alternative upland location and requires that any fill that is placed in the Bay is the minimum that is necessary for the project. The McAtter-Petris Act also requires that proposed projects include the maximum feasible public access consistent with the project to the Bay and its shoreline.

For BCDC's Bay jurisdiction, an essential part of BCDC's regulatory framework is the Commission's Bay Plan. Projects approved by BCDC must be consistent with the McAtter-Petris Act and the Bay Plan. The Bay Plan includes priority land use designations for certain areas around the Bay to ensure that sufficient areas around the Bay are reserved for important water-oriented uses such as ports, water-related industry, parks, and wildlife areas. Along the San Jose shoreline there are several priority land use area designations, including land designated for wildlife refuge and waterfront park. Projects within BCDC's jurisdiction that are inconsistent with these designations require an amendment to the Bay Plan.

**Public Access.** Section 66602 of the McAteer-Petris Act states in part that "[e]xisting public access to the shoreline and waters of the San Francisco Bay is inadequate and that maximum feasible public access, consistent with a proposed project, should be provided." Furthermore, the McAteer-Petris Act authorizes the placement of fill in the Bay only for water-oriented uses or minor fill for improving shoreline appearance or public access.

If any projects identified in the Program Environmental Impact Report (PEIR) may require bay fill or new shoreline development within BCDC's jurisdiction, then the PEIR should consider that BCDC policies on public access state, in part, "[m]aximum feasible access to and along the waterfront and on any permitted fills should be provided in and through every new development in the Bay or on the shoreline."

**Transportation.** Because of the continuing vulnerability of the Bay to filling for transportation projects, the policies of the Bay Plan recognize that the Commission should continue to take an active role in Bay Area regional transportation and land use planning. The transportation findings of the Bay Plan state, in part, "[p]ressure to fill the Bay for surface transportation projects can be reduced by improving the efficiency and increasing the capacity of existing transportation facilities and services, increasing access to public transit, providing safe and convenient public pathways for non-motorized forms of travel (e.g. bicycles, pedestrian)" and "[t]ransportation projects should be designed to maintain and enhance visual and physical access to the Bay and along the Bay shoreline."

Based on the information provided within the NOP, the general goals described for the area defined in the NOP are goals that, if met in a way that protects the ecological resources along the shoreline, BCDC supports. These goals include "[t]he development of walkable neighborhood villages and vibrant urban locations at strategic locations throughout the City, that is environmentally sustainable, fiscally responsible, and makes prudent use of existing transit facilities and other infrastructure." In pursuit of this goals, the City of San Jose should consider or continue coordinating with the Association of Bay Area Government's Focus program, a joint effort of ABAG, the Bay Area Air Quality Management District (BAAQMD), the Metropolitan Transportation Commission (MTC) and BCDC.

**Sea Level Rise and Safety of Fills.** It appears that some areas within San Jose's shoreline, as depicted on Figure 2 of the NOP, such as those areas along the shoreline and in the Alviso area, may be vulnerable to projected sea level rise. BCDC recently conducted an assessment of the region's vulnerability to sea level rise which is based on a projected 16-inch sea level rise at mid century (2050) and 55-inch sea level rise at the end of the century (2100). Bay Plan findings and policies anticipate the need for planning associated with safety of fills and sea level rise. The safety of fills findings state, in part, "[s]tructures on fill or near the shoreline should be above the highest expected water level during the expected life of the project... Bay water levels are likely to increase in the future because of a relative rise in sea level... Relative rise in sea level is the sum of: (1) a rise in global sea level and (2) land elevation change (lifting and subsidence) around the Bay." Bay Plan policies on safety of fills state, in part, "[l]ocal governments and special districts with responsibilities for flood protection should assure that their requirements and criteria reflect future relative sea level rise and should assure that new structures and uses attracting people are not approved in flood prone areas or in areas that will become flood prone in the future, and that structures and uses that are approvable will be built at stable elevations to assure long-term protection from flood hazards." Projects in BCDC jurisdiction that involve bay fill must be consistent with the Bay Plan policies on the safety of fill and sea level rise.

Mr. John Baty  
August 26, 2009  
Page 3

The PEIR should discuss the potential for inundation and its impacts on the land use and transportation scenarios. In addition, the Global Climate Change section of the PEIR should address both mitigation and adaptation measures. Finally, see the attached map that identifies areas vulnerable to sea level rise in the South Bay. This map is part of a draft BCDC staff report that analyzes vulnerabilities to climate change in the Bay and along the shoreline.

Thank you for the opportunity to comment on the NOP for the PEIR. If you have any questions regarding this letter please contact me directly at (415) 352-3667 or by e-mail at [timd@bcdc.ca.gov](mailto:timd@bcdc.ca.gov). Thank you for the opportunity to comment on the NOP for the PEIR. If you have any questions regarding this letter, or any other matter, please contact me by phone at 415-352-3667 or email [timd@bcdc.ca.gov](mailto:timd@bcdc.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Timothy Doherty', with a stylized flourish at the end.




TIMOTHY DOHERTY  
Coastal Program Analyst



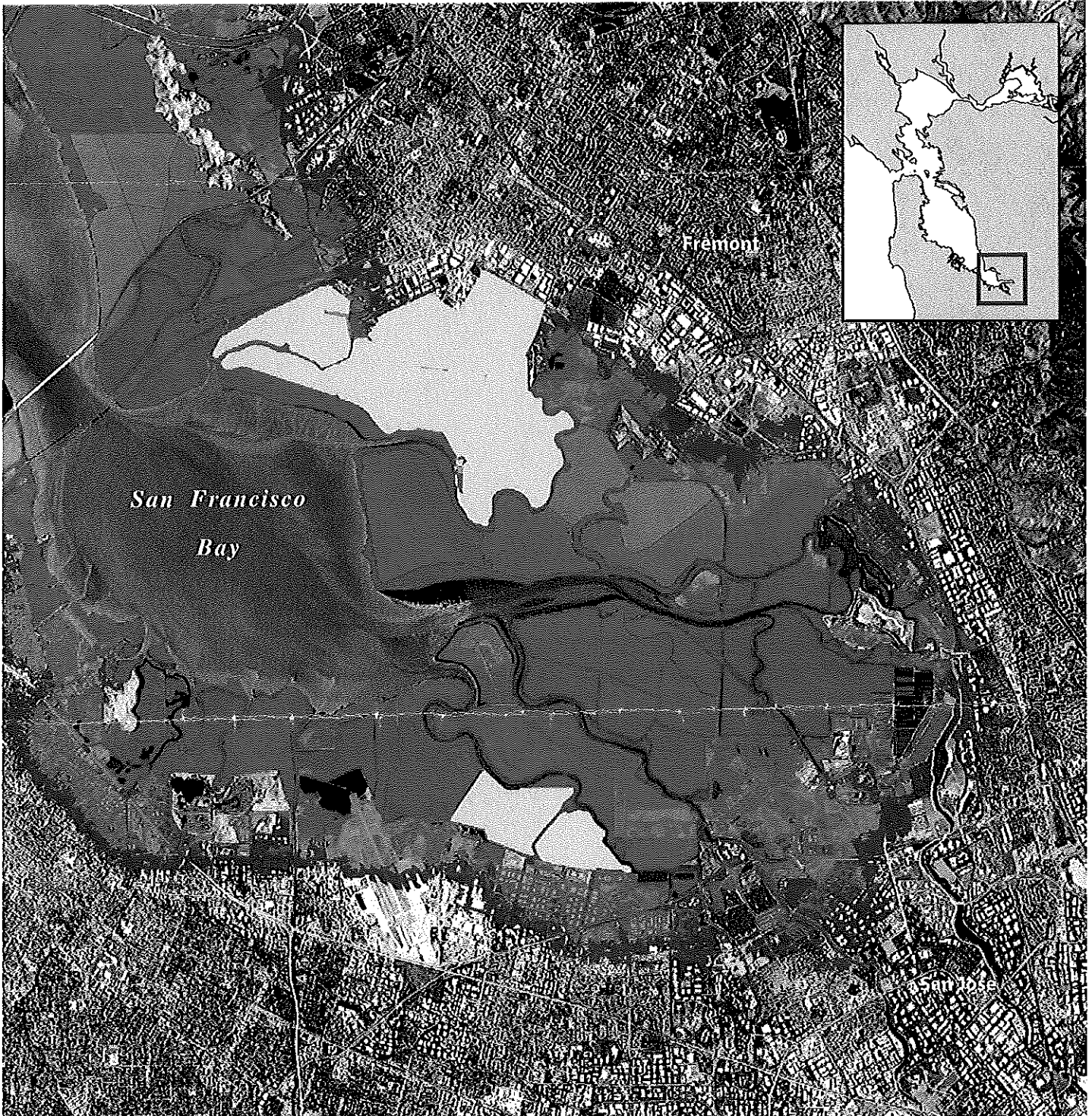


San Francisco Bay  
Conservation and Development Commission

# SHORELINE AREAS VULNERABLE TO SEA LEVEL RISE: SOUTH BAY

-  Area vulnerable to an approximate 16 inch sea level rise
-  Area vulnerable to an approximate 55 inch sea level rise
-  No Data

0 1.5 3 MILES



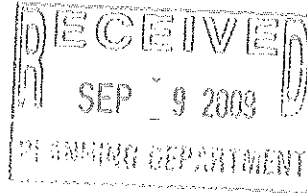
SOURCE: Inundation data from Knowles, 2008. Additional salt pond elevation data by Stegel and Bachand, 2002. Aerial Imagery is NAIP 2005 data.

DISCLAIMER: Inundation data does not account for existing shoreline protection or wave activity. These maps are for informational purposes only. Users, by their use, agree to hold harmless and blameless the State of California and its representatives and its agents for any liability associated with its use in any form. The maps and data shall not be used to assess actual coastal hazards, insurance requirements, or property values or be used in lieu of Flood Insurance Rate Maps issued by the Federal Emergency Management Agency (FEMA).

# County of Santa Clara

Parks and Recreation Department

298 Garden Hill Drive  
Los Gatos, California 95032-7669  
(408) 355-2200 FAX 355-2290  
Reservations (408) 355-2201  
[www.parkhere.org](http://www.parkhere.org)



August 31, 2009

John Baty, Project Manager  
City of San Jose Planning Division  
200 East Santa Clara Street, 3<sup>rd</sup> Floor  
San Jose, CA 95113-1905

## Re: Notice of Preparation (NOP) of a Draft Program Environmental Impact Report for the Envision San Jose 2040 General Plan Update

Dear Mr. Baty:

The Santa Clara County Parks and Recreation Department (County Parks Department) has reviewed the Notice of Preparation (NOP) of a Draft Program Environmental Impact Report (PEIR) for the Envision San Jose 2040 General Plan Update and submits the following comments. The County Parks Department's comments are primarily focused on potential impacts related to the *County of Santa Clara General Plan* and the *Santa Clara County Countywide Trails Master Plan Update* relative to countywide trail routes, public access, and regional parks.

The Draft PEIR should include a discussion related to the *Santa Clara County Countywide Trails Master Plan Update*, that the Board of Supervisors adopted on November 14, 1995 as part of the Parks and Recreation element of the County General Plan and how the City's General Plan Update would be consistent with the Countywide Trails Master Plan Update and the County General Plan.

The Envision San Jose 2040 General Plan Update supports seven major strategies: Economic Development, Growth Management, Downtown Revitalization, Urban Conservation and Preservation, Greenline and Urban Growth Boundary, and Housing and Sustainable City. The Draft PEIR should discuss potential impacts to parks and recreation, trail connectivity, and open space preservation in each of the projected land use and population growth scenarios. The four Land Use/Transportation Study Scenarios should be analyzed for parks and open space requirements, as well as trail connectivity from the multi-modal transportation corridors to downtown, high-intensity villages, and local-serving neighborhood villages. All four scenarios include various ranges of projected population increase and should be analyzed for potential impacts to existing and future parks and trail routes within the City and adjoining areas.



**Scenario 3 (High Housing Growth)**

The Draft PEIR should include a discussion on the potentially high increase in the number of housing units as part of the high housing growth scenario and how this increase in population in the City of San Jose would impact existing and future parks and trail routes within the City and adjoining areas.

**Scenario 4 (High Job Growth)**

The Draft PEIR should also include a discussion on the potentially high increase in the number of jobs as projected in the high job growth scenario and how the increase in additional employees to the City of San Jose would impact existing and future parks and trail routes within the City and adjoining areas.

**Urban Reserves**

Within the South Almaden Valley Urban Reserve (SAVUR), the County General Plan identifies future regional parkland expansion adjacent to Almaden Quicksilver County Park, Santa Teresa County Park and Calero County Park. Within the Coyote Valley Urban Reserve, the County General Plan and the Board-adopted Coyote Creek Parkway Integrated Natural Resources Management Plan and Master Plan identifies regional parkland expansion areas along Coyote Creek Parkway County Park, between Coyote Creek and Monterey Highway.

In addition the Countywide Trails Master Plan identifies a number of planned regional trail routes within these urban reserves which include:

- R1-A: Juan Bautista de Anza National Historic Trail
- R5-C: Bay Area Ridge Trail (El Sombroso/Penitencia)
- S6: West Valley Sub-regional Trail
- C17: Almaden-Hicks Road Connector Loop
- C18: Guadalupe Reservoir/Calero Trail
- C20: Bailey Avenue Trail

A no-growth scenario for these urban reserves within the 2040 horizon would be consistent with the County General Plan goals for regional parks and open space expansion and countywide trail linkages.

**Section 5: Environmental Impacts to be Analyzed**

**Transportation**

**The PEIR will describe the existing traffic conditions and transportation system and the traffic impacts resulting from each of the land use/ transportation scenarios.**

The Draft PEIR should include a discussion on the approximate 159 miles of countywide trail routes which are part of the Countywide Trails Master Plan and identified within the City of San Jose's jurisdiction. These countywide trail routes provide opportunities for non-motorized connections and alternative transportation for the proposed multi-modal transportation corridors to downtown, high-intensity villages, and local-serving neighborhood villages.

### **Biological Resources**

**The PEIR will include a description of the existing biological setting and an analysis of impacts to biological resources such as habitats, special-status species and biologically sensitive areas from growth in each of the four General Plan update land use/ transportation scenarios.**

The Draft PEIR should discuss the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) currently under preparation that the City of San Jose is an active partner in developing with five other local partners and the wildlife agencies, including U.S. Fish and Wildlife Services, California State Department of Fish and Game and National Marine Fisheries Service. The PEIR should evaluate how the proposed General Plan Update may affect the land conservation strategies and future habitat conservation areas in the reserve system that will be established with the HCP/NCCP.

### **Public Services**

**Increases in demand for public services resulting from the four land use/ transportation scenarios will be estimated in the PEIR based upon a qualitative estimate of demand for school, police, fire and medical services and estimates of per capita demand for parks and libraries.**

The Draft PEIR should include a discussion on how the proposed General Plan Update will affect existing parks, trails and other recreational uses in the city and county and how resulting future development would contribute to an increase in demand for parks and recreation facilities.

The Draft PEIR should also describe the planned regional trail routes shown in the *Santa Clara County Countywide Trails Master Plan Update* (1995), which offer opportunities for non-motorized transportation and connections to the surrounding neighborhoods, parks trails and open space areas, and how the proposed General Plan Update may impact these countywide trail routes. The Countywide Trails Master Plan Update identifies the following countywide trails within the City of San Jose:

- R1-A: Juan Bautista de Anza National Historic Trail
- R1-B: Juan Bautista de Anza National Historic Trail
- R5-C: Bay Area Ridge Trail (El Sombroso/Penitencia)
- S5: Coyote Creek Trail/ Llagas Sub-regional Trail
- S6: West Valley Sub-regional Trail
- C17: Almaden-Hicks Road Connector Loop
- C18: Guadalupe Reservoir/Calero Trail
- S3: Guadalupe River Sub-regional Trail
- C20: Bailey Avenue Connector Trail
- C3: Calabazas Creek Connector Trail
- C7: Caleveras Connector Trail
- C4: Hetch Hetchy Connector Trail
- S4: Los Gatos Creek Sub-regional Trail
- C5: San Tomas Aquino Creek Connector Trail
- C22: Silver Creek Connecting Loop Trail

- C9: Southern Pacific Rim Trail

The Draft PEIR should discuss the potential impacts to the planned and existing trail routes as a result of the General Plan Update.

**Miscellaneous**

The Draft PEIR should also discuss the City of San Jose's Green Vision Goals and how these goals will be included as part the General Plan Update.

Thank you for the opportunity to provide comments on the Draft PEIR for the Envision San Jose 2040 General Plan Update. Please send us a copy of the Draft PEIR and Notice of Availability for the EIR once they become available for review. If you have any questions regarding these comments, please feel free to contact me at (408) 355-2230 or via email at [Kimberly.Brosseau@prk.sccgov.org](mailto:Kimberly.Brosseau@prk.sccgov.org).

Sincerely,



Kimberly Brosseau  
Park Planner III

cc: Lisa Killough, Director, County Parks Department  
Julie Mark, Deputy Director of Administration, County Parks Department  
Jane Mark, Senior Planner, County Parks Department  
Bill Shoe, Principal Planner, County Planning Office  
Rob Eastwood, Senior Planner, County Planning Office