DRAFT

ENVIRONMENTAL IMPACT REPORT

EDENVALE REDEVELOPMENT PROJECT

VOLUME I: EIR TEXT

Prepared by the

CITY OF SAN JOSE

March 2000

SAN JOSE
CAPITAL OF SILICON VALLEY

CITY OF SAN JOSÉ, CALIFORNIA

DEPARTMENT OF PLANNING, BUILDING AND CODE ENFORCEMENT
801 NORTH FIRST STREET
SAN JOSE, CALIFORNIA 95110-1795

JAMES R. DERRYBERRY
DIRECTOR

May 11, 2000

Ladies and Gentlemen:

SUBJECT: PP99-10-198 Edenvale Redevelopment Project DRAFT ENVIRONMENTAL IMPACT REPORT (SCH96052098)

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

Your comments regarding the significant environmental effects of this project and the adequacy of the DEIR are welcome. Written comments submitted to the Department of Planning, Building and Code Enforcement by 5:00 p.m., Thursday, May 11, 2000, will be included in the EIR and be considered by the Planning Commission at this Public Hearing. *If you make comments through a state or regional clearinghouse, please send a copy of your comments to the contact person listed below to insure prompt consideration.* If we receive neither comments nor a request for an extension of time from you by the specified date, we will assume you have none to make.

Project Description and Location: DRAFT ENVIRONMENTAL IMPACT REPORT for the Edenvale Redevelopment Project (PP99-10-198). The project is the buildout of the Edenvale Redevelopment Area, which is projected to include the construction of approximately 7.88 million square feet of additional industrial uses. The New Edenvale Redevelopment Area will accommodate up to 4.8 million square feet of new industrial development on vacant properties. Development of the vacant parcels in Old Edenvale can include up to 3.08 million square feet of new industrial development. The EIR analyzes the impacts from the following specific actions that would be necessary for the project to proceed: 1. Area Development Policy to allow development to proceed ahead of transportation improvements; 2. Formation of Improvement and Community Facilities Districts to fun area improvements. Council District 2.

Tentative Hearing Date: To be determined

Contact Person: Julie Caporgno, Senior Planner
Department of Planning, Building and Code Enforcement
801 North First Street, San José, CA 95110-1795

Attachment

PREFACE

This document has been prepared by the City of San Jose as the Lead Agency in conformance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The purpose of this Environmental Impact Report (EIR) is to inform decision makers and the general public of the environmental effects of a proposed project, which in this instance includes the implementation of the Edenvale Redevelopment Plan, and development of associated infrastructure. This document is a Redevelopment Plan EIR that includes both project and program level of analyses for various components of this Redevelopment Plan.

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

The City prepared and certified an EIR in 1976 which addressed the impacts of creating the original Edenvale Redevelopment Project. Subsequently, an Environmental Impact Report was prepared in 1979 which addressed the impacts of adopting and implementing the Edenvale Redevelopment Plan for the expanded Redevelopment Project in the area called New Edenvale. A Supplemental EIR was prepared to update the environmental analysis and to reflect the changed conditions and regulations related to biology, traffic, and hazardous materials in New Edenvale in 1996.

Since certification of the Final Supplemental EIR in 1996, new development has been occurring in Edenvale and nearby areas of San Jose. Detailed traffic analyses have identified localized traffic congestion that could exceed acceptable standards on both local and regional roadways. The City determined that infrastructure improvements beyond what was previously planned would be necessary to serve the planned development in Edenvale and meet the City's Level of Service policy. In addition, the alignment of proposed streets has been changed. The impacts of building the infrastructure, and the traffic congestion associated with planned development will be substantially different than the conditions evaluated in the previous CEQA documents. Therefore a Subsequent EIR is required under §15162 of the CEQA Guidelines.

The purpose of this EIR is to serve as a Redevelopment EIR to evaluate the anticipated impacts from development planned for in the City of San Jose General Plan and the Edenvale Redevelopment Plan.

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

> **§15121.(a) Informational Document.** An EIR is an informational document which will inform public agency decisionmakers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency shall consider the information in the EIR, along with other information which may be presented to the agency.
>
> **§15146. Degree of Specificity.** The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR.

§15151. Standards for Adequacy of an EIR. An EIR should be prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of the proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good-faith effort at full disclosure.

§15180. (a) Redevelopment Projects. All public and private activities or undertakings pursuant to or in furtherance of a redevelopment plan constitute a single project, which shall be deemed approved at the time of adoption of the redevelopment plan by the legislative body. The EIR in connection with the redevelopment plan shall be submitted in accordance with Section 33352 of the Health and Safety Code.

(b) An EIR on a redevelopment plan shall be treated as a program EIR with no subsequent EIRs required for individual components of the redevelopment plan unless a subsequent EIR or a supplement to an EIR would be required by Section 15162 or 15163.

All documents referenced in this EIR are available for public review in the office of the Department of City Planning, 801 North First Street, Room 400, San Jose, California, on weekdays during normal business hours.

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SUMMARY

The overall project is the buildout of the Edenvale Redevelopment Project Area, which is projected to include the construction of approximately 7.88 million square feet of additional industrial uses.

The proposed project would implement infrastructure improvements to support the buildout of the project area and related activities under the approved Edenvale Redevelopment Plan. The Edenvale Redevelopment Plan provides for various redevelopment activities that expedite the orderly development of land uses designated in the San Jose 2020 General Plan.

This EIR addresses adoption of an Area Development Policy which would allow development to proceed in advance of completion of the roadway improvements necessary to meet the City's Level of Service Policy. The proposed policy would apply to the Edenvale Redevelopment area east of US 101. The project as it is proposed also includes: (1) an Improvement District to construct roadways and various other improvements for the Redevelopment Project area south of Silver Creek Valley Road and East of Coyote Creek, and (2) a Community Facilities District for certain vacant properties in the Redevelopment Project area west of US 101.

This section is a brief summary of significant impacts and mitigation measures that are addressed in greater detail in the rest of this document. You should not rely on this section for a thorough understanding of the project or its impacts. **This section is *only* a summary.**

SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES	
SIGNIFICANT IMPACTS	**MITIGATION MEASURES**
Land Use Impacts	
If the Area Development Policy is adopted, traffic will back-up on Blossom Hill Road prior to completion of the interchange improvements and could restrict access to residential neighborhoods adjacent to Blossom Hill Road, causing increases in emergency vehicle response times. This impact would be temporary, if the gateway improvements are completed in a timely fashion.	The proposed Area Development Policy includes temporary access improvements (*i.e.*, temporary signals and traffic calming measures) that will minimize impacts from construction activities to emergency access and impacts from cut-through traffic to peripheral residential neighborhoods. **(Less Than Significant Impact With Mitigation)**
Should completion of the gateway improvements at Blossom Hill/U.S. 101/Silver Creek Valley Road be delayed, impacts associated with congestion on Blossom Hill Road could extend indefinitely.	**Significant Unavoidable Impact** (of adopting the Area Development Policy)

SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES	
SIGNIFICANT IMPACTS	**MITIGATION MEASURES**
Land Use Impacts, Continued	
Increased traffic from the project as proposed will result in a significant deterioration in the residential character of Hellyer Avenue (a collector street) west of U.S. 101, including impacts to vehicle and pedestrian access, and increased noise, dust, and litter.	Closing Hellyer Avenue either east or west of the County park entrance would eliminate the potential for significant increases in traffic to cause a deterioration of the residential neighborhood on Hellyer Avenue. Increasing the number of crossing guards on Hellyer Avenue may partially offset risks to school children from increased morning peak hour traffic. **(Mitigation Not Proposed at This Time)** **Significant Unmitigated Impact**
Project traffic and proposed improvements to Piercy Road will cause significant changes in the rural residential character of houses on Piercy Road. Conflicts between residential and industrial uses may be significant.	**Significant Unavoidable Impact**
Construction activities associated with development of the Edenvale Redevelopment Project, and the infrastructure proposed to serve it, are likely to generate short-term, traffic congestion, noise and dust which will impact residents located adjacent to and within the project area.	Dust control measures which include watering during all site preparation activities, use of dust suppressant, enforcement of speed limits of five mile per hour on unpaved roads and driveways, limiting grading during high winds and covering all stockpiled materials. Use of noise reduction techniques that include limiting construction to normal daylight hours, and use of mufflers on all vehicles. Equipment staging and other activities, which would generate noise and dust, will take place as far from residential uses as often as possible. **(Significant Unavoidable Impact With Mitigation)**
During construction, traffic may be encouraged to use cut-throughs on residential streets, creating potential traffic and safety impacts.	The proposed Area Development Policy includes temporary access restrictionss (*i.e.*, temporary signals and traffic calming measures) that will minimize impacts from construction activities to emergency access and impacts from cut-through traffic to peripheral residential neighborhoods. **(Less Than Significant Impact)**

SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES	
SIGNIFICANT IMPACTS	**MITIGATION MEASURES**
Land Use Impacts, Continued	
Development proposed by the project will result in a significant loss of agricultural land and open space.	**Significant Unavoidable Impact**
Traffic Impacts	
Project traffic will have a significant impact on the existing congested segment of U.S. 101 in the PM peak hour.	**Significant Unavoidable Impact**
During the time that will elapse between the completion of 2.4 million square feet of development and completion of the gateway improvements, traffic from approved development in Areas 1 and 3 will cause significant increases in traffic congestion at two local intersections on Blossom Hill Road. This congestion will exist as long as the gateway improvements are not completed.	**Significant Unavoidable Impact**
Air Quality Impacts	
Development of the project would result in a significant impact on regional air quality.	Implementation of a number of design features and operational techniques to encourage alternatives to single occupant commuting would reduce regional air quality impacts, but not to a less than significant level. **Significant Unavoidable Impact**
Construction activities related to development of the Edenvale Redevelopment Project, including construction of infrastructure and roadway improvements, would result in significant short-term air quality impacts.	Any future development would be subject to the City's Grading Ordinance; all earth moving activities would include provisions to control fugitive dust, including regular watering of the ground surface, cleaning nearby streets, damp sweeping, and planting any areas left vacant for extensive periods of time. The combined effect of these measures, including the use of a dust suppressant would reduce construction related impacts to a less-than-significant level. **(Less Than Significant Impact With Mitigation)**

SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES	
SIGNIFICANT IMPACTS	**MITIGATION MEASURES**
Noise Impacts	
Traffic from buildout of the Edenvale Redevelopment Project: (1) will cause existing noise levels, already exceeding residential guidelines, to increase along Hellyer Avenue west of Coyote Creek, (2) may cause noise levels in residential back yards adjacent to Bernal Avenue east of Santa Teresa to increase above residential guidelines; and (3) would cause noise levels for homes along Piercy Road north of Silicon Valley Boulevard to exceed residential guidelines.	**Significant Unavoidable Impact**
Noise generated by new industrial development west of Hellyer Avenue in Area 1 of New Edenvale could cause noise levels to increase at residences across Coyote Creek.	**Significant Unavoidable Impact**
Hydrologic Impacts	
Development will increase the amount of contamination in stormwater runoff which could adversely effect the water quality of Coyote Creek.	The project will obtain and conform to the requirements of the General NPDES Construction Activity Stormwater Permit administered by the Regional Water Quality Control Board. Best management practices would be included in the project to limit urban runoff contaminants from entering storm drains. Prior to construction grading the applicant would file a Notice of Intent (NOI) to comply with the General Permit and prepare a Storm Water Pollution Prevention Plan (SWPPP) which addresses measures that will be included in the project to minimize and control construction and post-construction runoff. **(Less Than Significant Impact With Mitigation)**

SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES	
SIGNIFICANT IMPACTS	**MITIGATION MEASURES**
Biological Impacts	
Development in New Edenvale would substantially obstruct the movement of wildlife between riparian habitat along Coyote Creek and the grassland and chaparral habitats of the Silver Creek Hills, however. **(Significant Impact)**	**Significant Unavoidable Impact**
The proposed southern extension of Hellyer Avenue would result in significant adverse impacts to riparian habitat. **(Significant Impact)**	Planting of 2.75 acres of native riparian trees, shrubs and ground cover is proposed by the improvement district and would provide protection and enhancement of the existing riparian habitat. **(Less Than Significant Impact With Proposed Mitigation)**
Future development allowed under the Redevelopment Plan could also impact wildlife using riparian habitat along Coyote Creek. **(Significant Impact)**	Impacts to the riparian habitat in Areas 1 and 3 from the encroachment of new industrial development be could mitigated by adherence to a 100 foot wide setback between the edge of the riparian habitat and any development such as buildings, parking lots or manicured landscaping. **(Less Than Significant Impact With Proposed Mitigation)**
Implementation of the proposed project would result in the removal of a substantial number of ordinance sized trees. **(Significant Impact)**	The removal of ordinance trees could be mitigated by [avoiding removal of particularly significant native oaks, and by] planting replacement trees at the ratios and sizes identified in this EIR. **(Less Than Significant Impact With Proposed Mitigation)**
Development within areas on serpentine soils could have a substantial adverse impact on populations of Santa Clara Valley Dudleya. Several other special status plants could also be impacted by development in areas with serpentine soils. **(Significant Impact)**	Surveys for special status plant species could be conducted at the appropriate time of the year. If any of the special status plant species are found in the area that would be impacted by proposed development, appropriate measures could be taken to reduce potential impacts to a less than significant level. **(Less Than Significant Impact With Proposed Mitigation)**

SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES	
SIGNIFICANT IMPACTS	**MITIGATION MEASURES**
Biological Impacts, Continued	
Development in areas of the Edenvale Redevelopment Area which contain serpentine soils could impact habitat suitable for Bay Checkerspot Butterfly, a federally listed threatened species. **(Significant Impact)**	Prior to approval of any additional development east of Hellyer Avenue in Area 1, surveys for Bay checkerspot butterfly larval plants, larvae, and individual butterflies could be conducted. In the event appropriate habitat and/or individuals are found, appropriate measures identified in this EIR could reduce impacts to a less than significant level. **(Less Than Significant Impact With Proposed Mitigation)**
Installation of an outfall structure could impact steelhead and/or chinook salmon. **(Significant Impact)**	Construction within the Coyote Creek channel could be restricted to the dry season; spawning habitat could be created at a 3:1 ratio at a nearby location, as described in this EIR. **(Less Than Significant Impact With Proposed Mitigation)**
A small area north of the Hellyer Avenue and Branham Lane East contains potential habitat for red-legged frog. Development within this area could impact any individuals that might be present. **(Significant Impact)**	Measures described in this EIR could be taken to avoid or offset impacts to red-legged frogs, including avoiding their habitat and/or creating additional habitat elsewhere. **(Less Than Significant Impact With Proposed Mitigation)**
Currently no Burrowing Owls are known to occupy the project area, although they have occurred in this area in the past. If owls were to locate on the site prior to construction of roadways and buildings, development could result in loss of individual owls and their habitat. **(Significant Impact)**	Measures described in this EIR could be taken to avoid or reduce impacts to individual Burrowing Owls, including preconstruction surveys, avoidance of habitat, and/or creation of additional habitat elsewhere. **(Less Than Significant Impact With Proposed Mitigation)** There is currently no mitigation identified that would effectively mitigate the loss of habitat should the project proceed as proposed. **Significant Unavoidable Impact**
Tree removal or trimming and site grading could impact nesting raptors if raptors are nesting onsite or immediately adjacent to construction zones.	Measures described in this EIR could be taken to avoid or reduce impacts to nesting raptors, including preconstruction surveys and avoidance of trees containing active nests. **(Less Than Significant Impact With Proposed Mitigation)**

SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES	
SIGNIFICANT IMPACTS	**MITIGATION MEASURES**
Biological Impacts, Continued	
Demolition of buildings and the removal of large trees in Areas 1 and 3 could have a significant impact on pallid bats and/or Townsend's big-eared bats.	Measures described in this EIR could be taken to avoid or reduce impacts to bats, including preconstruction surveys and eviction of active colonies prior to demolition or tree removal. **(Less Than Significant Impact With Proposed Mitigation)**
Contaminated runoff from development of the project area could contribute to degradation of aquatic habitat in Coyote Creek.	Individual construction projects over one acre in size will file a Storm Water Pollution Prevention Plan prior to construction. The SWPPP will address mitigation for construction and post constructions, including erosion and sediment controls, waste disposal controls, post construction sediment and erosion controls, maintenance non-stormwater management. Implementation of these measures will reduce the potential for contaminated runoff from reaching Coyote Creek. **(Less Than Significant Impact With Mitigation)**
Cultural Resource Impacts	
Full implementation of the Edenvale Redevelopment Project may result in the loss of historic resources.	If a structure is found to be historically significant, the City and Agency will pursue mitigation alternatives, including relocation and retention within the proposed development. In the absence of specific proposals, it must be assumed that full buildout of the Edenvale Redevelopment Project area may result in the loss of significant historic resources. **(Significant Unavoidable Impact With Mitigation)**
Public Utilities Impacts	
Implementation of the Edenvale Redevelopment Project could cause an exceedance of the City's discharge constraint for water treatment facilities.	The impact of exceeding the City's discharge constraint would be reduced by the use of reclaimed water for landscaping irrigation, and for industrial process and cooling water. **(Less Than Significant Impact With Mitigation)**

SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES	
SIGNIFICANT IMPACTS	**MITIGATION MEASURES**
Hazardous Materials Impacts	
Development of the Edenvale Redevelopment Plan could result in potentially significant hazardous materials impacts associated with future industrial uses on potentially contaminated sites. In addition, industrial companies may utilize hazardous materials which could create a public health hazard by their use, storage and/or disposal.	Conformance with appropriate existing Federal, State, and local laws and regulations will reduce possible impacts associated with hazardous materials to a less than significant level. **(Less Than Significant Impact With Mitigation)**
Cumulative Impacts	
Implementation of the project along with other foreseeable projects will result in the following significant cumulative impacts: (1) loss of agricultural land and open space, (2) traffic congestion, (3) deterioration of regional air quality, and (4) impacts on vegetation and wildlife.	**Significant Unavoidable Cumulative Impacts**

Alternatives to the Project

No Project: The No Project Alternative could consist of leaving the existing Level of Service Policy unchanged as it is applied to land within the New Edenvale area, and not forming an Improvement District or a Community Facilities District. Since development would be limited, this project would avoid the significant impacts to the freeway system and the short-term traffic impacts resulting from adoption of the Area Development Policy. Land use impacts resulting from increased traffic on Hellyer Avenue would be avoided. Impacts resulting from loss of agricultural land and open space would be significantly reduced. Air quality impacts would probably be reduced to a less than significant level. Increases in ambient noise level within the project area and along nearby roadways would be significantly reduced. This alternative could also reduce or avoid potential impacts to biological and historic resources.

This alternative is environmentally superior to the proposed project, but fails to meet the project objectives.

Reduced Scale Alternative: To reduce the impact to the freeways to a less than significant level, no more than approximately 290,000 square feet of development could be built. This amount of development would result in less than significant impacts to air quality, agricultural land, open space, biological resources, historic resources, and any encroachment into the riparian corridor setback for Coyote Creek. This may be less than what could occur under the "No Project" scenario above, and is less than the amount of building area that would be built on most of the individual development sites.

This alternative is environmentally superior to the proposed project, but fails to meet the project objectives.

Branham Lane Connection: Possible alternatives to the project as proposed could include either: (a) building the Branham Lane connection between Hellyer Avenue east of Coyote Creek, and Monterey Highway, utilizing an overcrossing at U.S. 101; or (b) building the Branham Lane connection between Hellyer Avenue and Monterey Highway utilizing an interchange at U.S. 101.

This alternative would reduce significant noise and land use impacts on the residential neighborhood along Hellyer Avenue, but would result in incremental increases in noise along Branham Lane.

This alternative may be environmentally superior to the proposed project.

No Gateway Improvements: Another alternative is one in which no improvements are made to the interchanges with US 101, the "gateways". All of the other improvements, to local roadways, would be built to serve development approved. In this alternative, less traffic would occur on US 101, reducing the significant unavoidable impact to the congested segment.

It is estimated that the remaining vacant land in Areas 2 and 4 could develop as planned. It is possible that a small amount of development could be approved in Areas 1 and 3 without conflicting with the Level of Service Policy. Exactly how much development in Areas 1 and 3 could proceed would depend on its location and the size of the individual projects. Very small projects would not exceed the 1% criteria for the major intersections on Blossom Hill where the most severe congestion is anticipated, although they would contribute to the cumulative deterioration of the LOS at those intersections.

This alternative is environmentally superior to the proposed project, but fails to meet the project objectives.

Areas of Controversy and Views of Local Groups

Individual residents of properties within the Redevelopment Project area have, in the past, expressed concern that development of urban uses, in conformance with the General Plan, will significantly change the quality of life and rural character of the area. This was identified as an undesirable condition by people who have moved to the area in order to experience the more rural conditions.

Representatives of the Audubon Society and Guadalupe-Coyote Resource Conservation District have raised concerns with the City and Agency that individual developments approved by the City and built in the Edenvale Redevelopment Project do not conform to the City's Riparian Corridor Policy Study, and have resulted in significant ongoing impacts to the riparian habitat values of Coyote Creek.

I. DESCRIPTION OF THE PROPOSED PROJECT

A. PROJECT OVERVIEW

The project is the buildout of the Edenvale Redevelopment Project Area, which is projected to include the construction of approximately 7.88 million square feet of additional industrial uses. The "New" Edenvale Redevelopment Area will accommodate up to 4.8 million square feet of new industrial development. Approximately 1.78 million square feet will be built north of Silver Creek Valley Road and east of Coyote Creek; approximately 2.85 million square feet will be built south of Silver Creek Valley Road and east of Coyote Creek; and approximately 170,000 square feet will be built south of Silver Creek Valley Road and west of Coyote Creek. Buildout of "Old" Edenvale will accommodate up to 3.08 million square feet of new industrial development.

The proposed project would implement infrastructure improvements to support the buildout of the project area and related activities under the approved Edenvale Redevelopment Plan. The Edenvale Redevelopment Plan provides for various redevelopment activities that expedite the orderly development of land uses designated in the San Jose 2020 General Plan. These redevelopment activities include removal of economic and physical blight, elimination of impediments to development such as awkward or cumbersome parcelization, provision of costly infrastructure improvements that would be too burdensome for individual property owners, and marketing to attract industrial development into the area.

This Subsequent Environmental Impact Report (SEIR) has been prepared as a Redevelopment Plan EIR to enable the ongoing implementation of the City's General Plan and the Edenvale Redevelopment Plan and to address significant traffic impacts which were not identified in previous environmental documents for the project area.

B. PROJECT LOCATION

The project is located in the Edenvale Redevelopment Area of southern San Jose in the vicinity of Highway 101 and State Route 85 interchanges, north of Santa Teresa Boulevard, and east of Cottle Road, in central Santa Clara County (see Figure 1, *Regional Map* and Figure 2, *Vicinity Map*). Several of the proposed actions would apply to specific sub-areas of the Edenvale Redevelopment Area, as described below.

Project Area Boundary

The entire project area boundary encompasses the entire Edenvale Redevelopment Project Area and includes what is frequently referred to as either "Old" or "New" Edenvale. Old Edenvale is located east of Cottle Road, north of Santa Teresa Boulevard, northwest of Bernal Road, and generally southwest of Monterey Road. New Edenvale is a long and somewhat narrow stretch of land that is northeast of Old Edenvale, generally bounded by U.S. Highway 101 and Coyote Creek to the west, Hellyer Avenue and the east foothills to the northeast, and Silicon Valley Boulevard (formerly Tennant Avenue) to the south. (See Figure 2)

Area Development Policy Boundary

The proposed Area Development Policy would be applied only within New Edenvale, which is bounded by U.S. Highway 101 to the west, Hellyer Avenue and the east foothills to the northeast, and Silicon Valley Boulevard (formerly Tennant Avenue) to the south (see Figure 4).

Improvement District Boundary

The proposed Improvement District covers only a portion of the New Edenvale Redevelopment Area: specifically, the area south of Silver Creek Valley Road, east of Coyote Creek and north of Silicon Valley Boulevard (see Figure 5).[1]

Community Facilities District

The Community Facilities District is proposed to include only the developable vacant parcels in Old Edenvale: the area south of Cottle Road, east of Santa Teresa, west of Monterey Road and north of Bernal Road. (See Figure 6).[2]

C. DESCRIPTION OF THE PROPOSED PROJECT

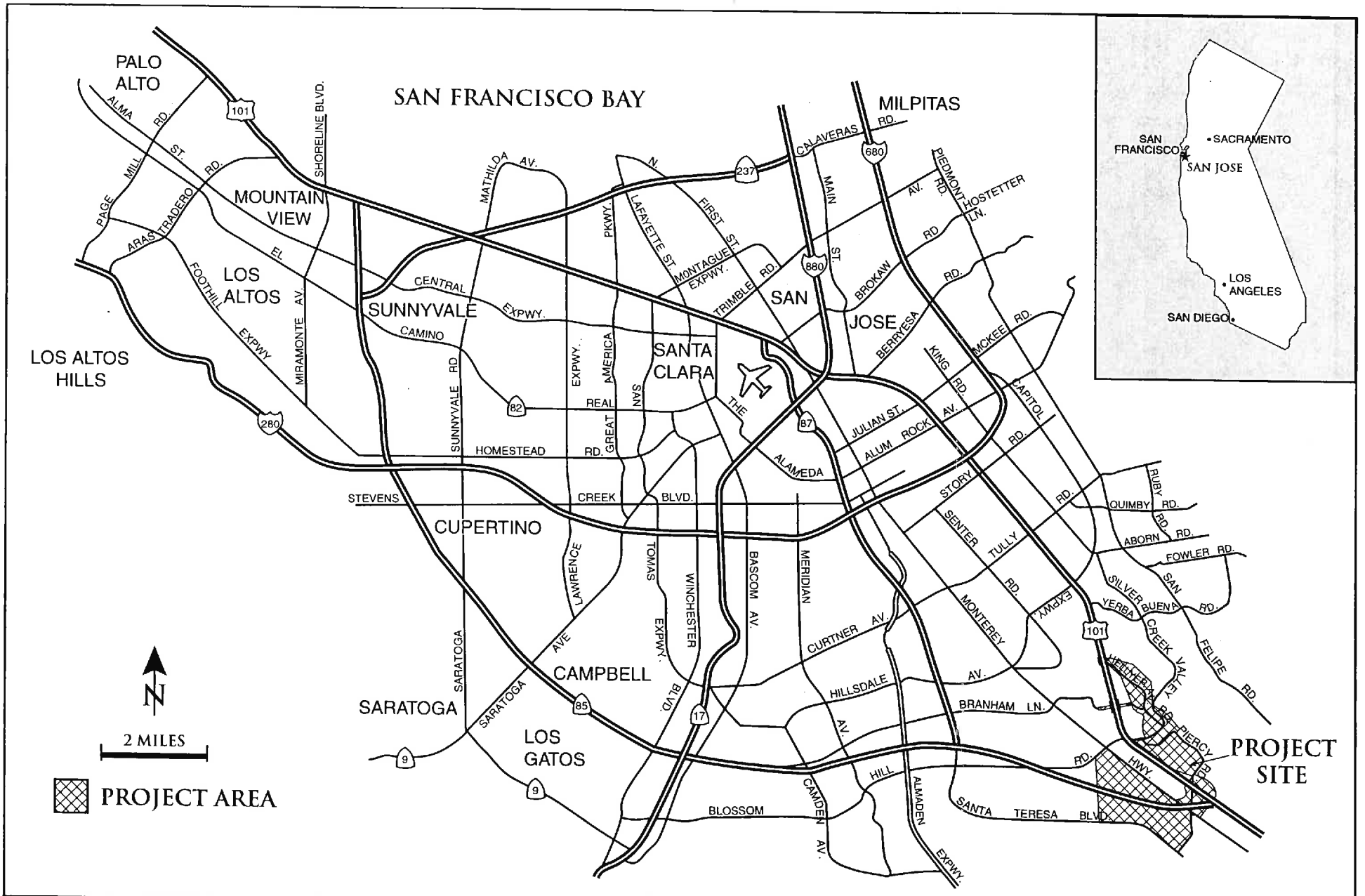
The project is the buildout of the Edenvale Redevelopment Project Area, which is projected to include the construction of approximately 7.88 million square feet of additional industrial uses. Figure 7 shows the location of vacant properties throughout the Redevelopment Project area. For ease of reference, Figure 3 shows planning subareas that are numbered 1 through 4. The New Edenvale Redevelopment Area will accommodate up to 4,800,000 square feet of new industrial development on the vacant properties shown. Approximately 1,780,000 square feet will be built north of Silver Creek Valley Road (Planning Area 1 on Figure 3) and approximately 2,850,000 square feet can be built south of Silver Creek Valley Road (Planning Area 3 on Figure 3). Planning Area 4, which is west of Coyote Creek but east of U.S. 101, can accommodate approximately 170,000 square feet of additional development. Development of the vacant parcels in Old Edenvale shown on Figure 7 can include up to 3,080,000 million square feet of new industrial development.

It is presently anticipated that a number of actions will be required to implement the project as proposed, in order to provide for the amount of private development described above and to meet the City and Redevelopment Agency's goals. The specific actions proposed are described below.

The Edenvale Redevelopment Project Area is an existing redevelopment area. It consists primarily of land designated by the City's General Plan for *Industrial Park* uses, and its development with such uses has been part of the City's General Plan for over 20 years. While some level of development has occurred in Edenvale in the past, there is increasing interest in developing the remaining vacant lands at the present time. This SEIR evaluates the impacts of developing most of the remaining vacant land with up to 7.88 million square feet of industrial development. In order for this amount of development to occur, this SEIR evaluates the specific actions which would be

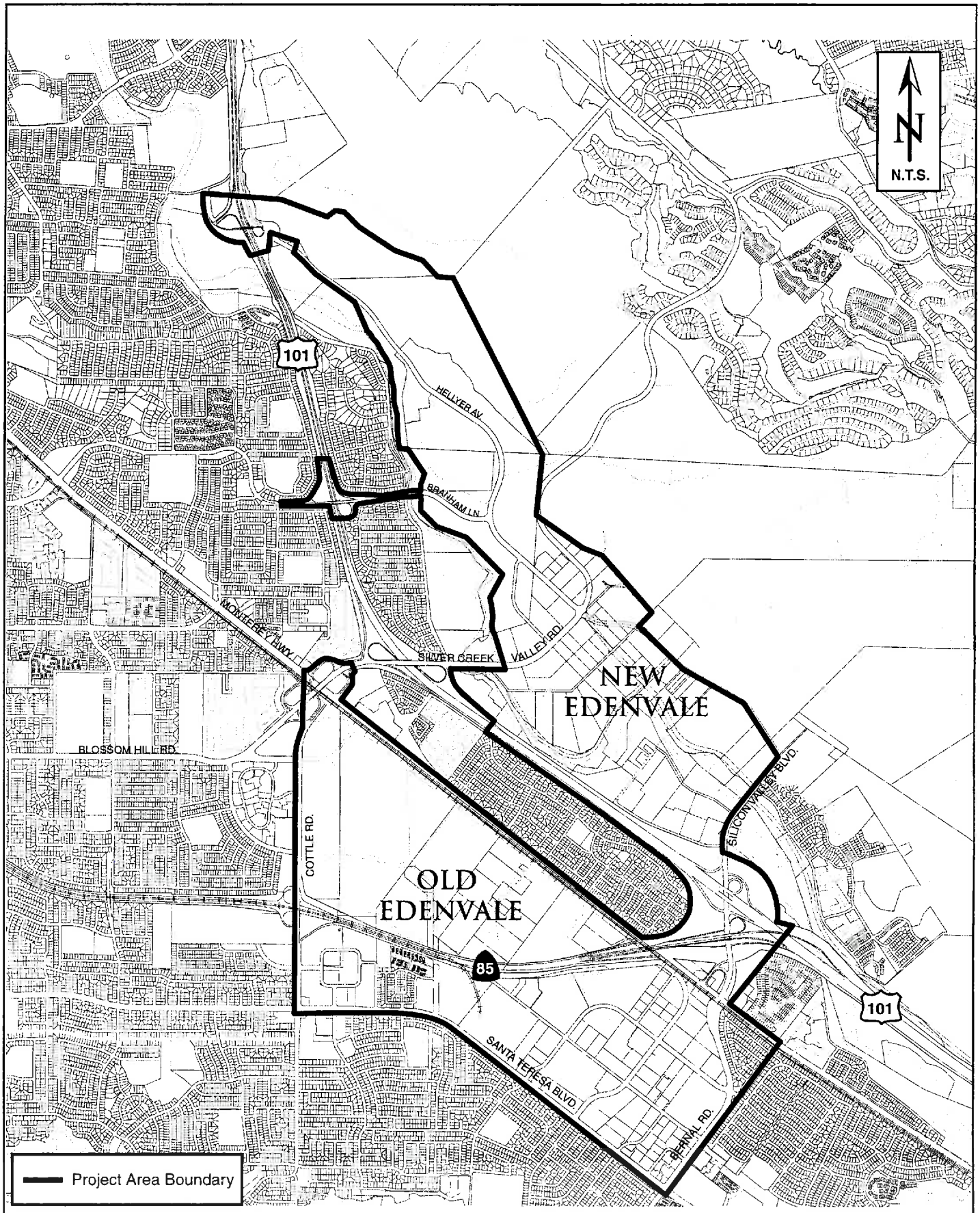
[1] The proposed Improvement District falls within the definition of a Special Assessment District under the 1915 State Act.

[2] The proposed Community Facilities District would be formed under the Mello-Roos Community Facilities Act of 1982.



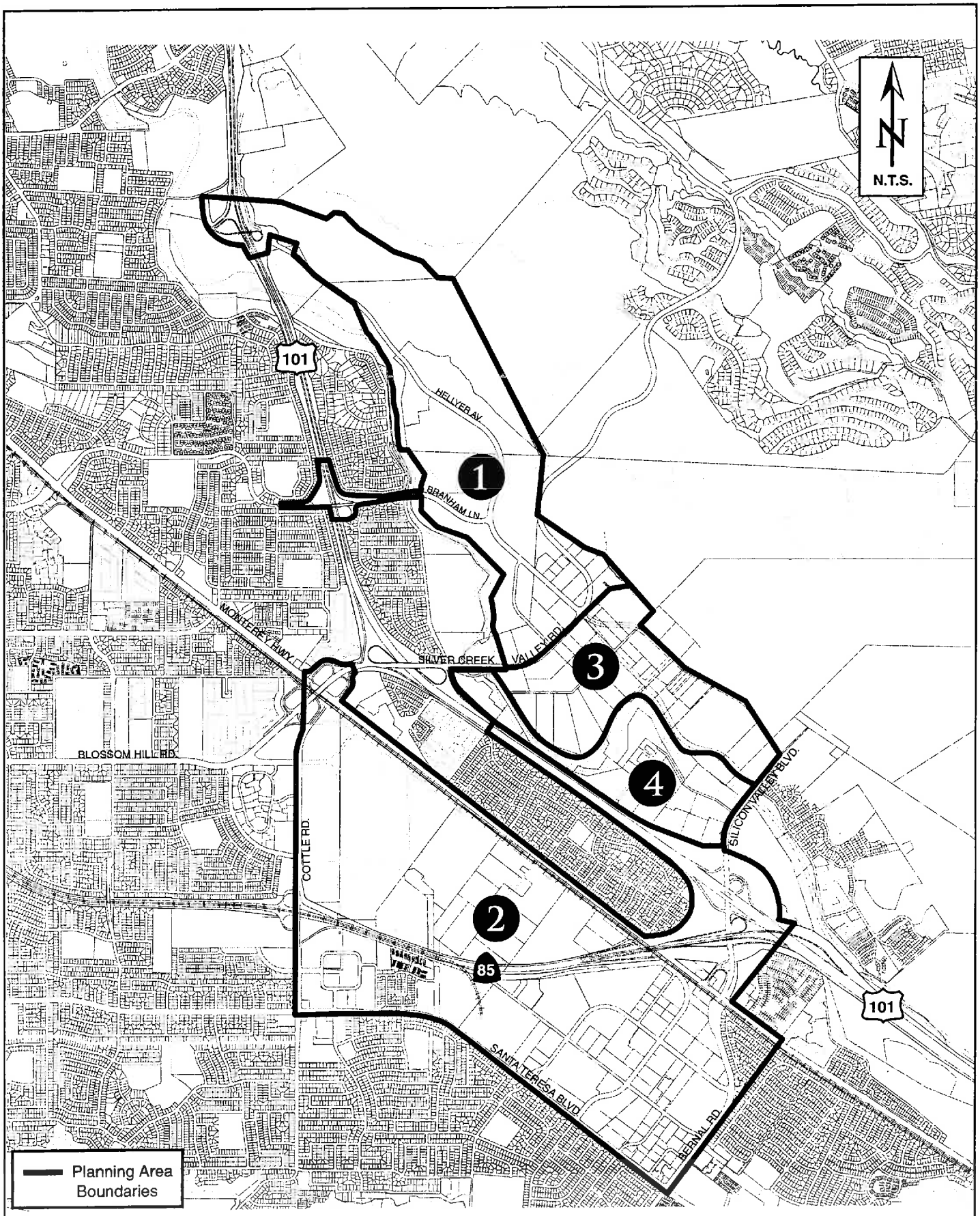
REGIONAL MAP

FIGURE 1



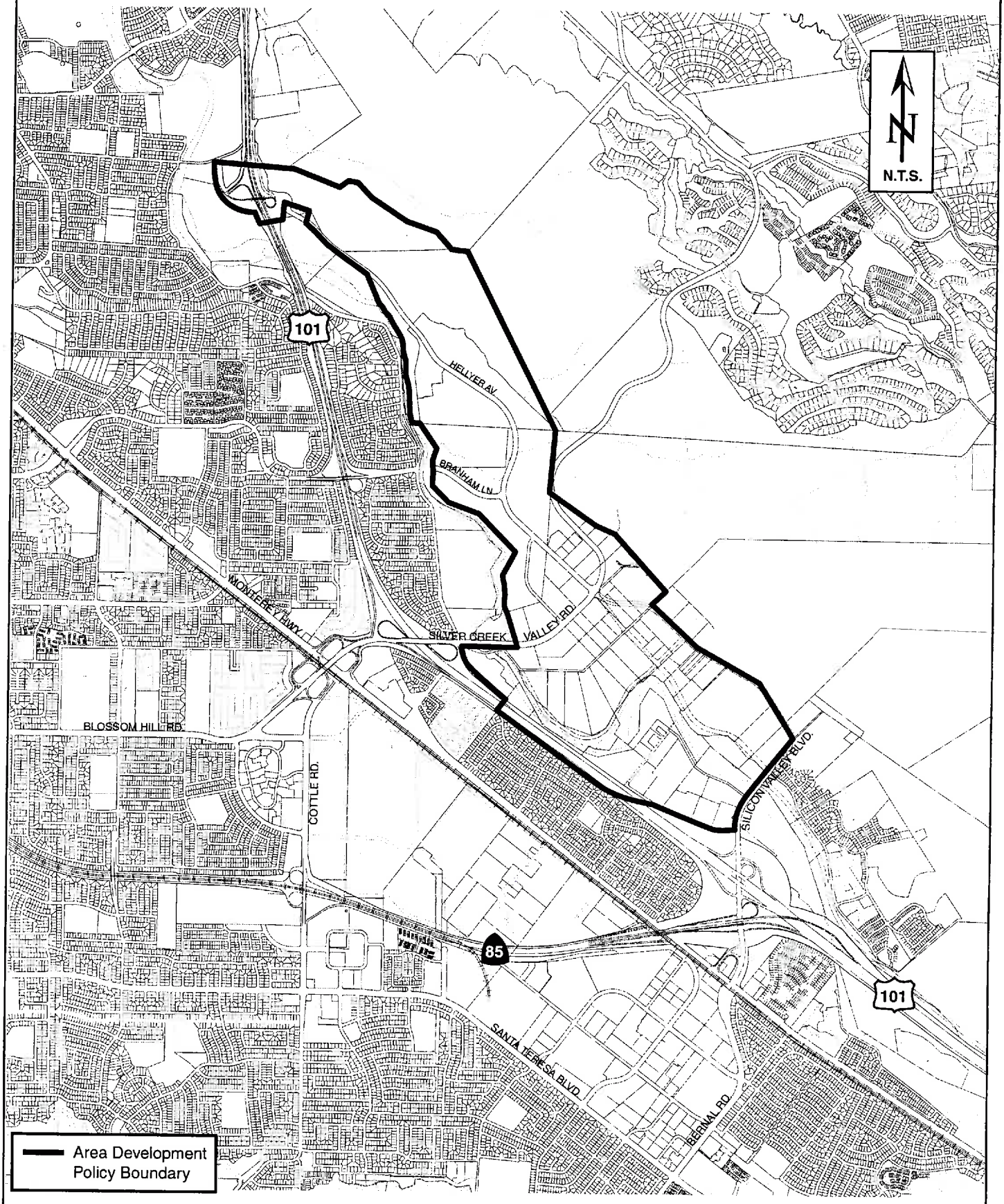
VICINITY MAP

FIGURE 2



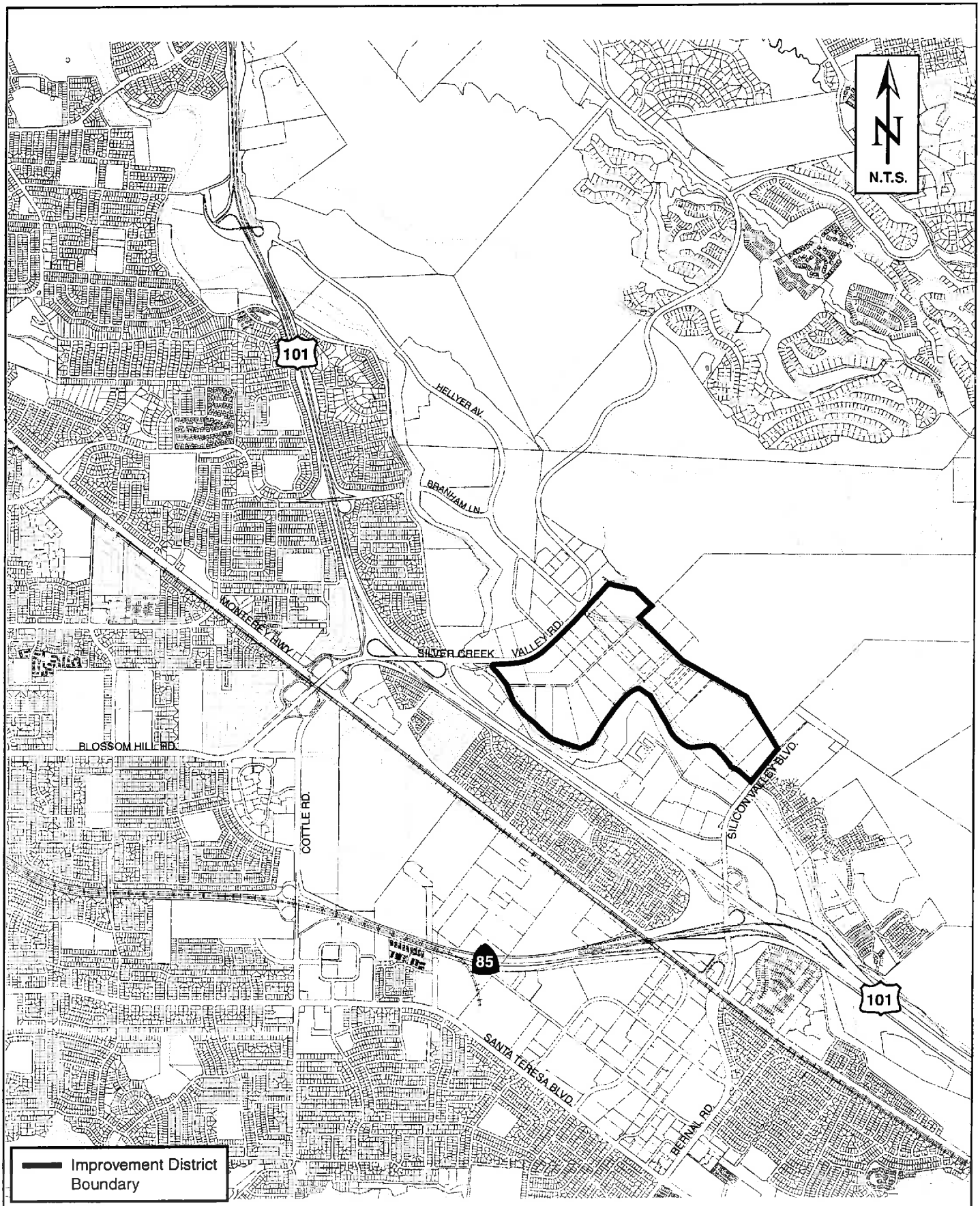
PLANNING AREAS

FIGURE 3



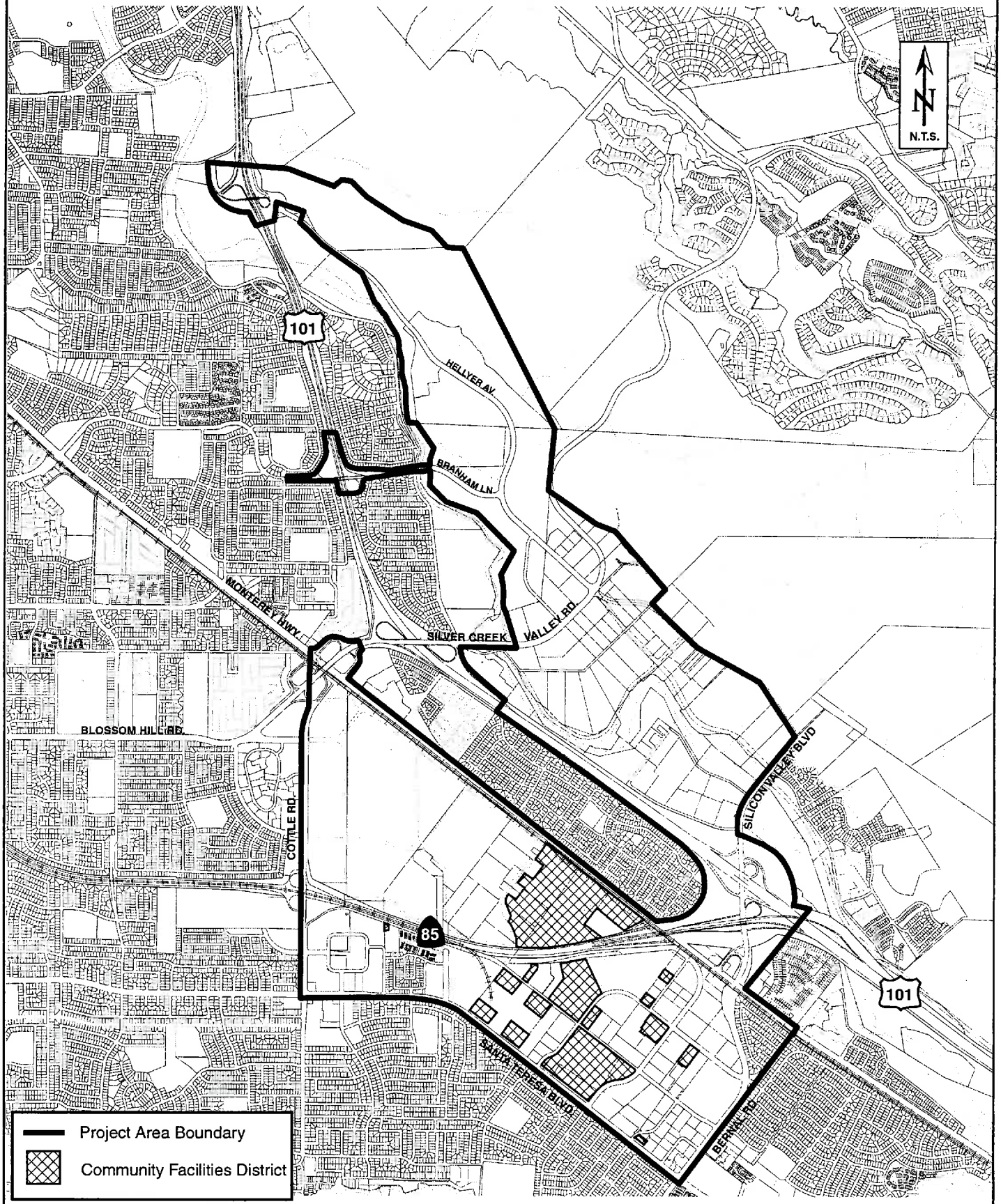
AREA DEVELOPMENT POLICY

FIGURE 4



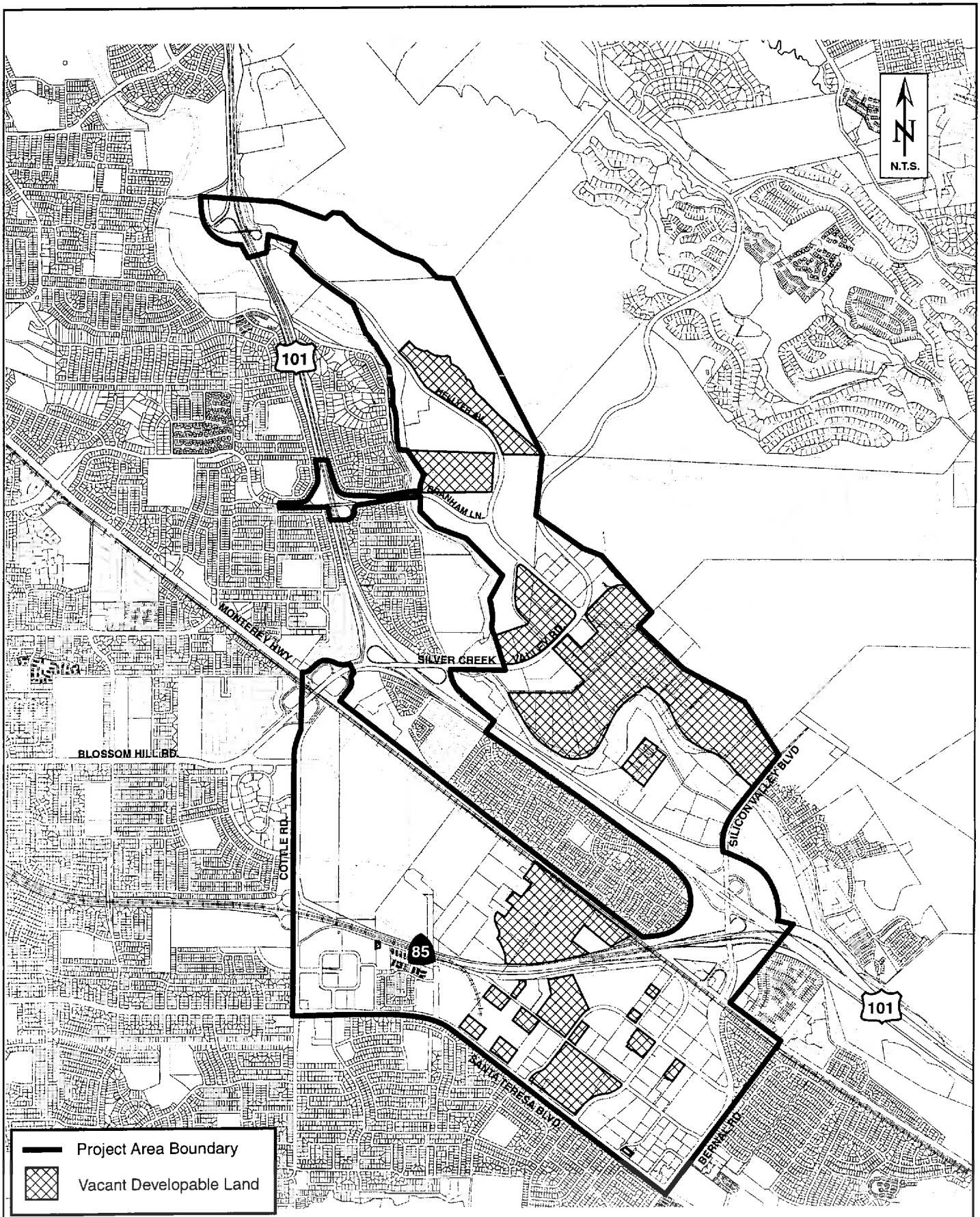
IMPROVEMENT DISTRICT BOUNDARY

FIGURE 5



COMMUNITY FACILITIES DISTRICT

FIGURE 6



VACANT DEVELOPABLE LAND

FIGURE 7

necessary for the project to proceed as proposed. The Redevelopment Agency will adopt an Implementation Plan for the Redevelopment Project that includes assurances that relevant mitigation actions are part of the proposed project.

1. Area Development Policy

The City's adopted General Plan requires that the minimum overall performance of City streets during peak travel periods should be level of service (LOS) D. New development that might cause deterioration below LOS D is required by General Plan policy to include appropriate mitigation to maintain LOS D at impacted intersections, in conformance with the policy. In order to ensure that mitigation is in place by the time the impacts would occur, adopted LOS implementing policies require that mitigation improvements must be completed within one year of project construction.

The General Plan also recognizes that maintaining this standard, in conformance with other policies and City goals, may not be possible in every instance. The General Plan therefore also allows for adoption of an "area development policy", to establish a localized standard and appropriate mitigation measures for a specific geographic area.

The City of San Jose and the Redevelopment Agency are proposing an Area Development Policy for Edenvale that will allow temporary or short-term congestion while major gateway infrastructure improvements are being designed and constructed. A copy of the policy is included in Appendix A of this EIR. Traffic studies show that construction of 4.8 million square feet of new industrial development in New Edenvale would cause impacts in excess of LOS D at the US 101 gateways into New Edenvale and at several signalized and unsignalized intersections. The Redevelopment Agency is committed to funding improvements to US 101/Hellyer Avenue, US 101/Blossom Hill, and Silicon Valley Boulevard Bridge Phase II. It is likely that all of the gateway improvements into New Edenvale will be built within the next three years.

The purpose of the Area Development Policy is to allow a certain amount of development to proceed ahead of the improvements. The key elements of the proposed Area Development Policy are as follows:

- relax the requirement that mitigation necessary to meet the City's Level of Service Policy be constructed within one year of development; and
- ensure the construction of major gateway infrastructure improvements through a cooperation agreement between the City and the Redevelopment Agency; and
- allocate the development potential created by the proposed infrastructure improvements and connect these allocations to policy-defined milestone activities; and
- define the maximum building Floor Area Ratio (FAR) allowable to achieve the development potential; and
- describe the major infrastructure and future steps needed to develop the remaining vacant properties and to intensify land uses beyond the proposed allocations.

In addition, the Policy provides for a small amount of flexibility through the reallocation of unused development capacity.

The improvements that would be necessary to support this proposed level of development, (7.88 million square feet) include gateway infrastructure improvements funded by the Redevelopment Agency, all local intersection improvements funded by private developments and the proposed Improvement and Community Facility Districts, and area wide improvements south of Silver Creek Valley Road financed through a proposed improvement district. Some of the improvements in Areas 1 and 4 will be conditions of approval of specific private development and will proceed with that development project. The City anticipates that improvements in Areas 1 and 4 could be funded through establishment of a private funding plan to allow developers to share the mitigation costs. Other major infrastructure improvements at gateway locations would be publicly financed. Building permits will, therefore, be issued for individual projects totaling the cumulative amount of development indicated only ***after*** certain specific actions are taken by public agencies, as shown in Table 1.

The process for implementing the policy will involve the Public Works Department tracking the amount of development approved in the project area. All new development in San Jose must receive a "Public Works Clearance" prior to issuance of a building permit. Clearances for development in New Edenvale would only be issued for the amount of square footage listed in Table 1 after the actions identified have occurred.

The scenario illustrated in Table 1 identifies a possibility that additional development beyond 4.8 million square feet may be allowed under the Area Development Policy at some point in the future, if "additional traffic capacity is created". This reflects a possibility that behavioral changes or transit improvements or other unforeseen factors may result in less traffic and/or traffic congestion than is assumed in this EIR. While the Area Development Policy does allow for such a possibility, this EIR does not address development in New Edenvale beyond the 4.8 million square feet explicitly described in this EIR.

Should there be delays in approvals by another agency, such as acceptance of the Project Study Report (PSR/PR) by Caltrans, the increment of development dependant on that action would not be allowed to proceed.

The timing assumed by the triggers in Table 1 could mean that a significant amount of development in Area 3, within the proposed Improvement District described below, could be delayed years after the property owners have begun paying assessments.

2. Gateway Improvements

As described in the traffic analysis in Section III.B. of this EIR, there are a number of significant improvements required at key "gateways" to the Edenvale Redevelopment Project area. These gateway improvements include improvements to the US 101 interchange at Blossom Hill, to the US 101 interchange at Hellyer Avenue, and the widening of the Silicon Valley Boulevard Bridge Phase II. These improvements are to be funded by the Redevelopment Agency and constructed by the City of San Jose, but will also require actions by other public agencies, as well. While this EIR addresses these gateway improvements as specifically as possible, additional CEQA analysis may be required as the design of the improvements is refined.

TABLE 1
DEVELOPMENT TRIGGERS

Permitted Private Development (million square feet)	**Required Action**
0.0 to 0.8	City Council Approval of (1) the Area Development Policy and (2) a Cooperation Agreement between the City and Redevelopment Agency
0.8 to 1.2	Award of the Silicon Valley Boulevard Bridge (Phase II).
1.2 to 1.6	Completion of the PSR/PR of the interchange improvements at Hellyer/101 and Blossom Hill/101
1.6 to 2.4	Substantial completion of the Hellyer Avenue Extension from Silver Creek Valley Road to Silicon Valley Boulevard
2.4 to 4.8	Substantial completion of the interchange improvements at Hellyer/101 and Blossom Hill/101
Above 4.8	Completion of a new area-wide traffic study that analyzes intensification and full build out of the Redevelopment Area and the construction of all related gateway infrastructure. Additional building permits may be issued to the extent that additional traffic capacity is created.

- ***US 101 and Blossom Hill/Silver Creek Valley Road Interchange***. This improvement includes widening the over-crossing from four to seven lanes as follows: three lanes westbound between the northbound diagonal on-ramp to US 101 and the off-ramp to Monterey Road; four lanes eastbound between the southbound diagonal off-ramp from US 101 and the northbound loop on-ramp to US 101. This will entail widening each of the two existing structures across US 101. At the intersection with the southbound off-ramp, Blossom Hill Road will be widened from two to three lanes in each of the eastbound and westbound directions. At the intersection with the northbound off-ramp, Silver Creek Valley Road will be widened from two to three lanes in each of the eastbound and westbound directions, a second northbound right-turn pocket will be provided, and a second eastbound left-turn pocket will be provided. The last of these improvements will entail widening northbound Coyote Road north of Silver Creek Valley Road.

- ***US 101 and Hellyer Avenue Interchange.*** This improvement includes widening the over-crossing from two to four lanes (one lane westbound and three lanes eastbound) and installing traffic signals at each of the two off-ramp intersections. This will entail widening the existing structure. At the southbound on/off ramps at Hellyer Avenue, the southbound off-ramp will be widened to provide two left-turn lanes, with a separate eastbound left-turn pocket. At the northbound off-ramp, Hellyer Avenue will be widened from one to two lanes in the eastbound direction and the westbound left-turn lane pocket will be extended.

- ***Silicon Valley Boulevard Bridge Phase II.*** This improvement includes widening the Silicon Valley Bridge from two lanes to four lanes between Eden Park Place and Tennant Avenue. This will entail constructing a new two-lane bridge over Coyote Creek along the north side of the existing bridge. The new bridge would serve two westbound lanes, and the existing bridge would be restriped to serve two eastbound lanes.

3. Formation of an Improvement District

The formation of an Improvement District is proposed for the southerly portion of the New Edenvale Redevelopment Area located south of Silver Creek Valley Road, north of Silicon Valley Boulevard, and east of Coyote (refer to Figure 5, *Improvement District Boundary*). This area will accommodate up to 2.85 million square feet of new industrial uses on approximately 163 acres. Limited access is currently provided. In order to provide adequate access to the project, infrastructure improvements are needed, including the following:

A. Street improvements, including clearing and grubbing, grading, paving, curb, gutter, sidewalk, driveways, wheelchair ramps, storm sewer mains and laterals, landscaping, street lighting, joint trench distribution facilities, traffic signals, signing, striping, and pavement markings. Specific street improvements include:

   a. ***Silver Creek Valley Road***- Construction of two additional lanes (approximately 2,720 liner feet) from Coyote Creek to Hellyer Avenue, and reconstruction of a raised landscaped median island 14 feet wide.
   b. ***Hellyer Avenue Extension***- Construction of Hellyer Avenue south from Silver Creek Valley Road to Silicon Valley Boulevard (approximately 5,300 linear feet) including a landscaped median island within a right-of-way that varies from 96 feet to 106 feet wide. Adjacent to Coyote Creek there would be a sidewalk on the east side of the street only.
   c. ***Piercy Road***- Reconstruction and improvement of two existing traffic lanes (approximately 8,070 lineal feet) within a 60 foot wide right-of-way.
   d. ***Silicon Valley Boulevard***- Construction of full street improvements from Piercy Road to Basking Ridge/Hellyer Avenue (approximately 730 lineal feet) within a 52 foot wide right-of-way. No sidewalk would be provided on the south side of the street.
   e. ***Silicon Valley Boulevard***- Construction of street improvements from the Hellyer Avenue extension to Coyote Creek within a 106 foot wide right-of-way including a landscaped median island.
   f. ***Basking Ridge***- Widened 16 feet to provide for a right turn lane (approximately 280 lineal feet).

B. Intersection signalization:
   - Silver Creek Valley Road/Fontanoso Avenue – install new signal
   - Hellyer Avenue Extension/Silicon Valley Blvd. – install new signal
   - Hellyer Avenue Extension and Piercy Road – install new signal
   - Silicon Valley Boulevard and US 101

C. Local Intersection Improvements
- Monterey Road & Blossom Hill Rd.(S)
- Cottle Road and Route 85 (N)
- Silicon Valley Blvd. and US 101
- Route 85 and Bernal Road
- Cottle Road and Poughkeepsie Road
- Hellyer Avenue and Silicon Valley Blvd.
- Silver Creek Valley Road and Fontanoso Avenue
- Hellyer and Piercy

The proposed Improvement District will finance the cost of constructing the major roadway improvements and related infrastructure within the area south of Silver Creek Valley Road. Annual assessments will be levied on each property in the area based on an acreage and frontage benefits formula. Financing for other activities to implement the Edenvale Redevelopment Plan will continue to be derived from several sources. Individual developers would be responsible for the normal costs of on-site improvements.

The Improvement District will be formed under the State's 1915 Special Assessment District Act, in conformance with City codes. The purpose of an improvement district is to allow the City to issue bonds to finance capital improvements. The bonds are secured by assessments levied against the properties within the district for their *pro rata* share of the cost of the improvements.

4. Community Facilities District

The formation of a Community Facilities District (CFD) is proposed for the Old Edenvale Redevelopment Area located south of Cottle Road, east of Santa Teresa Boulevard, west of Monterey Highway and north of Bernal Road (refer to Figure 6). This area will accommodate up to 3.08 million square feet of new industrial development on approximately 177 vacant acres. The vacant lands that will be development sites assumed in this analysis are shown in Figure 7. The CFD may include some or all of these properties.

Improvements that are necessary to serve this amount of development include:

A. ***Monterey Road and Bernal Road (N) Intersection.*** The existing southbound left-turn pocket will be extended, a second southbound left-turn lane pocket will be added, a second eastbound receiving lane will be provided on the westbound ramp to Bernal Road, and the westbound left-turn pocket will be extended back to Bernal Road.

B. ***Blossom Hill Road and Poughkeepsie Road Intersection.*** A westbound left-turn lane movement (two left-turn pockets) will be added, the direct movement from Blossom Hill Road to Poughkeepsie Road will be eliminated, an eastbound right turn lane from Blossom Hill Road to Poughkeepsie Road will be added, and three eastbound receiving lanes (two lanes to receive the new westbound double left turns and one lane to receive the new eastbound right turn) will be added on Poughkeepsie Road immediately south of the intersection.

C. ***US 101 and Silicon Valley Boulevard Intersection.*** A northbound shared left-through-right turn lane will be added.

D. ***SR 85 and Great Oaks Intersection.*** A traffic signal will be installed and the existing northbound left-turn pocket will be extended.

E. ***SR 85 and Great Oaks Intersection.*** A traffic signal will be installed, new lane configured and an existing median break closed.

F. ***San Ignacio Avenue and Via Del Oro Intersection.*** A traffic signal will be installed.

G. ***San Ignacio Avenue and Great Oaks Boulevard Intersection.*** Left turn pockets will be added and extended.

H. ***San Ignacio Avenue and Bernal Road Intersection.*** The two existing southbound left turn pockets will be extended.

I. ***Via Del Oro and Bernal Road Intersection.*** The existing southbound left turn lane will be extended and a second left turn lane will be added.

J. ***Via Del Oro and Great Oaks Boulevard Intersection.*** A traffic signal will be installed and Via Del Oro will be restriped.

K. ***Monterey Road and Monterey Circle Intersection.*** A traffic signal will be installed.

L. ***Bernal Road and Realm Drive Intersection.*** A traffic signal will be installed.

The Community Facilities District would be formed as a Mello–Roos district. The State Mello-Roos Community Facilities Act of 1982 allows a city to establish a district for the sole purpose of financing facilities, improvements, and activities within defined boundaries. Bonds would be issued and sold to investors, with the proceeds paying for the proposed public improvements, in this case, the above listed location intersection transportation improvements.

Riparian Open Space/Drainage Basin

It is proposed that an area of approximately five acres immediately adjacent to Coyote Creek will be acquired, designed and landscaped to serve as riparian open space, and for recreational and storm drainage purposes. The area would be graded to provide a shallow basin, approximately two acres in area and generally less than three feet deep. The plantings will provide for the basin and surrounding area to conform to the natural environs of the Coyote Creek as well as to filter pollutants from runoff. The basin will be constructed with a single inlet/outlet structure.

Redevelopment Project Implementation Plan

In order to ensure the mitigation and/or avoidance of a number of significant impacts to biological resources in the project area, and to accomplish other objectives, the Redevelopment Agency is proposing to adopt an implementation plan that expresses the Agency's commitment to ensuring that both public agencies and private developers carry out certain actions intended to mitigate or avoid impacts to the environment. (See discussion in Section II.F(3), Mitigation Measures for Biological Resources Impacts.)

D. PROJECT OBJECTIVES

The overall objective of the Edenvale Redevelopment Plan is to implement the San Jose General Plan and policies of the City in the development of the Edenvale Area. Specific objectives outlined in the adopted Edenvale Redevelopment Plan are as follows:

- Strengthen and expand the community's tax base through an effective program for economic development and improved employment opportunities;

- Provide for the installation of capital improvements, public and private, necessary to support such a program;
- Direct such capital improvements so that they act as catalysts to attract private investment in underdeveloped areas of the community;
- Remove impediments to land development, and achieve changes in land use;
- Encourage the development of labor-intensive industries for the purpose of providing expanded employment opportunities; and
- Provide for the development of industrial activities with appropriate standards of design and landscaping with proper safeguards for protection of environmental resources.

E. USES OF THE EIR

The original 1976 Edenvale Redevelopment Project Area FEIR, the 1979 Expansion of the Edenvale Redevelopment Project Area FEIR, the 1996 Supplemental EIR, and this EIR are program level documents, meaning that the level of specificity is general in nature. Program EIRs allow the Lead Agency to consider broad policy alternatives and program-wide mitigation measures at an early stage, when the Agency has greater flexibility to deal with basic problems or cumulative impacts [CEQA Guidelines §15168 (b) (4)]. As stated in the CEQA Guidelines [§15180 (a) and (b)], all public and private activities or undertakings pursuant to or in furtherance of a redevelopment plan constitute a single project, which shall be deemed approved at the time of adoption of the redevelopment plan by the legislative body. An EIR on a redevelopment plan is treated as a program EIR with no subsequent EIRs required for individual components of the redevelopment plan unless a subsequent or supplemental EIR is required for the reasons identified in the Guidelines.

The City of San Jose is the Lead Agency under CEQA and is required to initiate environmental review for discretionary approvals for actions occurring in the Edenvale Redevelopment Area. This EIR provides environmental review and information to the public and decision makers regarding the continued implementation of the Edenvale Redevelopment Plan.

Specific actions which are assumed to rely upon this EIR include but are not limited to the following:

City of San Jose	Site Development Permits
	Conditional Use Permits
	Tentative Maps
	Contracts for public infrastructure construction
	Tree Removal Permits
	Formation of an Improvement District
	Formation of a Community Facilities District

II. CONSISTENCY WITH ADOPTED PLANS AND POLICIES

A. REGIONAL PLANS AND POLICIES

1982 Bay Area Air Quality Plan and 1997 Clean Air Plan ABAG/BAAQMD/MTC

The 1982 Bay Area Air Quality Plan and 1997 Clean Air Plan ('97 CAP) establish regional policies and guidelines to meet the requirements of the Clean Air Act, as amended through 1990. The Bay Area is a non-attainment area for ozone. The updated Clean Air Plan adopted on December 17, 1997, outlines measures and improvements to help the Bay Area comply with the State's ozone standard. The Plan proposes the adoption of transportation, mobile source and stationary source controls on a variety of pollutant sources to offset population growth and provide improvement in air quality.

The proposed project will result in an increase in traffic on the local roadway network that will, in turn, locally increase the emissions of pollutants from motor vehicles. Construction activities associated with future development would also generate minor temporary air pollution impacts.

While air quality impacts would increase with implementation of this project, urban development within the project area has been envisioned since the mid-1980's. This project does not propose to add additional jobs to the City of San Jose General Plan land use buildout scenario. Since growth projections in the Clean Air Plan are based on General Plan buildout and the project would not increase the number of jobs in the General Plan buildout assumption, this project is consistent with the Clean Air Plan.

Consistency: The proposed project is generally consistent with the Clean Air Plans.

Santa Clara Valley Urban Runoff Pollution Prevention Program

The Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) was developed in accordance with the requirements of the 1986 San Francisco Bay Basin Water Quality Control Plan, for the purpose of reducing water pollution associated with urban stormwater runoff. This program was also designed to fulfill the requirements of the Section 304(1) of the Federal Clean Water Act, which mandated that the EPA develop National Pollutant Discharge Elimination System (NPDES) Permit application requirements for various stormwater discharges, including those from municipal storm drain systems and construction sites.

The State Water Resources Control Board implemented the NPDES general construction permit for the Santa Clara Valley. For properties of five acres or greater, a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) must be prepared prior to commencement of construction.

Development within the project area would be required to conform to the requirements of the NPDES permitting program. Development of the project area would increase runoff from the site. In addition, runoff-borne pollution and associated impacts will increase both during and after construction of future development on the site. Section III. F. Hydrology of this DEIR identifies

mitigation measures proposed to reduce water quality impacts in runoff, both for construction and in the long-term, consistent with the standards of the SCVURPPP and the City of San Jose standards.

Consistency: The proposed project would be consistent with the provisions of the Santa Clara Valley Urban Runoff Pollution Prevention Program.

Santa Clara County
Congestion Management Program

The Santa Clara Valley Transportation Authority (VTA) oversees the Santa Clara County Congestion Management Program (CMP), which was last updated in July, 1995. The relevant state legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county's share of the increased gas tax revenues. The CMP legislation requires that each CMP contain five mandatory elements: 1) a system definition and traffic level of service standard element; 2) a transit service and standards element; 3) a trip reduction and transportation demand management element; 4) a land use impact analysis program element; and 5) a capital improvement element.

The Santa Clara County CMP includes subregional roadways within north San Jose that are identified as CMP road facilities and are identified in the Transportation and Circulation section of this EIR. The existing primary CMP facilities in the immediate vicinity of the project site that would be affected by future traffic generated by the project would include U.S. 101, Monterey Road, and Santa Teresa Boulevard.

Consistency: The proposed project will include measures to offset its own significant impacts on all local and regional roadways other than US 101, resulting in conditions that are better than background conditions. The project will, however, have a significant impact on US 101. The CMA has stated that local agencies do not need to prepare localized deficiency plans pending completion of the countywide deficiency plan. The project will not, therefore, be inconsistent with the provisions of the Santa Clara Valley Congestion Management Program.

B. LOCAL PLANS AND POLICIES

San Jose 2020 General Plan

The General Plan is an adopted statement of goals and policies for the future character and quality of development of the community. Following is a summary of strategies and policies that would apply to the proposed project.

Land Use /Transportation Diagram

The San Jose 2020 General Plan Land Use/Transportation Diagram designates all of the Edenvale Redevelopment Project Area as *Industrial Park*. Uses allowed by the Industrial Park land use designation include manufacturing, office, research and development, and warehousing.

Economic Development Strategy

The City of San Jose's Economic Development Strategy strives to make San Jose a more "balanced community" by: 1) encouraging more commercial and industrial growth to balance the existing

residential development; 2) equitably distributing jobs and housing; and 3) controlling the timing of development.

Development of industrial uses within the Edenvale Redevelopment Project Area would result in an increase in the number of jobs available within the City of San Jose and, thus, would support the citywide effort to improve the jobs/housing imbalance.[3]

Balanced Community Policy #1

The City should foster development patterns that will achieve a whole and complete community in San Jose, and improve the balance between jobs and economic development with housing to the greatest extent feasible.

The Redevelopment Plan is compatible with the existing and planned land uses within San Jose's Urban Service Area because it would continue to encourage and contribute to the supply of jobs. It would also locate jobs in proximity to existing housing opportunities. Development of jobs in south San Jose, including Edenvale and Coyote Valley, in closer proximity to existing and planned housing, is identified in the General Plan as an appropriate measure for better balancing the City both economically and environmentally.

Industrial Land Use Goal

Provide sufficient industrial land to provide optimum commute access and promote a balanced distribution of jobs and housing to reduce traffic congestion and air pollution.

Development of the industrial uses planned for the Edenvale Redevelopment Project area is specifically identified in the General Plan as an essential component of the planned land uses in the City.

Industrial Land Use Policy #1

Industrial development is to include measures to minimize negative impacts on nearby land uses.

The proposed project includes improvements to maintain the traffic level of service policy in the long term.

Industrial Land Use Policy #2

Development of new industrial areas and redevelopment of existing industrial areas is encouraged at locations which support efficient commute patterns.

The development of industrial uses in Edenvale is in close proximity to substantial existing and planned residential neighborhoods in Edenvale, South San Jose, and Evergreen.

[3] San Jose has a surplus of housing units in relation to the number of jobs in the City, thus creating a "jobs/housing" imbalance.

Economic Development Goals

These goals encourage the creation of more job opportunities for existing residents, and the nurturing of expansion of industrial and commercial development in San Jose.

Economic Development Policy #1

The City should seek to improve the imbalance between jobs and workers residing in San Jose.

The proposed project will provide for 7.88 million square feet of new industrial development in San Jose.

Economic Development Policy #4

The City should encourage economic development through a number of programs, including the provision of capital improvements.

The participation by the Redevelopment Agency in the funding of the gateway improvements will serve to facilitate economic development in Edenvale.

Level of Service Goals

The City should provide a full range of City services to the community at a whole in a manner that is consistent with a safe and convenient place to live and work. This includes providing a transportation system that functions at an overall LOS D in the long term, sanitary sewers at LOS D, a sewage treatment plant that remains within its capacity, and minimizing damage from storm water.

Level of Service Policy #2

Capital and facility needs generated by new development should be met by infrastructure financed by the new development. This can include a system for advancing the funds for new construction that is repaid by the benefiting property owners.

The project includes use of an improvement district and community facilities district to finance new infrastructure.

Traffic Level of Service Policy #5

All new development is required to provide appropriate mitigations measures if they have the potential to reduce traffic level of service to E or worse. The City may create an "area development policy" to establish special traffic standards for a specific geographic area.

An area development policy is proposed for Edenvale in conformance with this policy, as described in the Project Description section of this EIR. Development in conformance with this proposed policy will result in near term congestion in excess of LOS D, as discussed in the Transportation and Circulation section of this EIR.

Sanitary Sewer System
Level of Service Policy # 6

Development which could reduce downstream capacity in sanitary sewer lines should be required to provide mitigations measures to meet a level of service D or better. The Redevelopment Project constructed a sewer main (the Edenvale Interceptor) that will provide sufficient capacity to serve buildout of the proposed development.

Storm Drainage and Flood Control
Level Of Service Policy # 12

New project should be designed to minimize damage from storm waters and/or flooding, both to themselves and to other properties.

The proposed development will not significantly increase flooding on other properties and will be built in conformance with the City's Flood Hazard Ordinance.

Community Development Urban Design Policy #16

This General Plan policy directs that urban development should be separated from parks and park chains by a frontage road to maximize access to park lands, provide a reasonable separation between urban uses and park lands without "back-up" design, maximize exposure of park lands for scenic purposes, and provide for better security of both the parks and the urban developments.

The proposed development of Edenvale does not include a frontage road north of Silver Creek Valley Road, where previously approved development has made such a road virtually impossible. Although Hellyer Avenue Extension is a frontage road between Piercy/Hellyer and Silicon Valley Boulevard, there is no frontage road for over half of the creek frontage between Silver Creek Valley Road and Silicon Valley Boulevard.

Consistency: The proposed project is consistent, overall, with the adopted goals and policies in the City of San Jose General Plan.

Riparian Corridor Policy Study

Adopted by the City Council in May of 1994, and revised in March 1999, the Riparian Corridor Policy Study is intended to guide the City's treatment of riparian corridors and protect biotic resource values when development occurs along creek systems. Riparian habitats are recognized as important natural resources because they support a great variety and abundance of aquatic and terrestrial species due to the availability of water. Vegetation within stream corridors serves many beneficial purposes, improves water quality by buffering urban storm water runoff, and reduces erosion and sedimentation. Riparian corridors also provide open space and recreation opportunities. Provisions of the adopted Riparian Corridor Policy Study have been incorporated into the City's General Plan Natural Resource Policies. This policy pertains to this project because Coyote Creek, one of the most important riparian corridors in Santa Clara County flows through the New Edenvale Area. New development within, or adjacent to the creek corridor could impact this natural resource.

The Riparian Corridor Policy Study contains specific policies and development guidelines pertaining to development adjacent to creek systems. The purpose of the guidelines is to help protect natural

resources, provide the City of San Jose with a tool to evaluate proposed development within and adjacent to riparian corridors, coordinate recreation and storm water drainage, and provide guidance to property owners, and public agencies when preparing development plans.

Guideline 1C: Setback Areas

Development adjacent to riparian habitats generally should be set back 100 feet from the outside edge of the riparian habitat (or top of bank, whichever is greater).

Setback Exceptions

According to the Riparian Corridor Policy Study exceptions, proposed development warrants consideration of a setback less than 100 feet if it meets all of the following criteria:

- There is no reasonable alternative which avoids or reduces the encroachment into the setback area;
- The reduced setback will not significantly reduce or adversely impact the riparian corridor;
- The use is not fundamentally incompatible with riparian habitats;
- There is no evidence of stream bank erosion or previous attempts to stabilize the stream banks which could be negatively affected by the proposed development;
- The granting of the exception will not be detrimental or injurious to adjacent and/or downstream properties; and
- A qualified biologist has confirmed in writing the above conditions as well as a program to achieve the habitat protection and enhancement objectives outlined in the Riparian Corridor Policy Study.

The proposed project conforms to the Riparian Corridor Setback Policy, except at three locations. In one instance, it is necessary to connect a planned roadway (the extension of Hellyer Avenue) with an existing roadway (Basking Ridge Avenue). The connection can only be accomplished if the new roadway is placed within approximately 15 feet of the riparian corridor, which is within the 100 foot setback area. The other two locations are also encroachments by the proposed new extension of Hellyer Avenue south of Silver Creek Valley Road.

Conclusion: Other than in these three locations, the proposed project is generally consistent with the Policy. Since none of these three locations meets the requirements for an exemption, the project is inconsistent with the Policy at the three specified locations.

Council Policy 8-3

The City Council adopted Council Policy 8-3 in 1972, regarding frontage roads and minor streets adjacent to public parks and open spaces. The Policy's intent is to establish dedication and improvement standards to ensure that the public is afforded maximum access to parks and open spaces, in conformance with General Plan Community Development Urban Design policy #16. The policy requires a minimum 44 foot frontage road adjacent to City-wide park lands. The Policy specifically states that proposed development along the Coyote Creek shall be required to dedicate and improve a 44 foot right-of-way.

North of Silver Creek Valley Road, vacant land is interspersed between developed parcels, making a frontage road impracticable. Immediately north of Silicon Valley Boulevard, Hellyer Avenue

extension will be a park frontage road for a distance of approximately 3,200 feet. From that point north to Silver Creek Valley Road, a distance of approximately 3,600 feet measured along the creek right-of-way, there will be no frontage road.

Conclusion: The proposed project does not include a frontage road south of Silver Creek Valley Road between Silver Creek Valley Road and the Piercy/Hellyer intersection and is, therefore not in conformance with Council Policy 8-3.

III. ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION

A. LAND USE

1. Existing Setting

Agricultural Land

The project vicinity has been in agricultural uses since the open grazing period of the early Spanish in the 1830's, followed by grain growing in the late 1800's. Fruit trees were planted around the turn of the century, followed by row crops for the last 50 years.

According to the State Department of Conservation, most of the project area is considered "Prime Farmland". The definition of prime farmland is land which has the best combination of physical and chemical characteristics for the production of crops, including: soil quality, growing season, and moisture supply needed to produce high yields of crops.

Existing Land Uses

The project area contains a mix of industrial and residential/farmstead uses. As shown on the aerial photograph (Figure 8), the project site is generally flat and is located in a rural area made up of large parcels.

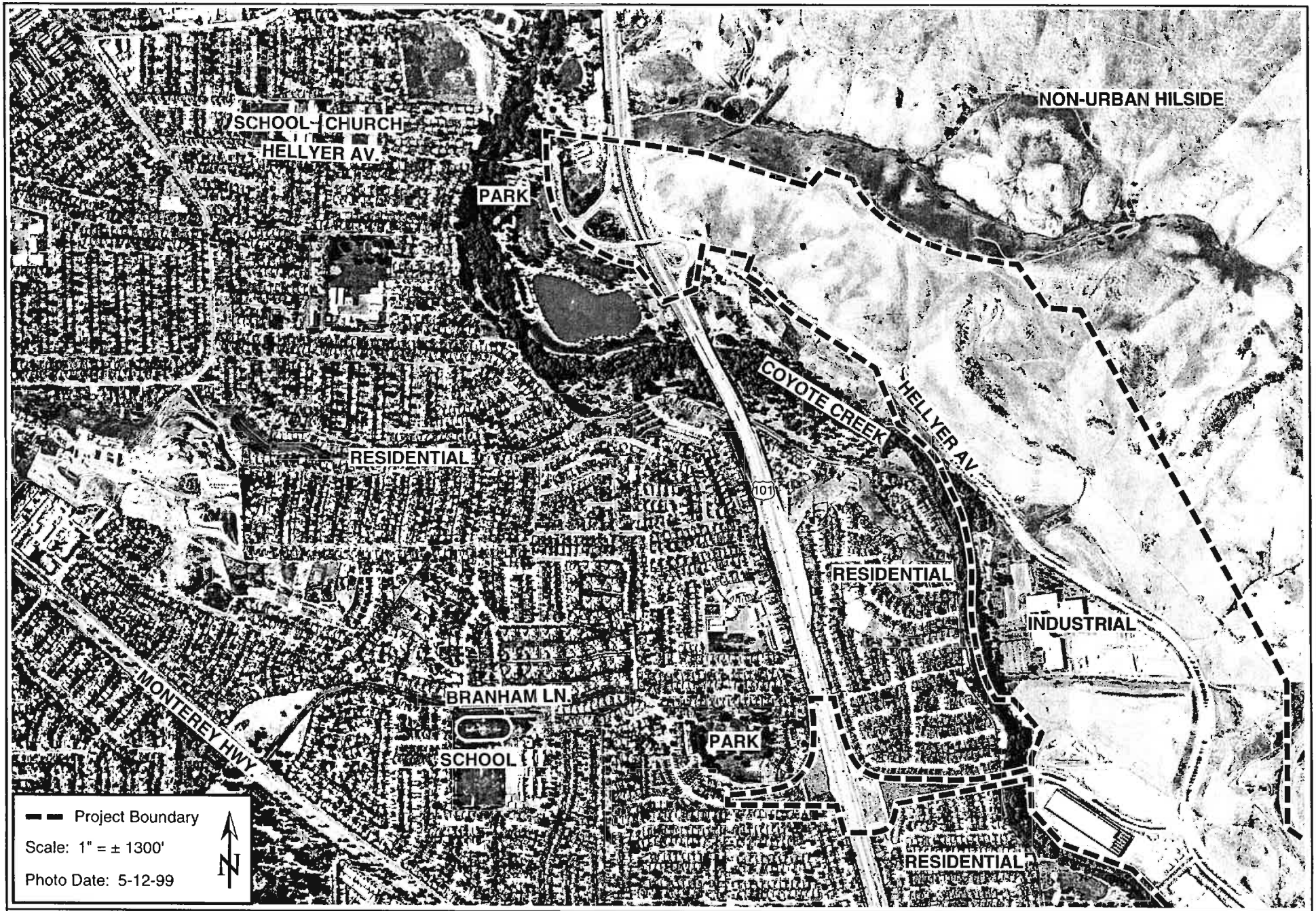
The surrounding area contains a mix of uses, including open space, agriculture, commercial, industrial and rural residential. Railroad tracks that accommodate the Union Pacific Railroad line and CalTrain are located adjacent to Monterey Road, between New Edenvale and Old Edenvale. Coyote Creek and Coyote Creek Regional Park are located east of Monterey Road.

As shown in the aerial photograph of the project area, the Edenvale Redevelopment area is generally surrounded by a combination of residential neighborhoods and non-urban hillsides. Many of the major streets that will provide access for the development pass through residential areas. Some of the streets, such as Blossom Hill Road and Santa Teresa Boulevard, are designated as major Arterials (115-130 feet wide) on the General Plan and are characterized by residential development that does not "front on" (take primary access from) the major streets. Single family and duplex developments either back up to or are side on to these major roadways. Other existing roadways giving access or planned to access the Edenvale Redevelopment area include Hellyer Avenue, Branham Lane, and Piercy Road. The aerial in Figure 9 shows the land uses along Hellyer Avenue and Branham Lane west of Coyote Creek.

Hellyer Avenue is designated on the General Plan as a collector (60-90 feet wide). East of U.S. 101, it is characterized by vacant land, industrial buildings, farms and occasional rural residences (see Figure 8). West of U.S. 101, Hellyer Avenue includes access to Hellyer Coyote Creek County Park, a single family neighborhood, churches, and an elementary school (Figure 9). Hellyer Avenue between U.S. 101 and Senter Road is a substandard two-lane residential street that carries an unusually high volume of traffic for a collector street.[4] Immediately west of the freeway, the roadway divides two segments of Coyote Hellyer

[4] "Substandard" in this context refers to the street width.

AERIAL PHOTOGRAPH WITH SURROUNDING LAND USES FIGURE 8



AERIAL PHOTOGRAPH WITH SURROUNDING LAND USES

FIGURE 9

County Park; a driveway gives access to parking and other park facilities. The vehicular bridge across the creek does not carry pedestrians or bicycle traffic; a pedestrian bridge exists parallel to the vehicular bridge. In addition to the pedestrian crossing at the park entrance, there is a pedestrian pathway underneath the bridge that connects the two park segments. For approximately three-quarters of a mile, Hellyer Avenue is lined with single family homes whose primary access is from Hellyer. Many of the residences have minimal (20± feet) front setbacks. Hellyer Elementary School is also located on this section of the street, and is attended by children throughout the neighborhood; there is a pedestrian crosswalk at the school.

Branham Lane is also a residential street that was constructed with a standard width for an arterial. The roadway includes right and left-turn lanes at most intersections. While it is striped for two through lanes for most of the section between Monterey Highway and Coyote Creek, the pavement width could accommodate four through lanes. Residential uses developed along Branham Lane include a variety of housing types and densities (see Figure 9). Most of the dwelling units were built as planned developments; some units face Branham Lane. Most of the units are back-up, side-on, or are set well back from the street; most of the dwelling units that face Branham have vehicular access from side streets, private streets or courtyards, or internal driveways. Davis Intermediate School is located at the southwest corner of Branham and Edenview. There are fenced playfields adjacent to Branham Lane; the school's access is from Edenview.

Piercy Road is a substandard two-lane rural road giving primary access to farms and rural housing within the Edenvale Redevelopment area. At the present time, Piercy Road extends northeasterly from the intersection of Basking Ridge Avenue and Silicon Valley Boulevard and terminates at an intersection with Silver Creek Valley Road. There are a number of houses and agricultural land uses such as barns, greenhouses, pastures, and corrals located along the roadway.

Visual Character

The lands within the Edenvale Redevelopment Project boundary are visually mixed. In Old Edenvale (Area 2), there is extensive industrial park development characterized by one- and two-story buildings with large parking lots and perimeter landscaping. The average industrial development in Old Edenvale is between approximately five and 25 years old, and is typical of its construction period. There are suburban shopping centers along the north side of Bernal Road, and sound walls adjacent to residential uses on the south side of Bernal Road. Area 4 of New Edenvale contains a three-story motel and newer one- and two-story industrial park developments, similar to those in Old Edenvale. Area 1 includes a few scattered industrial park buildings, vacant land, and several heavily graded construction sites. The east side of Hellyer Avenue is still primarily vacant, with grassland, grazing cattle, and rock outcroppings.

Area 3 is primarily agricultural and rural residential land uses, characterized by scattered farm houses and other agricultural structures (barns, corrals, sheds, etc.). There are two recently constructed industrial developments in the area.

Coyote Creek, which runs along the westerly boundary of Area 3 and the easterly boundary of Area 4, is visually marked by dense vegetation, including trees and shrubs.

2. Land Use Impacts

Thresholds of Significance

For the purposes of this project, a land use impact is considered significant if the project will:

- be incompatible with surrounding land uses or with the general character of the surrounding area, including density and building height; or
- create a substantial visual change of character in the area; or
- divide or disrupt the physical arrangement of an established community; or
- result in a substantial loss of prime agricultural land and/or open space; or
- result in short term impacts as a result of construction.

Land Use Conflicts

Land use conflicts can arise from two basic causes: 1) a new development or land use may cause impacts to persons or the physical environment in the vicinity of the project site or elsewhere; or 2) conditions on or near the project site may have impacts on the persons or development introduced onto the site by the new project. Both of these circumstances are aspects of land use compatibility. Potential incompatibility may arise from placing a particular development or land use at an inappropriate location, or from some aspect of the project's design or scope. Depending on the nature of the impact and its severity, land use compatibility conflicts can range from minor irritations and nuisance to potentially significant effects on human health and safety.[5] The discussion below distinguishes between potential impacts from the proposed project upon persons and the physical environment, and potential impacts from the project's surroundings upon the project itself.

Impacts from the Project

The proposed project will change the character of the project site. It will replace cultivated and fallow land, farmhouses, and agricultural uses with a large industrial park, public streets, and a stormwater detention/ riparian habitat area.

Activities within and near the Edenvale Redevelopment area will increase, as will traffic. Because new development will not occur on all properties simultaneously, there will be a transitional period when existing farmhouses will co-exist within the Redevelopment Project area with new industrial projects. These residents will experience increases in traffic and noise; the potential for localized safety impacts associated with truck traffic, particularly for children and other pedestrians will increase; visual impacts, including spillover of nighttime lighting will occur; and the use of hazardous materials by new industrial development will increase potential off-site risks from accidental releases.

Traffic from the project will increase along residential streets that access Edenvale. Increased traffic will cause increases in noise, dust, and air pollution, as well as the potential

[5]As used in this report, "nuisance" is defined to mean "annoying, unpleasant or obnoxious" and is not to be confused with the regulatory use of the word.

for safety and access impacts for residents. Because part of the proposed project is the adoption of an Area Development Policy that will allow occupancy of new development to occur prior to completion of the street improvements needed to meet the City's transportation Level of Service Policy, there will be significant localized congestion during the interim period prior to completion of the gateway improvements. The likelihood of significant project impacts occurring along each of the major access roadways is discussed separately below.

Blossom Hill Road

Residential development along the stretch of Blossom Hill Road that will be impacted by project-related traffic does not face Blossom Hill, nor do the individual residences take their primary access from Blossom Hill. Traffic on Blossom Hill will cause incremental impacts associated with noise and air quality effecting nearby residences (see Sections III.C and III.D of this EIR). During the months immediately prior to completion of the gateway improvements at the Blossom Hill/U.S. 101/Silver Creek Valley Road ramps, traffic will back up along Blossom Hill west of U.S. 101 during the morning peak hour, limiting access to the residential streets which intersect Blossom Hill. If the gateway improvements are not constructed, this congestion would become permanent. The queue for the signals at the northbound U.S. 101 ramps and Blossom Hill/Silver Creek Valley Road will extend to approximately Beswick Drive; increased congestion will occur even farther west along Blossom Hill Road. While emergency vehicles will always be able to reach all of the neighborhoods north and south of Blossom Hill Road, their response time may be increased incrementally by congestion on Blossom Hill Road.[6]

- Traffic congestion on Blossom Hill Road prior to completion of the gateway improvements could restrict access to residential neighborhoods adjacent to Blossom Hill Road, including increases in emergency vehicle response times. This impact would be temporary, if the gateway improvements are completed in a timely fashion. **(Significant Impact)**

- Should completion of the gateway improvements at Blossom Hill/U.S. 101/Silver Creek Valley Road be delayed, impacts associated with congestion on Blossom Hill Road could extend indefinitely. **(Significant Impact)**

Branham Lane

The implementation of the project as presently proposed does not include completion of the Branham Lane/U.S. 101 interchange shown on the City's General Plan *Land Use/ Transportation Diagram*, or a connection between any of the segments of Branham Lane presently existing east of Coyote Creek, between Coyote Creek/U.S. 101 and Monterey Highway, and west of Monterey Highway. It is not anticipated that the project as proposed, or its traffic, will have any noticeable effect on residential land uses along Branham Lane.

- Project traffic will not impact residential land uses on Branham Lane. **(Less Than Significant Impact)**

[6] It is assumed in this discussion that emergency vehicles will use sirens when necessary, and through traffic on Blossom Hill will comply with laws forbidding backing up through intersections.

Hellyer Avenue

No changes are proposed to Hellyer Avenue west of the U.S. 101 interchange. Hellyer Avenue west of U.S. 101 provides access to the Coyote Hellyer County park and to a residential neighborhood. The proposed project will add approximately 2,000 vehicle trips per day to Hellyer Avenue west of the freeway, approximately 200 of which will occur during the PM peak hour. In the morning peak hour, these increased trips will coincide with school children traveling to Hellyer Elementary School.

There is a stop sign for eastbound traffic on Hellyer Avenue near the County park. The stop sign is proposed to remain. The project will not cause any impacts to the pedestrian/bicycle bridge over Coyote Creek, nor will it effect the primary pedestrian access to the park, which is under the bridge. Increased noise, vehicular exhaust, and dust from traffic may result in an annoyance for users of the picnic facilities immediately south of Hellyer Avenue.

The increased traffic on this street will cause increased impacts associated with noise and dust (see Section III.C and III.D of this EIR). The street is narrow, and many of the residences have minimal front yards, which means that the living areas of the homes are closer than is usual to the vehicles traveling on the street. The project will also increase difficulties for residents backing out of driveways fronting on the street, and could cause increased access and safety problems for children traveling and from the existing elementary school. While the traffic on Hellyer Avenue would not cause an exceedance of the City's Level of Service Policy, a 25% increase in traffic on this narrow street will cause a noticeable deterioration in the residential character of this neighborhood.

- Increased traffic from the project as proposed will result in a significant deterioration in the residential character of Hellyer Avenue west of U.S. 101. **(Significant Impact)**

Piercy Road

The improvements to be undertaken by the Improvement District in Area 3 of New Edenvale will include widening Piercy Road for a distance of 1½ miles, to create a standard two-lane roadway in a 60 foot right-of-way. There will be sidewalks, curb and gutter on one side. For those residences that remain after reconstruction of Piercy Road, there will generally be an improvement in their vehicular access, and significant increases in noise, vehicular exhaust, and dust, resulting in a significant change in the character of this rural area. As industrial projects are built and occupied in close proximity to these rural residences, the possibility of the residents being impacted by accidental releases of hazardous materials used by industrial facilities will increase. Circulation and access conflicts may occur as truck traffic increases in the area.

While the City's General Plan designates these properties for *Industrial Park* uses, and some of them have been purchased by developers, it is possible that many of the houses could continue to be occupied as residences for years after completion of Piercy Road. For those residents that remain during and after completion of Piercy Road, the proposed project will create a significant change in the rural residential character of the area.

- Project traffic and proposed improvements to Piercy Road will cause significant changes in the rural residential character of houses on Piercy Road. Conflicts between residential and industrial uses may be significant. **(Significant Impact)**

Construction Impacts

Because the project area is rural, short term impacts from construction will primarily effect the residents of the existing farmsteads. Construction impacts would include noise, dust, and localized traffic congestion from equipment movement as discussed in greater detail in Section III. C. Air Quality, and III. D. Noise, of this EIR.

For both the existing farmsteads and the residences immediately west of Coyote Creek, noise from any pile driving which might occur would also be a significant short-term impact.

While construction impacts are temporary in nature, and can be reduced in their severity, the size of this project means that the construction period will occur over a period of at least four years, and probably longer.

- Construction activities associated with development of the Edenvale Redevelopment Project, and the infrastructure proposed to serve it, are likely to generate short-term, traffic congestion, noise and dust which will impact residents located adjacent to and within the project area. **(Significant Impact)**

During construction of the gateway improvements, traffic congestion, noise, and dust will increase as a result of increasing traffic and localized restrictions on circulation and access. To some extent, construction on the major roadways will encourage cut-through traffic in residential areas, with associated increases in traffic and noise causing at least nuisance impacts. Significant congestion on Hellyer Avenue and Blossom Hill Road will restrict neighborhood access, including emergency vehicle access. While it is not possible to identify all cut-through routes in advance, significant use of neighborhood streets by commuter traffic could cause localized safety impacts if the routes are also used by school children and/or other pedestrians.

- During construction, traffic may be encouraged to use cut-throughs on residential streets, creating potential traffic and safety impacts. **(Significant Impact)**

Impacts to the Project

There are no known conditions on or adjacent to the Edenvale Redevelopment Project area that would constitute constraints to development of the project as proposed, or which would cause significant adverse land use impacts on the proposed development.

Loss of Open Space and Agricultural Land

The Edenvale Redevelopment Project area has been long planned by the City for urbanization. As part of its General Plan, the City identified an Urban Service Area (USA) line that is intended to create a permanent boundary around the urbanized area, protecting the hillsides east of New Edenvale from development. The lands designated *Non-Urban Hillside* east and south of the project area could only be used for limited residential development, agriculture, and similar non-intensive uses. This will ensure that significant open space area

will remain in the project vicinity. Even with the preservation of the open space areas outside the USA boundary, the loss of 451 acres of agricultural land and open space represented by buildout of the Edenvale Redevelopment area will represent a significant change from existing conditions, and a significant loss of agricultural land and open space.

◆ Development proposed by the project will result in a significant change from existing conditions, and a significant loss of agricultural land and open space. **(Significant Impact)**

Visual and Aesthetic Impacts

Development of the project as proposed will result in the replacement of 451 acres of agricultural land, open space, and rural residences with new industrial park development. The new development will be approved in conformance with the City's Industrial Design Guidelines, and is assumed to be visually similar to development already approved in Areas 1 and 4. New industrial development is visually dominated by parking lots and the massive structures. Over time, as landscaping matures, the appearance softens.

The proposed amount of development will result in changes in the visual character of these properties, as seen from nearby public streets, US 101, users of the Coyote Creek Park, and nearby rural residences. While the changes may be very noticeable from certain viewpoints, such as the elevated freeway interchanges, their overall character in the context of this planned urban neighborhood will not be significant.

◆ The ongoing development of the Edenvale Redevelopment Project will result in noticeable visual changes to the vacant and partially developed lands in the area, but this will not create significant adverse visual impacts. **(Less Than Significant Impact)**

3. Mitigation Measures for Land Use Impacts

Programmed Mitigation Measures

- The City of San Jose's Grading Ordinance includes provision for dust control measures to avoid or reduce potential impacts from grading.
- Conformance with local, state and federal laws and regulations controlling the use, storage, disposal and transport of hazardous materials will ensure that potential risks associated with the presence of hazardous materials will be reduced to a less than significant level.
- All new industrial development will be evaluated for conformance with the City's adopted Industrial Design Guidelines, including zero cutoff light fixtures and appropriate design measures to minimize adverse impacts on adjacent residential uses.

Mitigation Measures Included in the Project

- Dust control measures which include watering during all site preparation activities, use of dust suppressant, enforcement of five mile per hour on unpaved roads and driveways, limiting grading during high winds and covering all stockpiled materials.
- Use of noise reduction techniques that include limiting construction to normal daylight hours, and use of mufflers on all vehicles.
- Ensure that equipment staging and other activities, which would generate noise and dust, take place as far from residential uses as often as possible.
- The proposed Area Development Policy includes temporary access improvements (*i.e.*, temporary signals and traffic calming measures) that will minimize impacts from construction activities to emergency access and impacts from cut-through traffic to peripheral residential neighborhoods.

Mitigation Measures Not Proposed

- Closing Hellyer Avenue either east or west of the County park entrance would eliminate the potential for significant increases in traffic causing a deterioration of the residential neighborhood on Hellyer Avenue. **(Less Than Significant Impact With Mitigation Not Proposed)**

- Increasing the number of crossing guards on Hellyer Avenue may partially offset risks to school children from increased morning peak hour traffic. **(Significant Impact With Mitigation Not Proposed)**

***Conclusion*:** The proposed project will result in significant land use impacts as a result of a number of factors, including: (a) increased traffic on Hellyer Avenue; (b) urbanization of Piercy Road adjacent to existing rural residential uses; (c) construction impacts; and (d) loss of agricultural land and open space. In addition, delays in completion of gateway improvements could result in the indefinite extension of localized impacts to access and emergency services for residential neighborhoods near Blossom Hill Road. Mitigation included in the project will reduce some construction impacts and some impacts to rural residential uses on Piercy Road.

The project as proposed will result in the following significant unmitigated land use impacts (1) degradation of the residential character of the neighborhoods for residences on Hellyer Avenue between Coyote Creek and Senter Road, and residences on Piercy Road both within and adjacent to the project area, (2) short term impacts from construction for residents of neighborhoods adjacent to Blossom Hill Road and on Piercy Road, (3) significant loss of agricultural land and open space, (4) localized congestion and access impacts for residential neighborhoods adjacent to Blossom Hill Road.

B. TRANSPORTATION AND CIRCULATION

The following information is based on a traffic analysis prepared for this project by *Hexagon Transportation Consultants, Inc.* A copy of the traffic report is contained in Appendix B of this EIR.

1. Existing Setting

Existing Roadway Network

Regional Access

Regional access to the site is provided by U.S. Highway 101 and State Route 85.

U.S. Highway 101 (U.S. 101) is an eight-lane regional freeway located east of the project area which provides regional access throughout California, connecting San Jose with San Francisco and points south such as Los Angeles. Access to the project area is provided via an interchange at Bernal Road/Silicon Valley Boulevard and Blossom Hill/Silver Creek Valley Boulevard.

SR 85 is a predominantly north-south freeway that is oriented in an east-west direction in the vicinity of the project. It extends from Mountain View to south San Jose, terminating at U.S. 101. SR 85 is six lanes wide, operating with four mixed-flow lanes and two HOV lanes. It connects to I-280, SR 17, SR 87, and U.S. 101.

Monterey Road (SR 82) is a north-south highway extending from downtown San Jose to Gilroy. It is six lanes wide north of Blossom Hill Road and four lanes wide south of Blossom Hill Road. Monterey Road provides access to the project area via interchanges at Blossom Hill Road and Bernal Road.

Local Street Network

Local access to the site is provided by Hellyer Avenue, Santa Teresa Boulevard, Blossom Hill Road/Silver Creek Valley Road, Bernal Road/Silicon Valley Boulevard, Cottle Road, and Piercy Road.

Hellyer Avenue is a four-lane divided arterial that connects US 101 to Silver Creek Valley Road, where it currently terminates. The proposed project would extend Hellyer Avenue south to Silicon Valley Boulevard.

Silicon Valley Boulevard/Bernal Road is a six lane divided arterial extending from Santa Teresa Boulevard to U.S. 101. To the east of U.S. 101, Bernal Road becomes Silicon Valley Boulevard. Silicon Valley Boulevard is four lanes wide from U.S. 101 to Eden Park Place and continues as a two-lane road across Coyote Creek and connects to Piercy Road via Tennant Avenue. Bernal Road forms the southern boundary of Edenvale Area 2. Silicon Valley Boulevard forms the southern boundary of Areas 3 and 4. Bernal Road has interchanges at both SR 85 and U.S. 101 and Silicon Valley Boulevard has an interchange at U.S. 101.

Blossom Hill Road/Silver Creek Valley Road is a divided four-to-six lane east-west arterial that extends from its interchange with U.S. 101 west into Los Gatos. East of U.S. 101, Blossom Hill Road becomes Silver Creek Valley Road. Blossom Hill Road/Silver Creek Valley Road has a full interchange at U.S. 101 that provides access to the project area. Within the project area, Silver Creek Valley Road is four lanes wide.

Cottle Road is a six-lane north-south arterial that connects Blossom Hill Road to SR 85 and Santa Teresa Boulevard. Cottle Road is provided with a full interchange at SR 85.

Piercy Road is a two-lane unimproved farm road that begins at Silver Creek Valley Road and meanders eastward, southward, and finally westward where it becomes Tennant Avenue and intersects Basking Ridge Avenue. West of Basking Ridge, the road becomes Silicon Valley Boulevard. Piercy Road forms part of the eastern boundary of Area 3.

Transit System

There is no existing transit service to the New Edenvale area. Transit facilities in the Old Edenvale area are shown on Figure 10, and described in detail below.

VTA Transit Service

Bus Service

Edenvale Area 2 is served directly by two local buses. The 67 line provides service between the Blossom Hill CalTrain station and the Tamien LRT station via Monterey Road, Bernal Road, and Santa Teresa Boulevard with 30- to 45-minute headways during commute hours. The 68 line provides service between the San Jose Diridon CalTrain station and Gavilan College in Gilroy, via Cottle Road and Santa Teresa Boulevard, with 15-minute headways during commute hours. Both the 67 and the 68 lines access the VTA Park & Ride Lot on Santa Teresa Boulevard adjacent to Edenvale Area 2.

Several other local and express buses serve Edenvale Area 2. The 66 line provides service between the Santa Teresa Hospital and Milpitas, via Santa Teresa Boulevard, with 15-minute headways during the commute periods. The 27 line provides service between Santa Teresa Hospital and West Valley College, via Santa Teresa Boulevard, Cottle Road, and Blossom Hill Road, with 15- to 30-minute headways during commute hours. The 27 line also provides limited service to the IBM facility on Cottle Road.

The super express bus 501 operates on 35- to 40-minute headways during limited commute hours between Palo Alto and the IBM facility on Cottle Road. The express bus 304 provides limited-stop service with 15- to 30-minute headways during commute hours between the Santa Teresa LRT station and the Mountain View CalTrain station. The express bus 102 provides service between the Santa Teresa LRT station and Palo Alto, with 30- to 60-minute headways during commute hours. The express bus 122 provides service between the Santa Teresa LRT station and Lockheed/Moffett Park in Sunnyvale, with 30- to 60-minute headways during commute hours.

Light Rail Transit (LRT) Service

There are two LRT stations located in Edenvale Area 2. The Santa Teresa LRT station is the southern terminus of the Guadalupe Corridor LRT line and is located off of Santa Teresa

Boulevard between San Ignacio Avenue and Miyuki Drive. The Santa Teresa LRT station Park & Ride lot is accessible from Santa Teresa Boulevard. Also located within Edenvale Area 2 is the Cottle LRT Station. The Cottle station is located within the median of SR 85 just east of Cottle Road. The Cottle LRT station Park & Ride lot is accessible from Cottle Road. The Guadalupe Corridor LRT provides service on 10-minute headways during commute and midday hours. It provides service between the project area and Great America in Santa Clara, via downtown San Jose.

CalTrain

Commuter rail service between San Francisco and Gilroy is provided by CalTrain. There is one CalTrain station located within the study area—the Blossom Hill station—located along Monterey Road south of Blossom Hill Road. The Blossom Hill CalTrain station park-and-ride lot is accessible from Monterey Road in the vicinity of Ford Road. At the Blossom Hill station, CalTrain provides service with approximately 30- to 40-minute headways during commute hours.

Bicycle Facilities

Bicycle corridors in the project area are shown on Figure 11.

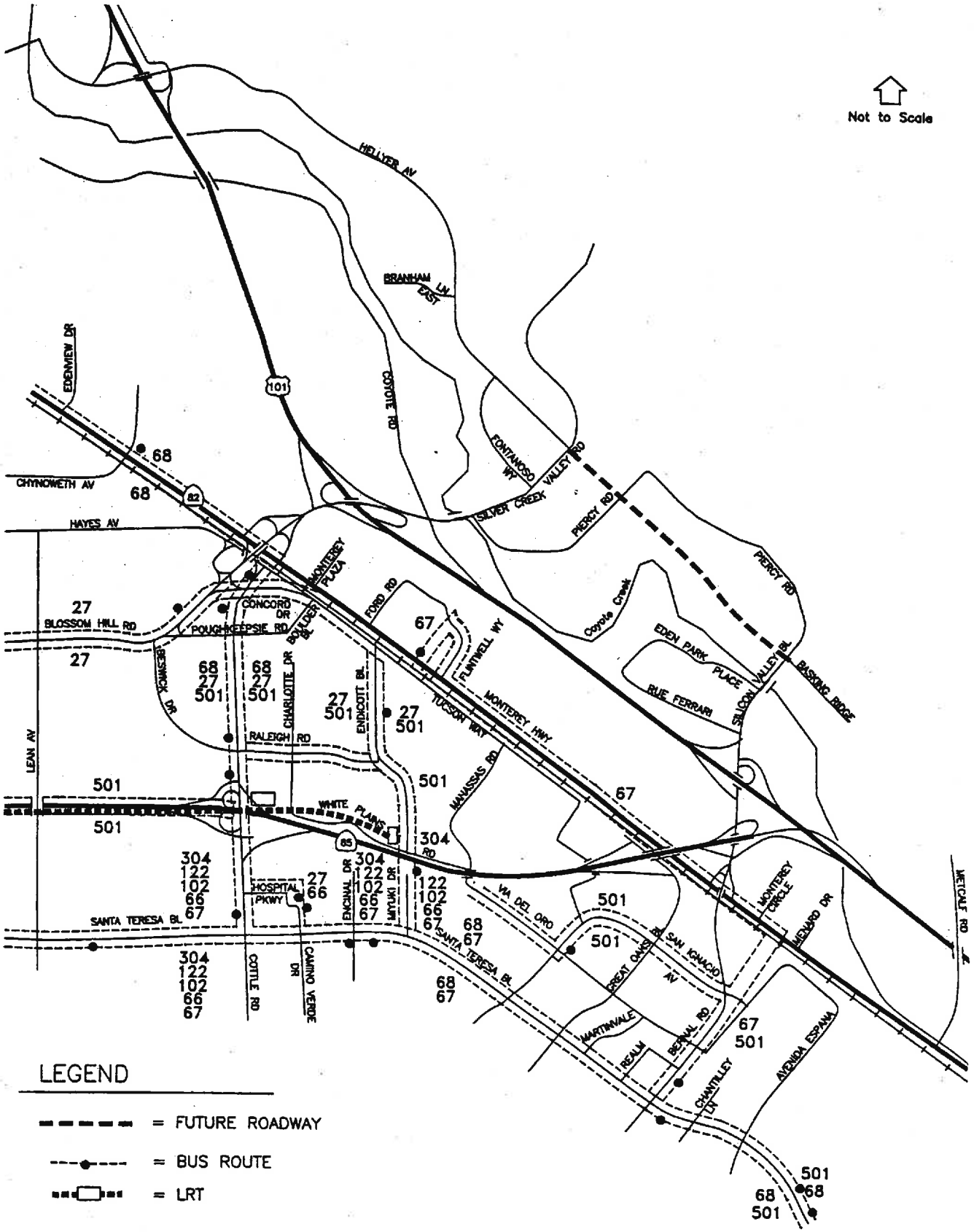
Study Methodology

The operating conditions of intersections in the project vicinity were evaluated with level of service (LOS) calculations. Level of service is a qualitative description of an intersection's operation which can range from LOS A, or free-flow conditions, to LOS F, jammed conditions. LOS analysis balances the capacity of an intersection with the amount of traffic which attempts to travel through it.

The potential impacts of the proposed project were estimated following the City of San Jose's methodology. The traffic analysis examined 42 existing or planned signalized intersections in the vicinity of the proposed project as follows: [7]

Hellyer Avenue and Silver Creek Valley Road
SR 85 and Bernal Road*
Cottle Road and SR 85 (N)*
Cottle Road and SR 85 (S)*
US 101 and Bernal Road*
US 101 and Blossom Hill Road (E)*†
US 101 and Blossom Hill Road (W)*†
Monterey Road and Bernal Road (E)*
Monterey Road and Bernal Road (N)*
Monterey Road and Bernal Road (S)*
Santa Teresa Boulevard and Bernal Road*
Monterey Road and Blossom Hill Road (N)*
Monterey Road and Blossom Hill Road (S)*

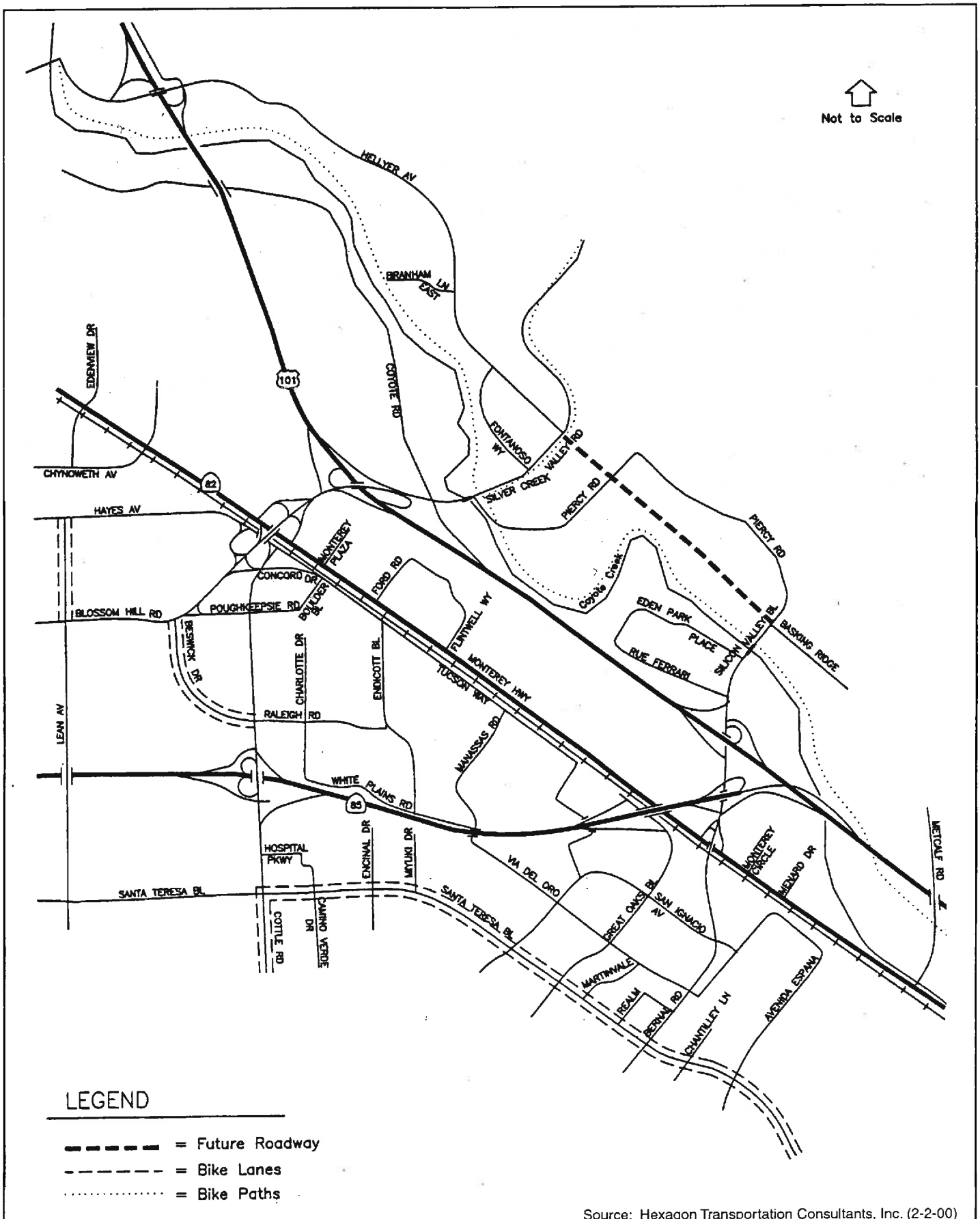
[7] Intersections on this list that are marked with an asterisk (*) are designated Congestion Management Plan intersections. Intersections marked with a dagger (†) are gateway intersections for the Area Development Policy.



Source: Hexagon Transportation Consultants, Inc. (2-2-00)

EXISTING TRANSIT FACILITIES

FIGURE 10



Source: Hexagon Transportation Consultants, Inc. (2-2-00)

EXISTING BICYCLE FACILITIES

FIGURE 11

Cottle Road and Santa Teresa Boulevard*
San Ignacio Avenue and Bernal Road
Beswick Drive and Blossom Hill Road
Cottle Road and Beswick Drive
Poughkeepsie Road and Blossom Hill Road
Cottle Road and Concord Drive
Cottle Road and Poughkeepsie Road
Great Oaks Boulevard and San Ignacio Avenue
Santa Teresa Boulevard and Great Oaks Boulevard
Santa Teresa Boulevard and San Ignacio Avenue
Via Del Oro and Bernal Road
Santa Teresa Boulevard and Martinvale Lane
US 101 and Hellyer Avenue (W) (currently unsignalized)†
US 101 and Hellyer Avenue (E) (currently unsignalized)†
Fontanoso Way and Silver Creek Valley Road (currently unsignalized)
Piercy Road and Silver Creek Valley Road (currently unsignalized)
Eden Park Place and Silicon Valley Boulevard (currently unsignalized)
Hellyer/Basking Ridge Avenue and Silicon Valley Boulevard (currently unsignalized)
Hellyer Avenue and Branham Lane (currently unsignalized)
Hellyer Avenue and Fontanoso Way (currently unsignalized)
US 101 and Silicon Valley Boulevard (currently unsignalized)
SR 85 and Great Oaks Boulevard (N) (currently unsignalized)
SR 85 and Great Oaks Boulevard (S) (currently unsignalized)
Santa Teresa Boulevard and Encinal Drive (currently unsignalized)
Bernal Road and Realm Drive (currently unsignalized)
Monterey Road and Monterey Circle (currently unsignalized)
San Ignacio Avenue and Via Del Oro (currently unsignalized)
Great Oaks Boulevard and Via Del Oro (currently unsignalized)
Hellyer Avenue and Piercy Road (future intersection)

The traffic analysis also examined seven freeway segments in the vicinity of the proposed project:

US 101, Yerba Buena Road to Hellyer Avenue
US 101, Hellyer Avenue to Blossom Hill Road
US 101, Blossom Hill Road to Bernal Road
US 101, SR 85 to Coyote Creek Golf Drive
SR 85, SR 87 to Blossom Hill Road
SR 85, Blossom Hill Road to Cottle Road
SR 85, Cottle Road to Bernal Road

Signalized Intersections

All of the signalized study intersections are located in the City of San Jose and are therefore, subject to the City of San Jose Level of Service standards. The City's LOS methodology for determining impacts is based on the computer model TRAFFIX. TRAFFIX is based on the Highway Capacity Manual (HCM) and evaluates signalized intersection operations on the basis of average delay time for all vehicles at the intersection. The City of San Jose level of service standard for signalized intersections is LOS D or better. The correlation between average delay and level of service is shown in Table 2.

TABLE 2 LEVEL OF SERVICE DEFINITIONS SIGNALIZED INTERSECTIONS		
Level of Service	**Stopped Delay (seconds/vehicle)**	**Description of Traffic Condition**
A	≤ 5.0	Operations with very low delay occurring with favorable progression and/or short cycle lengths.
B	5.1 - 15.0	Operations with low delay occurring with good progression and/or short cycle lengths.
C	15.1 - 25.0	Operations with average delays resulting from fair progression and/or longer cycle lengths. Individual cycle failures begin to appear..
D	25.1 - 40.0	Operations with longer delays due to a combination of unfavorable progression, long cycle lengths, or high V/C ratios. Many vehicles stop and individual cycle failures are noticeable..
E	40.1 - 60.0	Operations with high delay values indicating poor progression, long cycle lengths, and high V/C ratios. Individual cycle failures are frequent. This is considered to be the limit of acceptable delay.
F	≥ 60.0	Operations with delays unacceptable to most drivers: Represents conditions at capacity, with extremely long delays. Queues may block upstream intersections.

Source: Highway Capacity Manual, Transportation Research Board Special Report No. 209, Washington D.C., 1985, pages 9-4, 5.

Existing Levels of Service

Existing peak hour traffic information is maintained by the City of San Jose and, for this report, was supplemented with peak hour counts conducted by *Hexagon, Transportation Consultants.* As shown in Table 3, one of the signalized study intersections (U.S. 101 at Blossom Hill Road east) currently operates at an unacceptable level of LOS F during the AM peak. All other intersections currently operate at acceptable levels of LOS D or better.

Existing Freeway Conditions

The freeway analysis is based on the level of service of a segment calculated based on the density of vehicles per mile per lane, as shown in Table 4. Existing levels of service for freeway segments in the project area are shown in Table 5.

Traffic volumes for the subject freeway segments were obtained from the CMP Annual Monitoring Report. The analysis found that one of the freeway segments, US 101

TABLE 3

EXISTING INTERSECTION LEVELS OF SERVICE

Intersection	Peak Hour	Count Date	Average Delay	LOS
Hellyer Ave. and Silver Creek Valley Rd.	AM	3/23/99	11.6	B
	PM	3/23/99	7.2	B
SR 85 and Bernal Road*	AM	9/9/98	14.3	B
	PM	9/9/98	24.9	C
Cottle Road and SR 85 (N)*	AM	9/9/98	9.9	B
	PM	9/9/98	12.3	B
Cottle Road and SR 85 (S) *	AM	9/9/98	20.7	C
	PM	9/9/98	23.5	C
US 101 and Bernal Road*	AM	9/10/98	10.9	B
	PM	9/10/98	8.3	B
US 101 and Blossom Hill/Silver Creek Valley Road (E) *	AM	10/28/97	34.0	D
	PM	11/17/98	27.9	D
US 101 and Blossom Hill Road (W)*	AM	9/10/98	17.7	C
	PM	9/10/98	14.1	B
Monterey Road and Bernal Road (E)*	AM	9/29/98	12.1	C
	PM	9/29/98	13.8	B
Monterey Road and Bernal Road (N)*	AM	9/29/98	20.7	C
	PM	9/29/98	21.6	C
Monterey Road and Bernal Road (S)*	AM	9/29/98	5.6	B
	PM	9/29/98	3.2	A
Santa Teresa Boulevard and Bernal Road*	AM	7/13/99	21.8	C
	PM	9/29/98	27.4	D
Monterey Road and Blossom Hill Road (N)*	AM	9/29/98	4.6	A
	PM	9/29/98	11.5	B
Monterey Road and Blossom Hill Road (S)*	AM	9/29/98	21.7	C
	PM	9/29/98	18.7	C
Cottle Road and Santa Teresa Boulevard*	AM	9/29/98	28.9	D
	PM	9/29/98	27.9	D
San Ignacio Avenue and Bernal Road	AM	5/25/99	21.9	C
	PM	5/25/99	24.3	C
Beswick Drive and Blossom Hill Road	AM	5/25/99	14.1	B
	PM	5/25/99	15.5	C
Cottle Road and Beswick Drive	AM	3/2/99	12.9	B
	PM	6/19/98	20.5	C
Poughkeepsie Road and Blossom Hill Road	AM	12/17/98	6.9	B
	PM	7/20/99	9.7	B
Cottle Road and Concord Drive	AM	7/21/99	17.8	C
	PM	7/21/99	27.6	D

TABLE 3, CONTINUED EXISTING INTERSECTION LEVELS OF SERVICE				
Intersection	**Peak Hour**	**Count Date**	**Average Delay**	**LOS**
Cottle Road and Poughkeepsie Road	AM	7/20/99	15.5	C
	PM	7/20/99	24.4	C
Great Oaks Blvd and San Ignacio Avenue	AM	5/12/99	18.9	C
	PM	5/12/99	24.1	C
Santa Teresa Boulevard and Great Oaks Blvd.	AM	3/2/99	16.1	C
	PM	4/6/99	11.6	B
Santa Teresa Boulevard and San Ignacio Avenue	AM	11/24/98	22.9	C
	PM	4/29/99	13.6	B
Santa Teresa Boulevard and Martinvale Lane	AM	4/14/99	14.6	B
	PM	4/14/99	9.7	B
Via Del Oro and Bernal Road	AM	4/27/99	12.6	B
	PM	4/27/99	18.2	C

Notes: * Designated CMP Intersection
V/C= Volume to Capacity Ratio
LOS calculations performed using the City of San Jose's approved level of service analysis program.
Bold indicates level of service below City standards.

TABLE 4 FREEWAY SEGMENT LEVEL OF SERVICE DEFINITION	
Level of Service	**Density (vehicles/mile/lane)**
A	< 10.0
B	10.1-16.0
C	16.1-24.0
D	24.1-46.0
E	46.0-55.0
F	> 55

TABLE 5
EXISTING FREEWAY SEGMENT LEVELS OF SERVICE

				Mixed-Flow Lanes					HOV Lane Traffic Volume				
Fwy	**Segment**	**Direction**	**Peak Hour**	**Ave Speed**	**# of Lanes**	**Volume**	**Density**	**LOS**	**Ave Speed**	**# of Lanes**	**Volume**	**Density**	**LOS**
US101	Yerba Buena to Hellyer Avenue	SB	AM	65	3	3,540	18.2	C	65	1	220	3.4	A
			PM	60	3	4,870	27.1	D	65	1	220	3.4	A
US101	Hellyer to Blossom Hill Road	SB	AM	65	3	3,000	15.4	B	65	1	140	2.2	A
			PM	60	3	5,480	30.4	D	65	1	350	5.4	A
US101	Blossom Hill to Bernal Road	SB	AM	65	3	1,890	9.7	A	65	1	130	2.0	A
			PM	65	3	3,470	17.8	C	65	1	260	4.0	A
US101	SR 85 to Coyote Creek Golf Course Drive	SB	AM	60	2	2,540	21.2	C	N/A	N/A	0	N/A	N/A
			PM	20	2	4,240	**106.0**	**F**	N/A	N/A	0	N/A	N/A
SR85	SR 87 to Blossom Hill Road	SB	AM	60	2	3,020	25.2	D	65	1	510	7.8	A
			PM	50	2	4,410	44.1	D	65	1	560	8.6	A
SR85	Blossom Hill Road to Cottle Road	SB	AM	60	2	3,060	25.5	D	65	1	200	3.1	A
			PM	60	2	2,790	23.3	C	65	1	500	7.7	A
SR85	Cottle Road to Bernal Road	SB	AM	65	2	1,820	14.0	B	65	1	110	1.7	A
			PM	65	2	2,290	17.6	C	65	1	330	5.1	A
SR85	Bernal Road to Cottle Road	NB	AM	60	2	3,150	26.3	D	65	1	540	8.3	A
			PM	65	2	2,000	15.4	B	65	1	290	4.5	A
SR85	Cottle Road to Blossom Hill Road	NB	AM	60	2	3,030	25.3	D	65	1	630	9.7	A
			PM	60	2	3,210	26.8	D	65	1	400	6.2	A
SR85	Blossom Hill Road to SR 87	NB	AM	55	2	3,850	35.0	D	65	1	770	11.8	B
			PM	60	2	3,500	29.2	D	65	1	150	2.3	A
US101	Coyote Creek Golf Course Drive to SR 85	NB	AM	55	2	3,990	36.3	D	N/A	N/A	0	N/A	N/A
			PM	65	2	2,360	18.2	C	N/A	N/A	0	N/A	N/A
US101	Bernal Road to Blossom Hill Road	NB	AM	65	3	2,460	12.6	B	65	1	400	6.2	A
			PM	65	3	3,600	18.5	C	65	1	40	0.6	A
US101	Blossom Hill Road to Hellyer Avenue	NB	AM	60	3	5,090	28.3	D	65	1	740	11.4	B
			PM	60	3	4,240	23.6	C	65	1	180	2.8	A
US101	Hellyer Avenue to Yerba Buena	NB	AM	60	3	5,600	31.1	D	65	1	290	4.5	A
			PM	60	3	3,930	21.8	C	65	1	140	2.2	A

Southbound from SR 85 to Coyote Creek Golf Drive, currently operates at an unacceptable level of LOS F during one of the peak hours (see Table 5).

All other analyzed freeway segments operate at LOS E or better during the AM and PM peak hours. All of the high occupancy vehicle (HOV) lanes operate at an acceptable LOS E or better on all freeway segments.

Background Conditions

Background conditions for this project were estimated by adding existing peak-hour volumes plus the projected volumes from approved but not yet completed development. The latter component is contained in the City of San Jose's Approved Trip Inventory (ATI). The ATI includes trips associated with the development of North Coyote Valley with 36,000 jobs[8].

For the purposes of this analysis several intersection improvements are assumed to be complete as part of the background roadway network. The intersection improvements are either currently included in the City's Capital Improvement Program (CIP), or are included as conditions of previously approved projects to be funded by individual development. The improvements are as follows:

- Cottle Road and Concord Drive: the addition of a second northbound left turn lane.
- Cottle Road and Beswick Drive: the addition of a second northbound left-turn lane
- Cottle Road and SR 85 (south): the addition of a third eastbound left turn lane.
- SR 85 and Bernal Road
- Fontanoso Way and Silver Creek Valley Road
- Piercy Road and Silver Creek Valley Road
- Hellyer Avenue and Branham Lane
- Santa Teresa Boulevard and Encinal Drive

Development of the Edenvale Redevelopment area will create a significant increase in employment in south San Jose. One of the reasons the City designated this location for industrial uses was the assumption that the creation of an employment center in the south part of the County would attract employees who reside in the vicinity of the project site. By placing jobs close to existing and planned housing, the City offers an attractive inducement for job-seeking residents of the nearby Edenvale and Evergreen neighborhoods.

Because of this, some background traffic was reassigned to reflect traffic conditions when Edenvale is developed. Similar reassignment was done for background traffic assumed to be modified with the development of Coyote Valley. The specific methodology used for the reassignment of background trips is discussed in detail in the traffic report in Appendix B.

Background Intersection Levels of Service

As shown in Table 6, four of the signalized study intersections would operate at an unacceptable level of LOS E or worse under background:

U.S. 101 and Blossom Hill Road (east)
Hellyer Avenue and Silver Creek Valley Road

[8] Previously approved planned development zonings.

TABLE 6

BACKGROUND LEVELS OF SERVICE

Intersection	Peak Hour	Count Date	Existing		Background	
			Average Delay	LOS	Average Delay	LOS
Hellyer Ave. and Silver Creek Valley Rd. [1]	AM	3/23/99	11.6	B	**49.7**	**E**
	PM	3/23/99	7.2	B	17.3	C
SR 85 and Bernal Road[1]*	AM	9/9/98	14.3	B	15.7	C
	PM	9/9/98	24.9	C	16.2	C
Cottle Road and SR 85 (N)*	AM	9/9/98	9.9	B	9.8	B
	PM	9/9/98	12.3	B	**46.7**	**E**
Cottle Road and SR 85 (S) [1]*	AM	9/9/98	20.7	C	20.5	C
	PM	9/9/98	23.5	C	25.0	D
US 101 and Bernal Road*	AM	9/10/98	10.9	B	12.9	B
	PM	9/10/98	8.3	B	7.5	B
US 101/Blossom Hill/Silver Creek Valley Rd (E) [1]*	AM	10/28/97	34.0	D	**144.8**	**F**
	PM	11/17/98	27.9	D	**126.9**	**F**
US 101 and Blossom Hill Road (W)*	AM	9/10/98	17.7	C	17.1	C
	PM	9/10/98	14.1	B	13.6	B
Monterey Road and Bernal Road (E)*	AM	9/29/98	12.1	B	11.1	B
	PM	9/29/98	13.8	B	13.2	B
Monterey Road and Bernal Road (N)*	AM	9/29/98	20.7	C	22.2	C
	PM	9/29/98	21.6	C	29.9	D
Monterey Road and Bernal Road (S)*	AM	9/29/98	5.6	B	5.3	B
	PM	9/29/98	3.2	A	3.1	A
Santa Teresa Boulevard and Bernal Road*	AM	7/13/99	21.8	C	24.5	C
	PM	9/29/98	27.4	D	25.8	D
Monterey Road and Blossom Hill Road (N)*	AM	9/29/98	4.6	A	5.1	B
	PM	9/29/98	11.5	B	11.6	B
Monterey Road and Blossom Hill Road (S)*	AM	9/29/98	21.7	C	**45.3**	**E**
	PM	9/29/98	18.7	C	28.3	D
Cottle Road and Santa Teresa Boulevard*	AM	9/29/98	28.9	D	28.2	D
	PM	9/29/98	27.9	D	31.7	D
San Ignacio Avenue and Bernal Road	AM	5/25/99	21.9	C	16.2	C
	PM	5/25/99	24.3	C	25.5	D
Beswick Drive and Blossom Hill Road	AM	5/25/99	14.1	B	13.9	B
	PM	5/25/99	15.5	C	14.3	B
Cottle Road and Beswick Drive[1]	AM	3/2/99	12.9	B	14.9	B
	PM	6/19/98	20.5	C	19.4	C
Poughkeepsie Road and Blossom Hill Road	AM	12/17/98	6.9	B	8.6	B
	PM	7/20/99	9.7	B	9.9	B
Cottle Road and Concord Drive[1]	AM	7/21/99	17.8	C	16.5	C
	PM	7/21/99	27.6	D	23.5	C

[1] Background conditions include planned improvements.
* Denotes CMP intersection
V/C= Volume to Capacity Ratio
LOS calculations performed using the City of San Jose's approved level of service analysis program.
Bold indicates an intersection operating at an unacceptable level of service.

TABLE 6, CONTINUED BACKGROUND LEVELS OF SERVICE						
Intersection	**Peak Hour**	**Count Date**	**Existing**		**Background**	
			Average Delay	**LOS**	**Average Delay**	**LOS**
Cottle Road and Poughkeepsie Road	AM	7/20/99	15.5	C	15.2	C
	PM	7/20/99	24.4	C	24.1	C
Great Oaks Boulevard and San Ignacio Avenue	AM	5/12/99	18.9	C	19.7	C
	PM	5/12/99	24.1	C	25.2	D
Santa Teresa Boulevard and Great Oaks Blvd.	AM	3/2/99	16.1	C	10.8	B
	PM	4/6/99	11.6	B	10.8	B
Santa Teresa Boulevard and San Ignacio Avenue	AM	3/2/99	22.9	C	15.3	C
	PM	4/29/99	13.6	B	10.9	B
Santa Teresa Blvd and Martinvale Lane	AM	4/14/99	14.6	B	8.1	B
	PM	4/14/99	9.7	B	6.6	B
Via Del Oro and Bernal Road	AM	4/27/99	14.4	B	13.7	B
	PM	4/27/99	20.9	C	15.9	C

[1] Background conditions include planned improvements.
* Denotes CMP intersection
V/C= Volume to Capacity Ratio
LOS calculations performed using the City of San Jose's approved level of service analysis program.
Bold indicates an intersection operating at an unacceptable level of service.

SR 85 and Cottle Road (north)
Monterey Road and Blossom Hill Road (south)

Background conditions also include one CMP intersection which will operate at an unacceptable level of LOS F during both peak hours:

US 101 and Blossom Hill Road (east)

All other CMP intersections would operate at acceptable levels under background conditions.

2. Transportation Impacts

Thresholds of Significance

For the purposes of this project, a transportation impact is considered significant if the project would:

- cause the level of service at an intersection to degrade from LOS D to E or F under project conditions; or
- cause an increase in critical movement volume at an intersection already operating at an unacceptable level (LOS E OR F) and the addition of project trips causes both the critical-movement delay at the intersection to increase by four or more seconds and the demand-to-capacity ratio (V/C) to increase by .01 or more; or
- cause a greater than one percent increase to a freeway segment operating at LOS F.

Methodology

The following discussion describes the methodology used to evaluate transportation impacts from the project as it is proposed.

Trip Generation

The amount of traffic generated by implementation of this project was estimated by applying a trip generation rate to the size of the development using trip generation rates found in the *Interim Guidelines for Traffic Impact Analysis of Land Use Developments,* 1994. New development is projected to generate a total of 23,479 daily trips, or 3,757 AM peak hour trips, and 3,287 PM peak hour trips. Because it is anticipated that the development which occurs in Edenvale will be a mix of industrial, office, research and development (R&D), and related uses, the trip generation rate for R&D is used as best representing the City of San Jose's experience with this mix of land uses.

TABLE 7
TRIP GENERATION ESTIMATES

Land Use	Daily Rate	Daily Trips	AM IN	AM OUT	AM TOTAL	PM IN	PM OUT	PM TOTAL
R&D	8	23,479	3,005	751	3,757	329	2,958	3,287

Notes: Trip generation rates taken from City of San Jose Interim Guidelines for Traffic Impact Analysis for Land Developments, "Common Vehicular Trip Generation Rates for the San Jose Area", March 1994.

Trip Distribution

The direction of approach and departure for the project trips were estimated based on existing travel patterns and locations of complementary land uses.

After calculating the amount and distribution of trips associated with the proposed level of development, it is possible to calculate levels of service on the planned roadway network.

Improvements Included With Project

As described in the Project Description (Section I of this EIR), a number of transportation improvements are included in the proposed project. The financing mechanisms described in the Project Description, including an Improvement District and a Community Facilities District, will pay for the construction of most of the local intersections improvements needed for development in Areas 2 and 3. The Redevelopment Agency is proposing to fund and the City of San Jose will construct the gateway improvements. Certain other localized improvements will be built by individual developments as conditions of their development entitlements in Areas 1 and 4.

Table 8 lists each of these transportation system improvements; the numbers on the table are keyed to Figure 12, which shows their location.

Level of Service Impacts

The results of the intersection analysis are shown in Table 9. Only the intersection of U.S. 101/Blossom Hill Road/Silver Creek Valley Road will continue at an unacceptable level of service under project conditions. That intersection will continue to operate at LOS F, but the delay will be reduced over background conditions.

These conditions reflect all of the assumptions discussed in the Project Description in Section I of this EIR. These are the "end conditions" which would exist after all of the gateway improvements are complete. There will be an interim period of time, however, when a significant amount of new development will have been approved in Edenvale prior to completion of the gateway improvements. Should circumstances delay or preclude completion of the gateway improvements, these interim conditions could exist indefinitely. The section which follows, entitled "Impacts of the Area Development Policy", discusses this interim condition.

- In the long term, after completion of the gateway improvements, the project as proposed will not result in significant impacts to the local roadway system. **(Less Than Significant Impact)**

Freeway Impacts

As described in detail in Appendix B, mixed-flow lanes on the key segments of U.S. 101, except for U.S. 101 southbound from SR 85 to Coyote Creek Golf Course, will continue to operate at LOS E or better during both peak hours under project conditions. The HOV lanes will continue to operate at acceptable levels.

The southbound segment of U.S. 101 between SR 85 and Coyote Creek Golf Course will continue to operate at LOS F in the PM peak hour, and the project will add 27% of capacity to the mixed flow lanes.

- Project traffic will have a significant impact on the existing congested segment of U.S. 101 in the PM peak hour. **(Significant Impact)**

Impacts of the Area Development Policy

The planned gateway improvements and local improvements are designed to provide the additional traffic capacity needed to support development of the Edenvale Industrial Area. Design and construction of the gateway improvements will, however, require approximately three years to complete. If development in Edenvale occurs as projected, it is likely that traffic conditions at some locations will, during this interim period, degrade to levels below

TABLE 8
PROPOSED ROADWAY IMPROVEMENTS

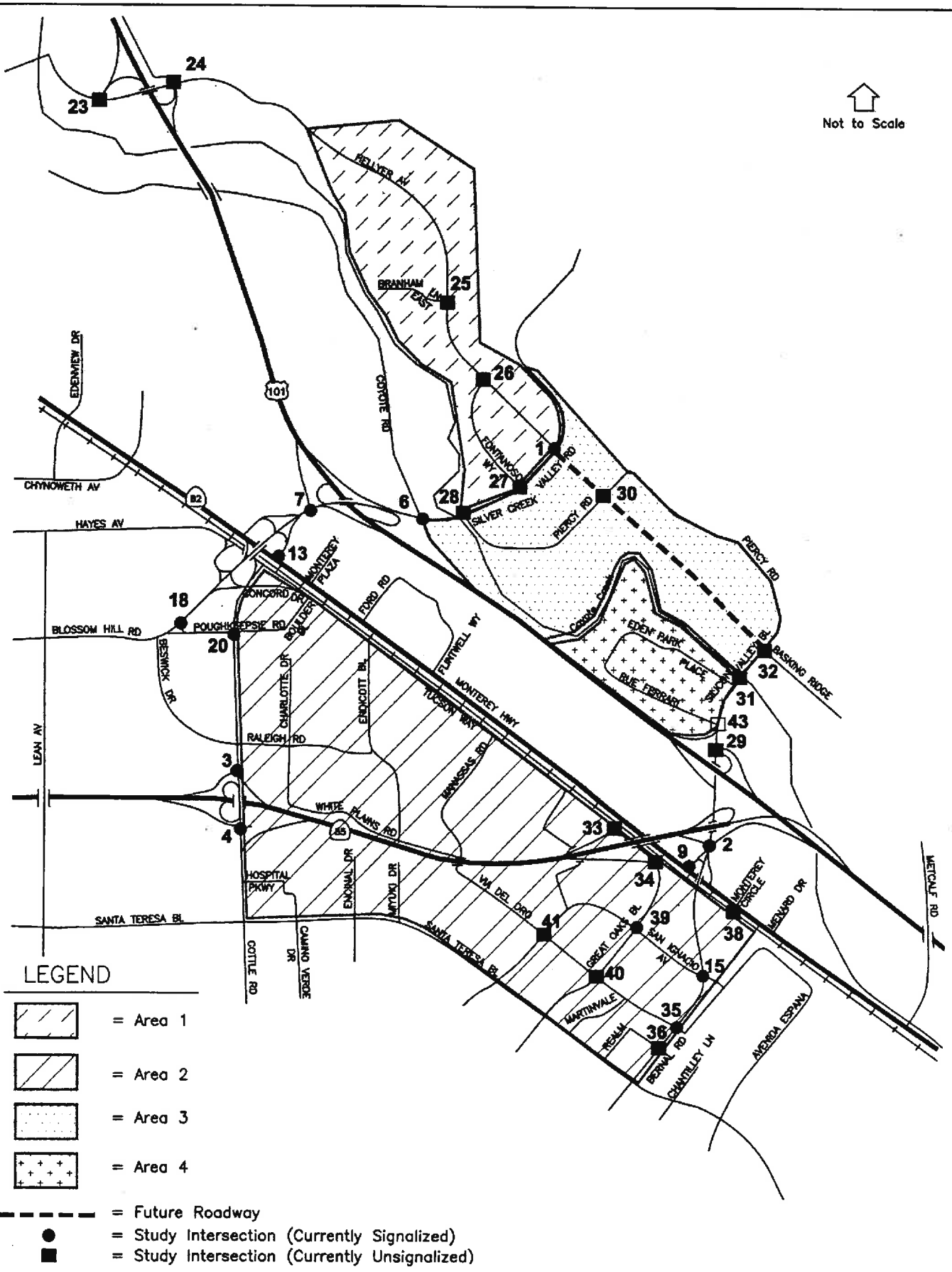
No.[9]	Intersection	Movement	Description
1	Hellyer & Silver Creek Road (1)	EB EB	Extend existing left lane Add second left-turn lane
1	Hellyer & Silver Creek Road (2)	SB NB	Construct right as free right (with WB receiving lane) Add an exclusive left-turn lane
2	SR 85 & Bernal Road	SB	Extend existing left and shared left-thru-right
		WB	Extend existing left-turn lane
3	Cottle & SR 85 (N)	SB	Widen west side of Cottle from Beswick to SR85 for a 2nd right turn lane Widen on-ramp to provide a receiving lane to meter light
6	US 101 NB off & Blossom Hill Road	WB EB NB	Add third through lane Add third through lane & 2nd left-turn lane Add second right
7	US 101 SB off & Blossom Hill Road	WB EB	Add third through lane Add third through lane & fourth through lane to NB loop on-ramp
9	Monterey Highway & Bernal Road (N)	SB SB EB WB	Extend existing left turn lane Add second left-turn lane Add second receiving lane to EB ramp to Bernal Extend existing pocket back to Bernal
13	Monterey & Blossom Hill Road (S)	NB	Add third through lane
15	San Ignacio & Bernal Road	SB	Extend existing left-turn lanes
18	Blossom Hill Road & Poughkeepsie	WB	Add WB left-turn movement (double left) on Blossom Hill at Poughkeepsie Add receiving lanes on Poughkeepsie Add EB right from Blossom Hill to Poughkeepsie and eliminate direct right from Beswick to Poughkeepsie
20	Cottle Road & Poughkeepsie	NB NB	Extend existing left-turn lane Add second left-turn lane
23	US 101 SB ramps & Hellyer Avenue	 SB EB	Install Signal Add two left-turn lanes Add separate left and convert existing shared left-through to through only
24	US 101 NB ramps & Hellyer Avenue	 EB WB	Install Signal Add second through lane Extend existing left turn lane
26	Hellyer Avenue & Fontanoso	 WB	Install signal Extend existing left-turn lane
27	Silver Creek & Fontanoso (1)	EB WB	Add third through lane Add third through lane
27	Silver Creek & Fontanoso (2)	EB	Extend existing left turn lane

[9] The numbers in this column refer to Figure 12.

TABLE 8, Continued
PROPOSED ROADWAY IMPROVEMENTS

No.[10]	Intersection	Movement	Description
27	Silver Creek & Fontanoso (4)	SB WB EB NB	Add free right-turn lane Add receiving lane for SB right Add a second left-turn lane Add second lane on Fontanoso for receiving vehicles from second EB left
29	US 101 & Silicon Valley (1)	 EB	Install signal Add left-turn pocket
29	US 101 & Silicon Valley (2)	NB	Add shared left-through-right
30	Hellyer Avenue & Piercy Road		Install signal
31	Silicon Valley Boulevard & Eden Park	 EB	Install signal Extend existing left-turn pocket
32	**Hellyer & Silicon Valley**	 SB EB NB WB	**Install Signal** Add left, through, free right Add two left-turn lanes Add through lane Add left and right
33	Great Oaks & SR 85 (N)	 NB	Install signal Extend existing left-turn lane
34	Great Oaks & SR 85 (S)	 EB	Install signal Convert existing separate right to free right (restripe SB Great Oaks for only one through lane) Close median on Great Oaks opposite Las Colinas
35	Via Del Oro & Bernal	SB	Add second left-turn lane [alignment requires widening NB lane into median]; extend existing left
36	Bernal Road & Realm Drive		Install Signal
38	Monterey Road & Monterey Circle		Install Signal
39	San Ignacio & Great Oaks	EB SB SB	Extend existing left, add second left turn lane (San Ignacio) [alignment requires striping WB] Extend existing left Add second left (Great Oaks)
40	Via Del Oro & Great Oaks		Install Signal Restripe lanes on each approach of Via Del Oro
41	San Ignacio & Via Del Oro		Install Signal
43	Silicon Valley & Rue Ferrari	EB	Extend existing left-turn pocket

[10]The numbers in this column refer to Figure 12.



LOCATIONS OF PLANNED IMPROVEMENTS

FIGURE 12

TABLE 9
PROJECT CONDITION INTERSECTION LEVELS OF SERVICE

Intersection	Peak Hour	Count Date	Background		Project			
			Avg. Delay	LOS	Avg. Delay	LOS	Chg. in Crit. Delay	Chg. in Crit. V/C
Hellyer Avenue/Silver Creek Valley Rd. [1]	AM	3/23/99	**49.7**	**E**	38.3	D	-18	0.046
	PM	3/23/99	17.3	C	25.3	D	10.5	0.196
SR 85/Bernal Road[1]*	AM	9/9/98	15.7	C	26.8	D	15.1	0.341
	PM	9/9/98	16.2	C	36.8	C	32.1	0.37
Cottle Road/SR 85 (N)*	AM	9/9/98	9.8	B	10	B	0.0	-0.058
	PM	9/9/98	**46.7**	**E**	13.7	B	-56.8	-0.453
Cottle Road/SR 85 (S) [1]*	AM	9/8/98	20.5	C	22.1	C	1.5	0.131
	PM	9/8/98	25.0	D	23.9	C	-1.9	-0.015
US 101/Bernal Road*	AM	9/10/98	12.9	B	27.7	D	28.8	0.141
	PM	9/10/98	7.5	B	8.4	B	1.7	0.169
US 101/Blossom Hill Road (E)/Silver Creek Valley Road [1]*	AM	10/28/97	**144.8**	**F**	**97.4**	**F**	**-119.9**	**-0.154**
	PM	11/17/98	**126.9**	**F**	**123.8**	**F**	**-15.6**	**-0.012**
US 101/Blossom Hill Road (W)*	AM	9/10/98	17.1	C	27.3	D	11.7	0.097
	PM	9/10/98	13.6	B	16.4	C	2.2	0.152
Monterey Road/Bernal Road (E)*	AM	9/29/98	11.1	B	10.9	B	-0.2	0.275
	PM	9/29/98	13.2	B	15.2	C	2	0.279
Monterey Road/Bernal Road (N)*	AM	9/29/98	22.2	C	27.7	D	22	0.203
	PM	9/29/98	29.9	D	39.2	D	13.7	0.086
Monterey Road/Bernal Road (S)*	AM	9/29/98	5.3	B	6.2	B	1.8	0.084
	PM	9/29/98	3.1	A	3.2	A	0.0	0.005
Santa Teresa Boulevard /Bernal Road*	AM	7/13/99	24.5	C	27	D	8.2	0.046
	PM	9/29/98	25.8	D	26.6	D	18.8	0.193
Monterey Road/Blossom Hill Road (N)*	AM	9/29/98	5.1	B	5.8	B	0.9	0.097
	PM	9/29/98	11.6	B	12.6	B	1.7	0.091
Monterey Road/Blossom Hill Road (S)*	AM	9/29/98	**45.3**	**E**	19.3	C	-15.2	-0.161
	PM	9/29/98	28.3	D	28.8	D	0.7	0.12
Cottle Road/Santa Teresa Boulevard*	AM	9/29/98	28.2	D	28.8	D	072	0.012
	PM	9/29/98	31.7	D	35.5	D	4.8	0.012
San Ignacio Avenue/Bernal Road	AM	5/25/99	16.2	C	24.3	C	29.4	0.301
	PM	5/25/99	25.5	D	39.7	D	20.9	0.332
Beswick Drive/Blossom Hill Road	AM	5/25/99	13.9	B	14.4	B	0.6	0.084
	PM	5/25/99	14.3	B	15.3	C	2.1	0.176
Cottle Road/Beswick Drive[1]	AM	3/2/99	14.9	B	15.2	C	-1	-0.011
	PM	6/19/98	19.4	C	21.4	C	3.9	0.216
Poughkeepsie Road/Blossom Hill Road	AM	12/17/98	8.6	B	22.5	C	15	0.375
	PM	7/20/99	9.9	B	17.7	C	9.3	0.305
Cottle Road/Concord Drive[1]	AM	7/21/99	16.5	C	17.3	C	1.1	0.022
	PM	7/21/99	23.5	C	27.5	D	4	0.131
Cottle Road/Poughkeepsie Road	AM	7/20/99	15.2	C	19.2	C	4.8	0.272
	PM	7/20/99	24.1	C	25	D	2.6	0.095
Great Oaks Boulevard/San Ignacio Ave	AM	5/12/99	19.7	C	33.3	D	17.4	0.442
	PM	5/12/99	25.2	D	23.6	C	-.02	0.007
Santa Teresa Boulevard/Great Oaks Blvd.	AM	3/2/99	10.8	B	11.4	B	1.4	0.068
	PM	4/6/99	10.8	B	11.3	B	0.8	0.046
Santa Teresa Boulevard/San Ignacio Ave	AM	3/2/99	15.3	C	16.7	C	15.6	0.262
	PM	4/29/99	10.9	B	20.7	C	14.5	0.291

TABLE 9, CONTINUED
PROJECT CONDITION INTERSECTION LEVELS OF SERVICE

Intersection	Peak Hour	Count Date	Background		Project			
			Avg Delay	LOS	Avg Delay	LOS	Chg in Crit Delay	Chg in Crit V/C
Santa Teresa Boulevard/Martinvale Lane	AM	4/14/99	8.1	B	10.2	B	0.2	.036
	PM	4/14/99	6.6	B	7.6	B	0.4	.032
Via Del Oro/Bernal Road	AM	4/27/99	13.7	B	19.6	C	-0.1	0.013
	PM	4/27/99	15.9	C	27.1	D	-0.1	0.006
US 101/Hellyer Avenue (W)	AM	2/10/98	--	--	18.3	C	--	--
	PM	2/10/98	--	--	12.9	B	--	--
US 101/Hellyer Avenue (E)	AM	2/10/98	--	--	20.5	C	--	--
	PM	2/10/98	--	--	31.1	C	--	--
Hellyer Avenue/Branham Lane	AM	2/10/98	--	--	12.3	B	--	--
	PM	2/10/98	--	--	16	C	--	--
Hellyer Avenue/Fontanoso Way	AM	3/13/97	--	--	14.5	B	--	--
	PM	3/13/97	--	--	11.3	B	--	--
Fontanoso Way/Silver Creek Valley Road	AM	3/30/99	--	--	17.2	C	--	--
	PM	3/30/99	--	--	16.7	C	--	--
Piercy Road/Silver Creek Valley Road [2]	AM	3/23/99	--	--	10.6	B	--	--
	PM	3/23/99	--	--	13.5	B	--	--
NB 101/Silicon Valley Boulevard	AM	3/24/99	--	--	19.3	C	--	--
	PM	3/24/99	--	--	7.7	B	--	--
Eden Park Place/Silicon Valley Blvd.	AM	3/25/99	--	--	25	D	--	--
	PM	3/25/99	--	--	22.8	C	--	--
Basking Ridge/Silicon Valley Blvd. [2]	AM	3/31/99	--	--	39.8	D	--	--
	PM	3/31/99	--	--	20.7	C	--	--
Great Oaks Boulevard/SR 85(N)	AM	12/9/97	--	--	4.2	A	--	--
	PM	12/9/97	--	--	36.2	D	--	--
Great Oaks Boulevard/SR 85(S)	AM	12/9/97	--	--	9.9	B	--	--
	PM	12/9/97	--	--	2.7	A	--	--
Encinal Drive/Santa Teresa Boulevard	AM	6/16/99	--	--	9.6	B	--	--
	PM	6/17/99	--	--	10.5	B	--	--
Realm Drive/Bernal Road	AM	6/17/99	--	--	12.5	B	--	--
	PM	6/17/99	--	--	16	C	--	--
Monterey Road/Monterey Circle	AM	6/16/99	--	--	38	D	--	--
	PM	6/22/99	--	--	9.8	B	--	--
San Ignacio Avenue/Via Del Oro	AM	5/11/99	--	--	29.8	D	--	--
	PM	5/11/99	--	--	26.4	D	--	--
Great Oaks Boulevard/Via Del Oro	AM	5/13/99	--	--	30.9	D	--	--
	PM	5/13/99	--	--	38.2	D	--	--
Hellyer Extension/Piercy Road	AM	--	--	--	19.6	C	--	--
	PM	--	--	--	18.6	C	--	--

*Denotes CMP intersection.

the acceptable city standard. In order to allow development to occur in Areas 1, 3 and 4 during the near term, the Edenvale Area Development Policy would be adopted, as allowed by the City's General Plan. The Policy would apply to Areas 1, 3 and 4 only. The amount of development anticipated in Area 2 generally does not require the gateway improvements. The exception would be development of the vacant land owned by IBM. Should the vacant IBM property propose to develop prior to completion of the gateway improvements, a westerly extension of Great Oaks Boulevard would be necessary. Development of that vacant property prior to completion of the gateways, without an extension of Great Oaks Boulevard, is not addressed in this EIR.

The Area Development Policy serves to exempt from the City's level of service policy specific intersections located within the Edenvale Industrial Area. This relaxation of the level of service standard would be in effect only for the interim period during which the gateway improvements are designed and constructed.

This section describes the traffic conditions that would occur without the gateway improvements, but with the additional development in Areas 1 and 3 as projected through the course of the interim period. This scenario is included to describe the worst-case traffic conditions that would result under the Area Development Policy. The Area Development Policy would allow a combined total of 2.4 million square feet of industrial/R&D buildings to be developed in Areas 1 and 3 before the gateway improvements are completed. This scenario assumes that, in addition to the 2.4 million square feet of development, all previously-described local improvements would be in place. Developments approved in Areas 1 and 4 will be conditioned to construct mitigation as part of their development approvals. Individual projects in each area may choose to combine their resources to build the necessary improvements for each area, or the first project to proceed with development in each of the two areas will be required to construct all of the mitigations for that area. Improvements required to serve development in Area 3 will be funded by the Improvement District and built by the City with bond financing.

Given these assumption, the situation could exist in which 2.4 million square feet of development could be built, with their local street improvements, but the gateway improvements might not have been completed:

Without the completion of the gateway improvements, the intersection of U.S. 101/Silver Creek Valley Road will operate at LOS F in both the AM and PM peak hours, and US 101/Blossom Hill Road will operate at LOS E in the AM peak hour. The development approved in Areas 1, 3 and 4 will cause a significant deterioration in both intersections. This interim congestion will exist as long as the gateways improvements are not completed.

- During the time that will elapse between the completion of 2.4 million square feet of development and completion of the gateway improvements, traffic from approved development in Areas 1 and 3 will cause significant increases in traffic congestion at two local intersections on Blossom Hill Road. This congestion will exist as long as the gateway improvements are not completed. **(Significant Unavoidable Impact)**

Transit Impacts

The project will introduce a significant amount of new employment into Areas 1 and 3 of New Edenvale. This will result in a significant increase in demand for transit services in an area where there currently is no transit service. The cost of providing increased transit access in this area is not, however, an environmental impact.

Both the City of San Jose and VTA encourage increased transit use in industrial areas. The City and Redevelopment Agency will work with VTA to ensure that bus stops are provided at convenient locations throughout New Edenvale to facilitate the expansion of transit service in the area. New development will be evaluated for inclusion of transit friendly design, including pedestrian pathways and appropriate lighting. Increased demand for transit service will not create significant adverse impacts on the physical environment.

Shuttle services from the LRT and CalTrain stations are also planned. VTA and the City and Redevelopment Agency are working with local employers to operate such shuttles, beginning in approximately 2001-2002.

- The project will not cause significant adverse environmental impacts as a result of increased demand for transit service. **(Less Than Significant Impact)**

Secondary Impacts from Roadway Improvements

The project as currently proposed, including adoption of an Area Development Policy and private development within the Edenvale Redevelopment Project area, would mitigate anticipated traffic impacts by building a number of roadway improvements which are listed in Table 8 of this EIR. Those roadway improvements would themselves have some impacts on the physical environment. Because most of the improvements are limited to widening or expansion of existing facilities, the impacts will generally be minimal. The City has determined that the improvements are feasible, and can be built at the proposed locations. The improvements have not yet been designed, however, so the extent of physical impacts is not yet fully known. Generally, the kinds of impacts which can be anticipated from specific improvements that require acquisition of right-of-way involve relocation of existing utilities and may require removal of existing trees. There may be other land use impacts involved where existing private development already includes improvements within the proposed right-of-way, but the likelihood of those impacts occurring cannot be determined at this time. Specific roadway improvement projects that require acquisition of additional right-of-way include the following:

US 101 and Blossom Hill/Silver Creek Valley Road Interchange
US 101 and Hellyer Avenue Interchange
Widening Silicon Valley Boulevard
Hellyer Avenue Extension
Piercy Road Upgrade
Hellyer Avenue and Silver Creek Valley Road intersection improvements
Silver Creek Valley Road widening
Hellyer Avenue and Silicon Valley Boulevard intersection improvements
Silver Creek Valley Road and Fontanoso Way intersection improvements
SR 85 and Cottle Road (N) intersection improvements

US 101 and Silicon Valley Boulevard intersection improvements
Monterey and Bernal Roads (N) intersection improvements
Blossom Hill And Poughkeepsie Roads intersection improvements
San Ignacio Avenue and Great Oaks Boulevard intersection improvements
San Ignacio Avenue and Bernal Road intersection improvements

As the roadway improvements are designed, subsequent analysis will be done by the City to more precisely evaluate the extent of impacts, in conformance with CEQA requirements.

3. Mitigation Measures for Traffic Impacts

As discussed in the previous section, the project will not result in significant long term traffic impacts to the local street system, and will result in significant impacts to one segment of freeway. Mitigation for the impact to the U.S. 101 is widening the freeway, which is beyond the authority of the City of San Jose. This impact is therefore assumed to be significant and unavoidable. **(Significant Unavoidable Impact)**

In addition, the adoption and implementation of an Area Development Policy will allow significant short-term traffic congestion to occur at the US 101/Silver Creek Valley/Blossom Hill intersections, and the congestion will exist until the gateway improvements are completed. **(Significant Unavoidable Impact)**

C. AIR QUALITY

The following discussion is based upon an air quality analysis prepared for the project by *Don Ballanti, Certified Meteorologist*. This analysis calculated the project's air quality impacts using the assumptions included in the project traffic analysis prepared by *Hexagon*. A copy of the air quality analysis is included as Appendix C of this EIR.

1. Existing Setting

Air Pollution Climatology

The amount of a given pollutant in the atmosphere is determined by the amount of pollutant released and the atmosphere's ability to transport and dilute the pollutant. The major determinants of transport and dilution are wind, atmospheric stability, terrain and, for photochemical pollutants, sunshine.

Northwest winds and northerly winds are most common in the project area, reflecting the orientation of the Bay and the San Francisco Peninsula. Winds from these directions carry pollutants released by autos and factories from upwind areas of the Peninsula toward San Jose, particularly during the summer months. Winds are lightest on the average in fall and winter. Every year in fall and winter there are periods of several days when winds are very light and local pollutants can build up.

Pollutants can be diluted by mixing in the atmosphere both vertically and horizontally. Vertical mixing and dilution of pollutants are often suppressed by inversion conditions, when a warm layer of air traps cooler air close to the surface. During the summer, inversions are generally elevated above ground level, but are present over 90 percent of the time in both the morning and afternoon. In winter, surface-based inversions dominate in the morning hours, but frequently dissipate by afternoon.

Topography can restrict horizontal dilution and mixing of pollutants by creating a barrier to air movement. The South Bay has significant terrain features that affect air quality. The Santa Cruz Mountains and Hayward Hills on either side of the South Bay restrict horizontal dilution, and this alignment of the terrain also channels winds from the north to south, carrying pollution from the northern Peninsula toward San Jose.

The combined effects of moderate ventilation, frequent inversions that restrict vertical dilution and terrain that restrict horizontal dilution give San Jose a relatively high atmospheric potential for pollution compared to other parts of the San Francisco Bay Air Basin and provide a high potential for transport of pollutants to the east and south.

The project is located at the southern end of the San Francisco Bay Air Basin and the Bay Area Air Quality Management District. It is near the northern boundary of the adjacent North Central Coast Air Basin (NCCAB) and Monterey Bay Unified Air Pollution Control District (MBUAPCD). The San Francisco Bay Air Basin has been identified as a transporter of ozone to the NCCAB, which has attained federal ozone standards but not the State ambient ozone standard. The NCCAB also has not attained the State PM_{10} standard, and movement of PM_{10} and/or PM_{10} precursors from the San Francisco Bay Air Basin into the more southerly air basins adds to the PM_{10} problem in the NCCAB.

Ambient Air Quality Standards

Both the U. S. Environmental Protection Agency and the California Air Resources Board have established ambient air quality standards for common pollutants. These ambient air quality standards are levels of contaminants which represent safe levels that avoid specific adverse health effects associated with each pollutant. The ambient air quality standards cover what are called "criteria" pollutants because the health and other effects of each pollutant are described in criteria documents. Table 11 identifies the major criteria pollutants, characteristics, health effects and typical sources.

The federal and California state ambient air quality standards are summarized in Table 10 for important pollutants. The federal and state ambient standards were developed independently with differing purposes and methods, although both processes attempted to avoid health-related effects. As a result, the federal and state standards differ in some cases. In general, the California state standards are more stringent. This is particularly true for ozone and PM_{10}.

The U.S. Environmental Protection Agency established new national air quality standards for ground-level ozone and for fine Particulate Matter in 1997. Implementation of the new ozone and Particulate Matter standards was further complicated by a recent lawsuit. On May 14, 1999 the Court of Appeals for the District of Columbia Circuit issued a decision ruling that the Clean Air Act as applied in setting the new public health standards for ozone and particulate matter, was unconstitutional as an improper delegation of legislative authority to the Environmental Protection Agency. The decision has been appealed, but the legal status of the new standards will probably remain uncertain for some time.

TABLE 10
FEDERAL AND STATE AMBIENT AIR QUALITY STANDARDS

Pollutant	Averaging Time	Federal Primary Standard	State Standard
Ozone	1-Hour 8-Hour	0.12 PPM 0.08 PPM	0.09 PPM --
Carbon Monoxide	8-Hour 1-Hour	9.0 PPM 35.0 PPM	9.0 PPM 20.0 PPM
Nitrogen Dioxide	Annual Average 1-Hour	0.05 PPM --	-- 0.25 PPM
Sulfur Dioxide	Annual Average 24-Hour 1-Hour	0.03 PPM 0.14 PPM --	-- 0.05 PPM 0.25 PPM
PM-10	Annual Average 24-Hour	50 $\mu g/m^3$ 150 $\mu g/m^3$	30 $\mu g/m^3$ 50 $\mu g/m^3$
Lead	30-Day Avg. Month Avg.	-- 1.5 $\mu g/m^3$	1.5 $\mu g/m^3$ --

PPM = Parts per Million

$\mu g/m^3$ = Micrograms per Cubic Meter

Ambient Air Quality

The Bay Area Air Quality Management District (BAAQMD) monitors air quality at several locations within the San Francisco Bay Air Basin. The monitoring site closest to the project site is in downtown San Jose. Table 12 summarizes exceedances of State and Federal standards at the downtown San Jose monitoring site during the period 1996-1998. Table 12 shows that ozone and PM_{10} exceed the state standards in the project area. Violations of the carbon monoxide standards had been recorded at the downtown San Jose site prior to 1992.

Of the three pollutants known to at times exceed the state and federal standards in the project area, two are regional pollutants. Both ozone and PM_{10} are considered regional pollutants in that concentrations are not determined by proximity to individual sources, but show a relative uniformity over a region. Thus, the data shown in Table 12 for ozone and PM_{10} provide a good characterization of levels of these pollutants on the project site.

Carbon monoxide is a local pollutant, *i.e.*, high concentrations are normally only found very near sources. The major source of carbon monoxide, a colorless, odorless, poisonous gas, is automobile traffic. Elevated concentrations, therefore, are usually only found near areas of high traffic volumes.

The data shown in Table 12 for carbon monoxide are not necessarily representative of concentrations that would be found near the proposed project site. For this reason, concentrations of carbon monoxide have been estimated using a computer simulation model that predicts concentrations based on information on roadway locations, traffic volumes and traffic conditions.

Attainment Status and Regional Air Quality Plans

The federal Clean Air Act and the California Clean Air Act of 1988 require that the State Air Resources Board, based on air quality monitoring data, designate portions of the state where the federal or state ambient air quality standards are not met as "non-attainment areas". Because of the differences between the national and state standards, the designation of non-attainment areas is different under the federal and state legislation.

The Bay Area currently had until recently attained all federal standards. In June of 1998 the U.S. Environmental Protection Agency reclassified the Bay Area from "maintenance area" to non-attainment for ozone based on violations of the federal standards at several locations in the air basin. This reversed the air basin's reclassification to "maintenance area" for ozone in 1995. Reclassification requires an update to the region's federal air quality plan.

Under the California Clean Air Act Santa Clara County is a non-attainment area for ozone and PM_{10}. The county is either attainment or unclassified for other pollutants.

The California Clean Air Act requires local air pollution control districts to prepare air quality attainment plans. These plans must provide for district-wide emission reductions of five percent per year averaged over consecutive three-year periods or if not, provide for adoption of "all feasible measures on an expeditious schedule".

TABLE 11

POLLUTANT CHARACTERISTICS

Pollutant	Characteristics	Health Effects	Major Sources
Ozone	A highly reactive photochemical pollutant created by the action of sunshine on ozone precursors (primarily reactive hydrocarbons and oxides of nitrogen. Often called photochemical smog.	• Eye irritation • Respiratory function impairment.	The major sources of ozone precursors are combustion sources such as factories and automobiles, and evaporation of solvents and fuels.
Carbon Monoxide	Carbon Monoxide is an odorless, colorless gas that is highly toxic. It is formed by the incomplete combustion of fuels.	• Impairment of oxygen transport in the bloodstream. • Aggravation of cardiovascular disease. • Fatigue, headache, confusion, dizziness. • Can be fatal in the case of very high concentrations.	Automobile exhaust, combustion of fuels, combustion of wood in woodstoves and fireplaces.
Nitrogen Dioxide	Reddish-brown gas that discolors the air, formed during combustion.	• Increased risk of acute and chronic respiratory disease.	Automobile and diesel truck exhaust, industrial processes, fossil-fueled power plants.
Sulfur Dioxide	Sulfur Dioxide is a colorless gas with a pungent, irritating odor.	• Aggravation of chronic obstruction lung disease. • Increased risk of acute and chronic respiratory disease.	Diesel vehicle exhaust, oil-powered power plants, industrial processes.
PM-10	Solid and liquid particles of dust, soot, aerosols and other matter which are small enough to remain suspended in the air for a long period of time.	• Aggravation of chronic disease and heart/lung disease symptoms.	Combustion, automobiles, field burning, factories and unpaved roads. Also a result of photochemical processes.

TABLE 12
SUMMARY OF AIR QUALITY DATA
FOR DOWNTOWN SAN JOSE[11]

Pollutant	Standard	Days Exceeding Standard in:		
		1996	1997	1998
Ozone	Federal 1-Hour	0	0	1
Ozone	State 1-Hour	5	0	4
Carbon Monoxide	State/Federal 8-Hour	0	0	0
PM-10	Federal 24-Hour	0	0	0
PM-10	State 24-Hour	2	3	3

Sensitive Receptors and Major Air Pollutant Sources

The Bay Area Air Quality Management District defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill and the chronically ill) are likely to located. These land uses include residences, schools playgrounds, child care centers, retirement homes, convalescent homes, hospitals and medical clinics. The New Edenvale Redevelopment Area contains scattered residences. The Old Edenvale Redevelopment Area contains residences and Santa Teresa Community Hospital.

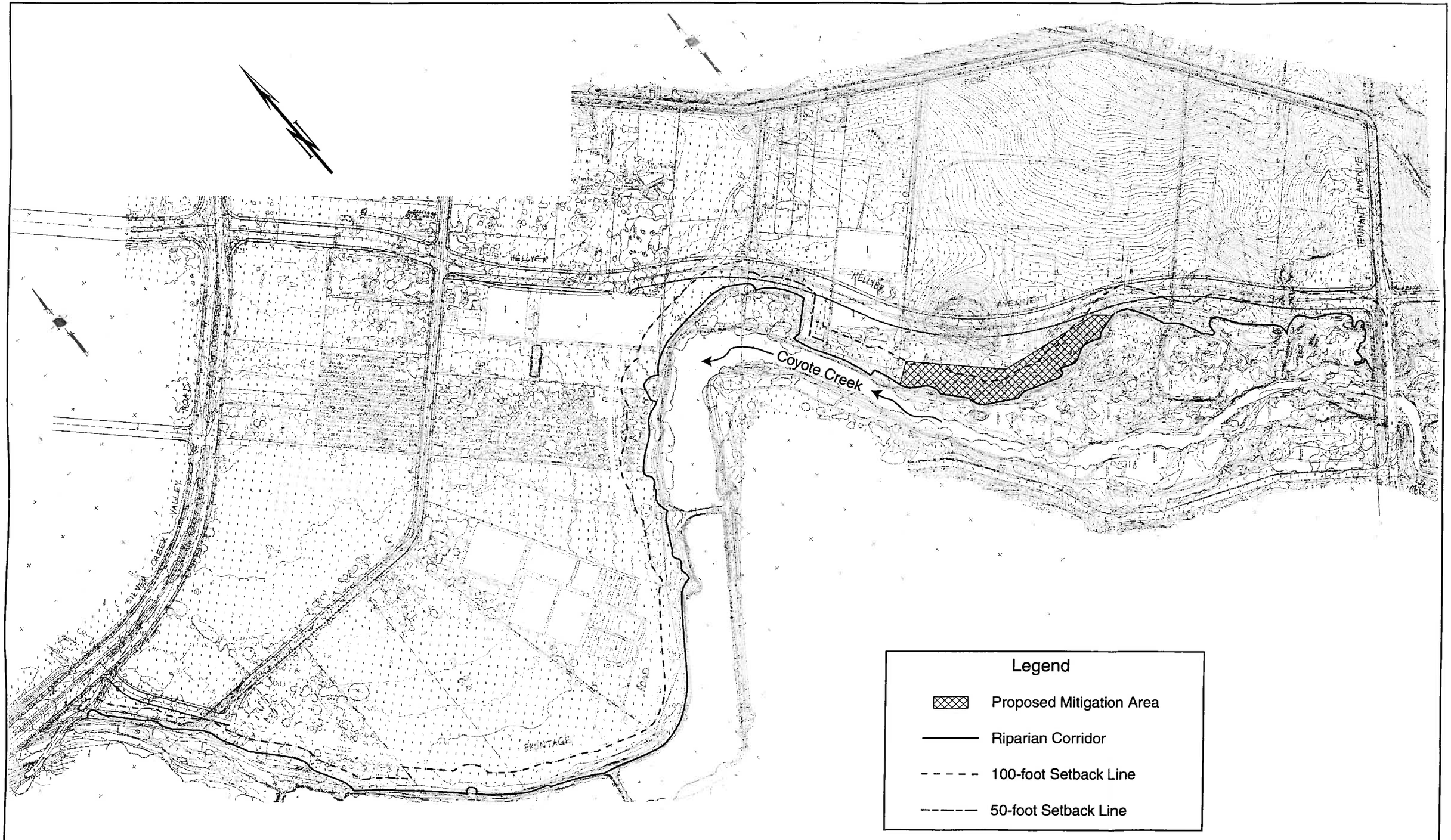
The nearest sensitive receptors outside the project boundary include the existing residential neighborhood located west of Coyote Creek. The residential neighborhood west of Santa Teresa Boulevard and south of Bernal Road are the sensitive receptors nearest Area 2 in Old Edenvale. There are also residential uses along Hellyer Avenue and Blossom Hill Road, where increases in project-related traffic will occur.

2. Air Quality Impacts

Thresholds of Significance

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

[11]California Air Resources Board, *California Air Quality Data, Annual Summaries, 1996-1997*; Bay Area Air Quality Management District, *Air Currents*, July/August 1999.



PROPOSED MITIGATION AREA

FIGURE 14

TABLE 13
WORST CASE CARBON MONOXIDE LEVELS WITH PROJECT

Intersection	Existing 1-Hr	Existing 8-Hr	Background (2010) 1-Hr	Background (2010) 8-Hr	Background + Project (2010) 1-Hr	Background + Project (2010) 8-Hr
Cottle Road/ Santa Teresa Blvd.	10.4	6.9	6.7	4.4	7.0	4.7
Eden Park Place/ Silicon Valley	6.1	3.9	4.7	3.0	6.0	3.9
U.S. 101 NB Ramp/ Helyer Avenue	6.3	4.1	5.2	3.4	5.7	3.7
Great Oaks/ SR 85 Ramp	7.1	4.7	5.0	3.2	6.0	3.9
San Ignacio/ Bernal	9.4	6.3	6.3	4.2	6.8	4.5
Monterey Highway/ Bernal	9.1	6.0	7.7	5.1	8.0	5.4
101 Ramp/ Silver Creek Valley	7.4	4.8	7.1	4.7	8.6	5.7
SR 85 Off Ramp/ Bernal	11.0	7.4	6.8	4.5	7.9	5.2
Most Stringent Standard	20.0	9.0	20.0	9.0	20.0	9.0

- The project would not cause significant local air quality impacts at any intersection as a result of increases in traffic. **(Less Than Significant Impact)**

Regional Impacts

Vehicle trips generated by the project would result in air pollutant emissions affecting the entire San Francisco Bay Air Basin and portions of the adjacent North Central Coast Air Basin. Regional emissions associated with project vehicle use has been calculated using the URBEMIS7G emission model. The methodology used in estimating vehicular emissions is described in Appendix C.

The incremental daily emission increase associated with the project is identified in Table 14 for reactive organic gases and oxides of nitrogen (two precursors of ozone) and PM_{10}.

Emissions are shown for the first phase of the project (assumed complete by 2003) and for buildout of the entire project (assumed to occur by 2010).[12]

The Bay Area Air Quality Management District has established thresholds of significance for ozone precursors and PM_{10} of 80 pounds per day. Proposed project emissions shown in Table 14 would exceed this criterion for all three pollutants for both the initial phase of development and buildout, so the proposed project would have a significant effect on regional air quality.

The project's significant impact on regional air quality would affect both the San Francisco Bay Air Basin and the northern portions of the adjacent North Central Coast Air Basin. This larger geographical extent of the project's impact would be due to the transport of pollutants from one air basin to the next by the wind and by the inducement of vehicle travel on roads within the adjacent NCCAB.

◆ **Development of the project would result in a significant impact on regional air quality (Significant Impact)**

TABLE 14
PROJECT REGIONAL EMISSIONS IN POUNDS PER DAY

	Reactive Organic Gases	Nitrogen Oxides	PM-10
Project Emissions: Phase 1 (2003) Buildout (2010)	 727.3 649.0	 1205.1 1347.4	 447.2 620.8
BAAQMD Significance Threshold	80.0	80.0	80.0

Construction Impacts

The project would result in considerable construction activity over an extended period of time. Development of 7.88 million square feet of industrial uses would affect air quality at numerous sites within the project area. In addition, the project proposes the construction of numerous infrastructures improvements that would also have construction-related air quality effects.

[12] Because of the phasing proposed for the project in conjunction with the gateway improvements, a "worst case" condition for the air quality analysis assumed that all of the development anticipated in Area 2 (3.3 million square feet) and the initial phase of development in New Edenvale (2.2 million square feet) would occur in the first phase, prior to 2003.

Construction activities such as earthmoving, excavation and grading operations, construction vehicle traffic and wind blowing over exposed earth would generate exhaust emissions and fugitive particulate matter emissions that would affect local and regional air quality. Construction activities are also a source of organic gas emissions. Solvents in adhesives, non-waterbase paints, thinners, some insulating materials and caulking materials would evaporate into the atmosphere and would participate in the photochemical reaction that creates urban ozone. Asphalt used in paving is also a source of organic gases for a short time after its application.

Construction dust would affect local air quality during buildout of the project. The dry, windy climate of the area during the summer months creates a high potential for dust generation when and if underlying soils are exposed to the atmosphere.

The effects of construction activities would be increased dustfall and locally elevated levels of PM_{10} downwind of construction activity. Construction dust has the potential for creating at least nuisance-level impacts at nearby properties. This impact is considered significant.

◆ Construction activities related to development of the Edenvale Redevelopment Project, including construction of infrastructure and roadway improvements, would result in significant short-term air quality impacts. **(Significant Impact)**

3. Mitigation Measures for Air Quality Impacts

Programmed Mitigation Measures

- Any future development would be subject to the City's Grading Ordinance; all earth moving activities would include provisions to control fugitive dust, including regular watering of the ground surface, cleaning nearby streets, damp sweeping, and planting any areas left vacant for extensive periods of time.

  The use of watering alone for dust control is estimated to reduce dust emissions by about 50 percent. The combined effect of the above measures, including the use of a dust suppressant, would have a control efficiency of 70 to 80 percent, which would be expected to reduce construction related impacts to a less-than-significant level.

Mitigation Measures to be Considered at the Time of Future Development

The following mitigation measures would reduce air quality impacts and could be required of individual developments as they are approved by the City:

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

- Connect each site with regional bikeway/pedestrian trail system. Provide employee showers and changing areas.

- Implement feasible travel demand management (TDM) measures for a project of this type. This would include a ride-matching program, guaranteed ride home programs, coordination with regional ridesharing organizations and transit incentives program.

- Provide on-site services for employees, such as a cafeteria, ATM machine and postal services.

- Provide shuttle bus service to regional transit centers and food service establishments/commercial areas at midday.

- Provide on-site child-care.

- Provide preferential parking for carpool/vanpool vehicles.

- Implement parking cash-out program for employees (non-driving employees receive transportation allowance equivalent to the value of subsidized parking).

Conclusion: While implementation of all of these measures, as appropriate, by individual developments could reduce air quality impacts by as much as 15%, the project would still result in significant regional air quality impacts. **(Significant Unavoidable Impact)**

Mitigation for Construction Impacts

The following measures are identified by BAAQMD as mitigation measures to be implemented as dust control measures by construction contractors during all construction phases:

- Water all active construction areas at least twice daily.

- Watering or covering of stockpiles of debris, soil, sand or other materials that can be blown by the wind.

- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.

- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.

- Sweep daily (preferably with water sweepers) all paved access road, parking areas and staging areas at construction sites.

- Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.

- Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.

- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).

- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.

***Conclusion*:** Implementation of the above listed mitigation measures would reduce air quality impacts from construction of the proposed project to a less than significant level. **(Less Than Significant Impact with Mitigation)**

D. NOISE

The following discussion is based in part on the noise report prepared for this project by *Illingworth and Rodkin, Inc.* A copy of that report can be found in Appendix D of this EIR.

1. Existing Setting

Background Information

Several factors affect noise as it is perceived by the human ear, including the actual level of sound (or noise), the period of exposure to the sound, the frequencies involved, and the fluctuation in the noise levels during the exposure. Noise intensity is customarily measured on a "decibel" scale which serves as an index of loudness. Since the human ear cannot perceive all pitches and frequencies equally well, measured sound levels are adjusted or weighted to correspond to human hearing. This adjustment is known as the "A-weighted" decibel, or dBA. On this scale, noise at zero decibels is barely audible, while noise at 120-140 decibels is painful and may cause hearing damage with all but a brief exposure. These extremes are not encountered in commonplace environments.

Although the A-weighted noise level may adequately indicate the level of environmental noise at any instant in time, community noise levels vary continuously. Most environmental noise includes a mixture of noise from distant sources which create a relatively steady background noise in which no particular source is identifiable. The term L_{eq} is called the "equivalent" noise level. This is the decibel level which represents the time average of the energy content (or intensity) of the environmental noise. The L_{dn} resembles the L_{eq} in that it is basically a kind of average of sound intensity, but it is a 24-hour average that incorporates a 10-decibel penalty for noise occurring during the hours between 10:00 PM and 7:00 AM. This is to account for the fact that ambient noise levels are less at night and, therefore, additional noise emissions are then more intrusive and more likely to result in sleep disturbance.

General Plan Noise Policies

The Noise Element of the City of San Jose's 2020 General Plan contains noise guidelines for various land uses within the City, and identifies acceptable noise exposure levels for those uses in terms of the Day-Night Level (L_{dn}) 24-hour descriptor. An exterior level of 60 dBA L_{dn} is considered acceptable for commercial land uses (including office) and an exterior limit of 70 dBA L_{dn} is considered acceptable for heavy industrial uses. The guidelines state that where exterior L_{dn} is between 60 and 75 dBA, and the project requires an EIR, an acoustical analysis should be made indicating the amount of attenuation necessary to maintain a 45 L_{dn} interior noise level. Onsite outdoor activity should be limited to acoustically protected areas. The following policies stated in the Noise Element are also applicable to the proposed project:

Policy 9. Construction operations should use available noise suppression devices and techniques.

Policy 11. When located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses, non-residential land uses should mitigate noise generation to meet the 55 LDN guideline at the property line.

Policy 12. Noise studies should be required for land use proposals where known or suspected peak event noise sources occur which may impact adjacent existing or planned land uses.

Existing Noise Environment

A noise survey was done on February 8th and February 9th, 2000 to characterize the existing noise environment in the area. The noise levels at each location varied, so several noise measurements were made to quantify the existing noise levels. Three 24-hour noise measurements and one short term noise measurement were conducted to complete the noise monitoring survey.

The first long-term noise measurement was conducted in a single-family residential neighborhood along Hellyer Avenue west of Coyote Creek Park. The noise monitor was located approximately 65 feet from the centerline of Hellyer Avenue along Ambler Way. The majority of single-family residences along Hellyer Avenue are set back about 50 feet from the centerline of Hellyer Avenue. The dominant noise source at this location was vehicular traffic along Hellyer Avenue. Hourly average noise levels typically ranged from about 51 dBA to 64 dBA $L_{eq,}$. The calculated L_{dn} during the 24-hour noise monitoring period was about 64 dBA, which exceeds General Plan standards for residential areas.

A second 24-hour noise measurement was made approximately 35 feet from the centerline of Branham Lane, west of US 101. Hourly average noise levels at this noise monitoring location ranged from about 47 dBA to 66 dBA L_{eq}, and the L_{dn} was about 63 dBA, which exceeds General Plan standards for residential areas.

The third long-term noise monitoring site was located within the Branham Lane right-of-way on the east side of US 101. This right-of-way is bounded by single-family residential land uses to the north and south, US 101 to the west and Coyote Road to the east. The measurement was conducted approximately 900 feet east of US 101 and 300 feet west of the centerline of Coyote Road. At this site, hourly average noise levels ranged from about 46 dBA to 61 dBA L_{eq}, and the L_{dn} was about 59 dBA.

A short-term noise measurement was also conducted near the intersection of Silicon Valley Boulevard and Piercy Road to quantify the existing background noise levels at residences located along Piercy Road. The average noise level during the measurement period was about 50 dBA. Noise sources included distant traffic along US 101 and noise generated by aircraft.

2. Noise Impacts

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

- exposure of persons to or generation of noise levels in excess of established City policies; or

- exposure of persons to or generation of excessive groundborne vibration; or

- a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; or

- a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels exiting without the project.

The traffic analysis found in Appendix D of this EIR calculated changes in noise levels along the street system serving the Edenvale Redevelopment Plan Area. The calculations show that there are four areas which would be impacted by noise from traffic added by the buildout of the redevelopment areas. These areas are as follows:

East of US 101, traffic noise levels along Hellyer Avenue would increase by about 1 dBA, further exceeding General Plan guidelines.

The nearest existing residential land uses to the proposed industrial development is the neighborhood just west of Coyote Creek. The closest homes are located about 380 feet from Hellyer Avenue, on Coyote Road. The existing L_{dn} at these homes is about 55 dBA. When the projected noise from traffic on Hellyer Avenue within the project area is added to the existing noise level, the total overall L_{dn} will reach 60 dB, for a total increase of five dB over existing noise levels. Since the overall noise level would not exceed the City's goal for satisfactory outdoor noise levels in excess of 60 dB in residential areas, this impact would not be significant.

The second area where traffic noise increases are projected is on Bernal Avenue between Via de Oro and San Ignacio. There is existing residential development on the east side of Bernal Avenue in this area. These homes are shielded from traffic noise on Bernal Avenue by an existing sound wall. Traffic volumes on Bernal Avenue are currently such that noise levels in the backyards of these homes may already be at an L_{dn} of 60 dB. An increase would cause City guidelines for residential open space to be exceeded.

The third area would be along Silicon Valley Boulevard, between Basking Ridge Avenue and Piercy Road, where noise levels are expected to increase by 6 decibels. There are existing homes located along Silicon Valley Boulevard in this area. These homes are shielded from noise emanating from Silicon Valley Boulevard by a wood property line fence, about 5 to 6 feet tall. Traffic on Silicon Valley Boulevard in the future would generate an L_{dn} of 59 dBA. When the shielding provided by the existing fence is taken into account, the L_{dn} in the backyards would be expected to be below 55 dBA, significantly below the City's guidelines for noise and land use compatibility.

The final area where noise levels could increase significantly would be along Piercy Road between Silver Creek Valley Road and Silicon Valley Boulevard. Noise levels are calculated to increase by five decibels in this area. There are scattered residences along this portion of Piercy Road. Future noise levels at a distance of 50 feet, typical of the closest homes to the road, would reach an L_{dn} of about 67 dB, significantly in excess of the City's

guidelines for noise in residential areas. These residences in this area would be significantly impacted by increased traffic noise levels.

- Traffic generated by buildout of the Edenvale Redevelopment Project area would cause noise levels to increase on the streets serving the area. Noise from traffic increases: (1) will cause existing noise levels already exceeding residential guidelines to increase along Hellyer Avenue west of Coyote Creek, (2) may cause noise levels in residential back yards adjacent to Bernal Avenue east of Santa Teresa to increase above the General Plan residential guidelines; and (3) would cause noise levels for homes along Piercy Road north of Silicon Valley Boulevard to exceed the General Plan residential guidelines. **(Significant Impact)**

Although site plans and specific development are not included in the Redevelopment Project, it appears that particularly for the parcels located on the east side of Coyote Creek and the west side of Hellyer Avenue in Area 1 of New Edenvale, there is the potential for incompatibility between the noise generated by industrial activities and the residential developments west of Coyote Creek. In these areas, hourly background noise levels (L_{90}) are generally in the range of 48 to 53 dBA during the daytime hours. If the design or operation of individual projects generates noise levels in excess of about 55 dBA, noise levels would increase by a significant amount, which could result in adverse community response. This is a significant impact. Significant increases in noise levels at the residential neighborhood could result from the operation of air conditioning or other equipment, cooling towers, or loading docks placed near the westerly property line.

- Noise generated by new industrial development west of Hellyer Avenue in Area 1 of New Edenvale could cause noise levels to increase at adjacent residences. **(Significant Impact)**

Depending on the proximity of a given residence to construction, noise levels could exceed 60 dBA for short periods of time. However, as construction proceeds throughout the site, most of the construction would be located quite far from existing residences and it is unlikely that any given residence would be exposed to continuous noise levels exceeding 60 dBA for a significant period of time, although there would be occasions when noise levels could exceed this criteria for shorter durations.

- During construction on the site, there is a potential for short-term construction noise impacts on the residences adjacent to Coyote Creek and also on residences along Piercy Road and Silicon Valley Boulevard. **(Less Than Significant Impact)**

3. Mitigation for Noise Impacts

Possible Mitigation Measures Not Included in the Project

In two of the three areas where traffic noise impacts are expected to be significant, *i.e.*, along Bernal Avenue between Via de Oro and San Ignacio and along Piercy Road between Silver Creek Valley Road and Silicon Valley Boulevard, potential mitigation strategies depend upon several factors. Along Bernal, the key factor is the effectiveness of the existing sound wall. There is a possibility that the existing sound wall provides the necessary attenuation to keep future noise levels below an L_{dn} of 60 dB. To determine the effectiveness of the wall, measurements would need to be conducted and a determination made as to whether it was

possible to increase the height of the sound wall to mitigate anticipated noise increases. In the absence of specific information on the effectiveness of the existing sound wall, it must be assumed that noise increases from the project will have a significant unmitigated impact on the existing residences.

Mitigating noise impacts along Piercy Road would require individual fences for each of the closer residences. Since this is not a traditional suburban development, it would not be feasible to construct a sound wall along the road to shield the existing homes. It would be more effective to construct solid fences around the houses where such fences do not already exist, to reduce noise levels to below 60 dB. This mitigation would be dependant on the property owner's acceptance.

As industrial development proceeds in Area 1 of New Edenvale, studies could be required to assure that noise levels in the residential area along Coyote Creek due to activity on individual development sites would not be exceeded by the proposed development, including noise from air conditioners, cooling towers or other equipment, or loading docks.

While short-term construction noise would be a nuisance, it is not identified as a significant impact. To minimize the nuisance aspect of construction noise, the following steps could be taken:

(1) *Construction Scheduling.* Limit noise-generating construction activities, including truck traffic coming to and from the site for any purpose, to daytime, weekday, non-holiday hours (7:00 am to 6:00 pm).

(2) *Construction Equipment Mufflers and Maintenance.* Properly muffle and maintain all construction equipment powered by internal combustion engines.

(3) *Idling Prohibitions.* Prohibit unnecessary idling of internal combustion engines.

(4) *Equipment Location and Shielding.* Locate all stationary noise-generating construction equipment such as air compressors as far as practical from existing nearby residences and other noise-sensitive land uses. Acoustically shield such equipment.

(5) *Quiet Equipment Selection.* Select quiet construction equipment, particularly air compressors, whenever possible. (Fit motorized equipment with proper mufflers in good working order.)

(6) *Noise Disturbance Coordinator.* Designate a "noise disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and would require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

The project does not include mitigation for noise impacts in any of the three areas where they are anticipated to be significant. Continued implementation of the project as proposed, including adoption of the Area Development Policy, will result in significant noise impacts to the residential neighborhood along Hellyer Avenue west of Coyote Creek, the residences which back up to Bernal Road between Via del Oro and San Ignacio, and the existing residences along Piercy Road north of Silicon Valley Boulevard. **(Significant Unavoidable Impact)**

If the project is implemented as proposed, including expanding the freeway interchange at Hellyer Avenue, there is no mitigation that would avoid the increased noise from traffic along Hellyer Avenue west of Coyote Creek that will produce increased noise in a residential neighborhood that already exceeds General Plan noise guidelines. **(Significant Unavoidable Impact)**

E. HYDROLOGY AND FLOODING

An analysis of the hydrological conditions associated with development in New Edenvale has been prepared by Schaaf & Wheeler, Consulting Civil Engineers. A copy of their report is in Appendix E of this EIR.

1. Existing Setting

Existing Flood Conditions

Coyote Creek drains from the western slopes of the Diablo Range in eastern Santa Clara County northwest to San Francisco Bay. The major tributaries of Coyote Creek are Fisher Creek, Silver Creek, Upper Penitencia Creek, and Lower Penitencia Creek. Coyote Creek and its tributaries drain a total of approximately 350 square miles.

Stream flows in Coyote Creek are regulated by Coyote and Anderson Reservoirs, constructed by the Santa Clara Valley Water District for water supply purposes. These reservoirs have a total storage capacity of approximately 115,000 acre-feet. The reservoirs are operated for water supply purposes, but do provide some incidental flood control benefits due to peak flow attenuation within the reservoirs.

Most of Coyote Creek downstream of Anderson Reservoir is a perched channel with channel banks higher than adjacent areas on one side or both sides of the stream channel. Therefore, overflows from the channel would tend to flow away from and parallel to the channel. North of Route 880 in north San Jose, the channel includes levees to increase the channel capacity.

Based on information from the Federal Emergency Management Agency Flood Insurance Study for the City of San Jose, there are limited areas of 100-year flood plain from Coyote Creek south of Route 880. The most serious of these is north of Route 280 near Williams Street. Overflows from the channel would flood the William Street area during a 100-year flood. The overflow would be forced back into Coyote Creek by the levees at Silver Creek. The most recent flooding at William Street occurred in 1997. Flooding has also occurred several times in recent years upstream of Oakland Road.

The Santa Clara Valley Water District (SCVWD) has constructed a flood control project for Coyote Creek from Montague Expressway north to San Francisco Bay. The flood control was designed to provide 100-year flood protection due to spills from Coyote Creek. Prior to the flood control project, overflows in north San Jose from Coyote Creek occurred in 1982 and 1983.

Storm Drainage Facilities

The City of San Jose maintains the storm drainage facilities in the project vicinity. The storm drain lines range in size from 12 to 36 inches in diameter.

Stormwater runoff through the project area flows in a northerly direction, discharging into Coyote Creek. Storm water from the creek eventually discharges to the San Francisco Bay.

Water Quality

As the stormwater travels across land prior to reaching Coyote Creek it tends to pick up heavy metals such as cadmium, chromium, copper, lead, nickel and zinc which are carried away from industrial, residential and agricultural uses. Suspended sediments and organic materials are also picked up and get discharged into Coyote Creek.

Much of the New Edenvale Redevelopment area is vacant and unpaved. Runoff from the site may contain agricultural chemicals, including pesticides, herbicides, and fertilizers. In the developed areas, concentrations of grease, oil and heavy metals in existing runoff would be expected.

The Edenvale Redevelopment Project is located within the Coyote Creek drainage basin. The water quality of Coyote Creek is directly affected by pollutants contained in stormwater runoff from a variety of urban and non-urban uses. Stormwater from urban uses contains metals, pesticides, herbicides, and other contaminants, including oil, grease, asbestos, lead, animal wastes, etc. Runoff from the site may currently contain oil and grease from parked vehicles, fertilizer and pesticides from landscaping, and heavy metals.

2. Hydrologic Impacts

Thresholds of Significance

For the purposes of this project, a hydrology and flooding impact is considered significant if the project will:

- Increase the potential for flood-related property loss or hazard to human life; or
- Substantially degrade or deplete groundwater resources; or
- significantly increase stormwater pollution discharges to stormwater systems; or
- significantly increase peak stormwater runoff.

Hydrology and Flooding

Industrial development will increase impervious surfaces on the site, thereby decreasing the amount of land available for water percolation, and increasing surface runoff. An hydrology study was prepared by *Schaaf & Wheeler, Consulting Civil Engineers*, which addresses development in the Edenvale Redevelopment Area. A copy of that report is contained in Appendix E of this EIR. As described in the Project Description (Section I of this EIR), a five-acre detention basin will be built within the riparian corridor mitigation area, in Area 3. The hydrology study in Appendix E describes how the detention basin will function; runoff from the hillsides, which presently enters Coyote Creek unchecked, will be detained in the basin.

For the anticipated level of development in Areas 1, 3, and 4, peak stormwater flow from a 10-year storm was estimated to be 851 cubic feet per second (cfs), an increase of 77 percent. For the peak flow from a 100-year storm, the runoff was estimated to be 851 cfs, an increase of 38 percent.

The Santa Clara Valley Water District (SCVWD) has expressed concern that increased runoff in Edenvale may adversely affect downstream flood flows in Coyote Creek. Of particular concern is the area downstream of I-280 at William Street in San Jose, where flooding occurred in 1997. Modeling was therefore performed to evaluate future conditions downstream under both 100 year flood conditions and intermediate (35-year storm) conditions.[13] The modeling assumed worst case conditions without the proposed detention basin. The maximum increase at William Street was calculated to be four cfs over existing conditions for the first peak of a 100-year storm. For the second peak, conditions at Williams Street with development of the project would be one cfs less than under existing conditions. For the 35-year storm, the first peak at William Street is nine cfs greater than under existing conditions. There is no measurable increase with the second peak. It is estimated that an increase in flood flows of 10 cfs at William Street would increase the water surface by an estimated 0.01 cfs. This would not be a significant increase.

With the construction of the five-acre three-foot deep detention area proposed along Coyote Creek in conjunction with the riparian habitat mitigation area, there will be no increase in flooding levels downstream from the project area.

- Ongoing development of the Edenvale Redevelopment Project Area as proposed will not increase downstream flooding from Coyote Creek. **(Less Than Significant Impact)**

Water Quality

Development within the project area could result in non-point source pollution from grading, oil and grease from parked cars, and asphalt. Long term affects on the water quality of the surface runoff from the site would occur during and after project construction due to the installation of paved streets and parking areas. Runoff from graded surfaces and soil accumulation in streets and driveways would increase sedimentation in stormwater. Increased landscaping areas could also result in an increase in surface water contamination if additional pesticides, herbicides or chemical fertilizers are introduced.

- Development will increase the amount of contamination in stormwater runoff which could adversely effect the water quality of Coyote Creek. **(Significant Impact)**

3. Mitigation Measures for Hydrologic Impacts

Programmed Mitigation Measures

- The California State Water Resources Control Board has adopted NPDES General Permits for stormwater discharge associated with construction and certain kinds of industrial activity. The draft general permits require the utilization of a full range of structural and non-structural control measures and management practices designed to reduce potential contamination of runoff. The permits specifically evaluate the appropriateness of infiltration and runoff onsite.

[13] The 35 year storm was used because the volume of water for the 10 year event was less than channel capacity for Coyote Creek at William Street.

Applicants for construction projects over five acres in size must file a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) with the Regional Water Quality Board prior to commencing construction. The SWPPP must address mitigation for both the construction and post construction periods. The SWPPP would include erosion and sediment control measures, waste disposal controls, post construction sediment and erosion control measures, maintenance responsibilities, and non-stormwater management controls.

Mitigation Measures Included in the Project

Implementation of permanent water quality protection measures incorporated into project designs include:

a) The project will obtain and conform to the requirements of the General NPDES Construction Activity Stormwater Permit administered by the Regional Water Quality Control Board. Best management practices would be included in the project to limit urban runoff contaminants from entering storm drains.

Prior to construction grading the applicant would file a Notice of Intent (NOI) to comply with the General Permit and prepare a Storm Water Pollution Prevention Plan (SWPPP) which addresses measures that will be included in the project to minimize and control construction and post-construction runoff. The SWPPP will be reviewed and approved by the City of San Jose Department of Environmental Services. The following measures would be included in the SWPPP:

- Preclude non-storm water discharges to the storm water system.

- Perform monitoring of discharges to the storm water system.

- Construction practices will include use of stabilized construction entrances and/or wash racks, street sweeping, use of erosion control devices including straw bales and/or silt fences, and storm drain inlet protection to minimize contamination of storm water runoff. The project will comply with the City of San Jose Grading Ordinance, including erosion- and dust-control during site preparation and with the City of San Jose zoning ordinance requirement for keeping adjacent streets free of dirt and mud during construction.

b) The project grading plans will conform to the drainage and erosion control standards adopted by the City of San Jose and would be approved by the City Public Works Department. The following specific measures, or their equivalent, will be implemented to prevent storm water pollution and minimize potential sedimentation during construction:

- restricting grading to the dry season (April - October) or using Best Management Practices for wet season erosion control;
- damp sweeping;
- using silt fencing to retain sediment on the project site;
- providing temporary cover of disturbed surfaces to help control erosion during construction;

- providing permanent cover to stabilize the disturbed surfaces after construction has been completed;

c) As part of the mitigation for post-construction runoff impacts addressed in the SWPPP, the project will implement regular maintenance activities (i.e., damp sweeping, cleaning storm water inlets, litter control) at the site to prevent soil, grease, and litter from accumulating on the project site and contaminating surface runoff. Storm water catch basins will be stenciled to discourage illegal dumping.

d) The site will also be required to comply with the City's post-construction storm water runoff requirements. Measures such as storm drain inlet filters (oil/water filter, fossil filter, etc.) will be used to limit contamination of urban runoff.

e) Street sweeping by the applicant will remove post construction soil buildup on local public streets, reducing the potential for increased amounts of dust and sediments to enter the storm drain system.

f) The project's drainage system shall include storm water prevention measures such as swales or filter inlets.

***Conclusion*: Implementation of the above identified mitigation measures will ensure that hydrological impacts from the ongoing development of the Edenvale Redevelopment Project area as proposed are avoided or reduced to a level of nonsignificance. (Less Than Significant Impact with Mitigation)**

F. BIOLOGICAL RESOURCES

1. Existing Setting

Biotic Habitats of the Project Site

Four habitat types are present in the project area. These include urban, agricultural/fallow, riparian, and serpentine grassland. Each of the habitats is characterized below.

Urban Habitat

The urban habitat consists predominately of ornamental species located around buildings, parking lots freeways and roadways and other development. Landscape trees like elms, blue gums, pines, palms, and cedars make up the majority of trees with a few natives such as oaks and coast redwoods mixed in the landscaping. A mixture of ornamental shrubs, ground cover, herbaceous plants and lawn make up the other vegetation. Urban habitat occupies more than 80% of Area 2 (Old Edenvale), a substantial part of Area 1, and less than 20% of Area 3 (refer to Figure 13).

Common wildlife species, such as European Starlings, Brewer's Blackbirds, House Sparrow, and Western Robins are found in the urban habitat within the project area.

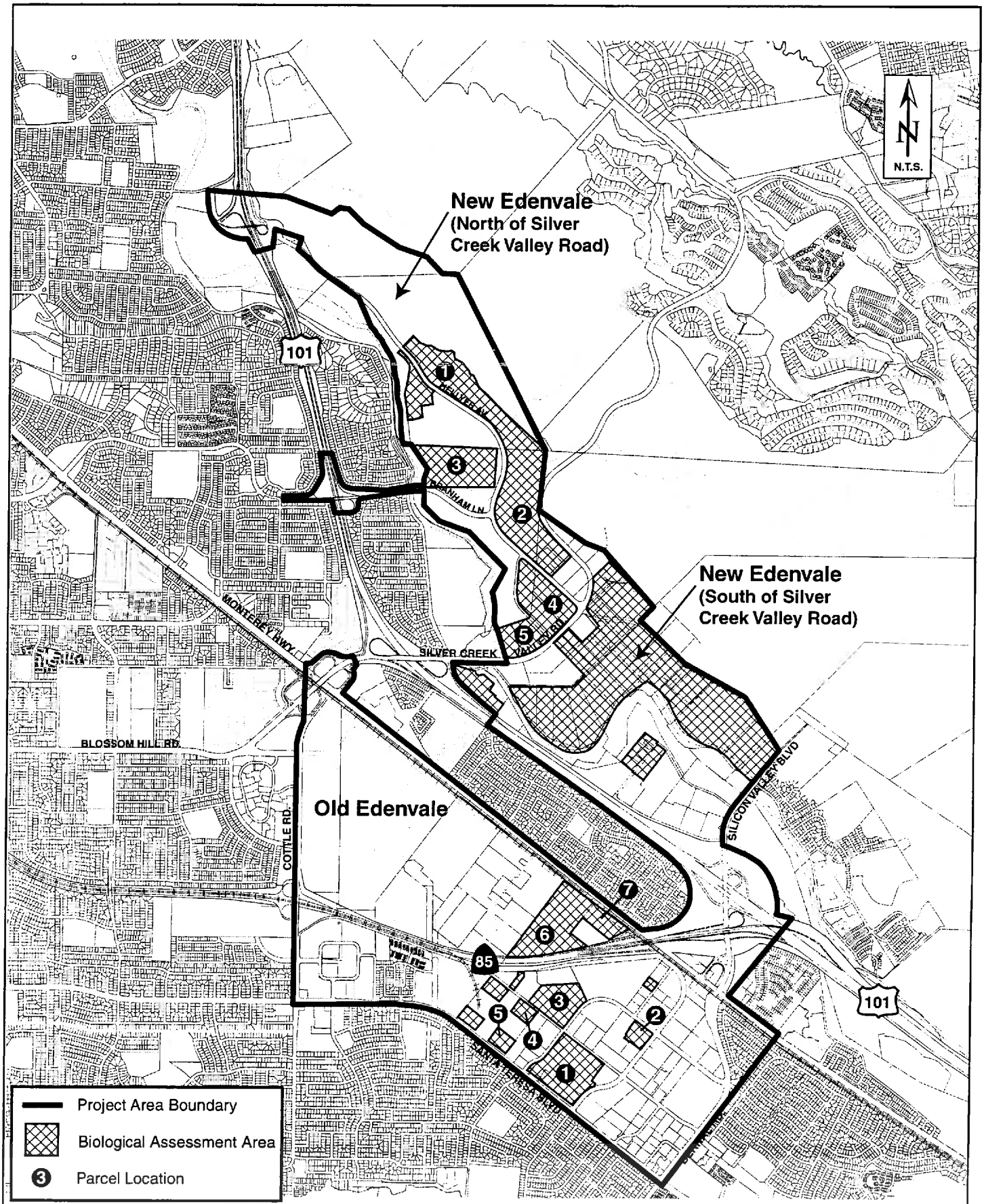
Agricultural/Fallow Habitat

The agricultural/fallow habitat in the project area consists of orchards and fallow and cultivated fields. This habitat is present across almost all of the undeveloped property in Old Edenvale (Area 2), much of the undeveloped property in Area 1 (New Edenvale north of Silver Creek Valley Road and most of Area 3 (New Edenvale, south of Silver Creek Valley Road and east of Coyote Creek). In general, this habitat occurs in areas where soils and vegetation are disturbed. The agricultural and fallow habitat is characterized by orchard and ornamental trees as well as native trees, mostly valley oaks and coast live oaks. Beneath the trees and across the fallow fields the typical vegetation is introduced annual grasses such as wild oat, farmer's foxtail, and broad-leaved ruderal plants like black mustard, yellow star thistle, willow herb, prickly ox-tongue, and field bindweed.

Bird life in the agricultural/fallow habitat includes Western Meadow Larks, Morning Doves, Oregon Juncos, Lesser Goldfinches, Savannah Sparrows, and Song Sparrow. American Kestrel forage across the agricultural/fallow and serpentine grassland habitats, preying on insects and reptiles like Western fence lizard and alligator lizard. Hawks and owls found in nearby riparian habitat also forage across the agricultural/fallow habitat. Animals with large ranges that are present or may be expected to use the project area include Turkey Vultures and Golden Eagles. The agricultural/fallow habitat supports small mammals like California ground squirrel, Botta's pocket gopher, California vole, and Western harvest mouse as well as larger mammals such as black-tailed hare, black-tailed deer and coyote.

Serpentine Grassland Habitat

Serpentine grassland habitat is located along the eastern side of Area 1, mostly east of Hellyer Avenue. While there are serpentine soils located west of Hellyer Avenue, north of



POTENTIAL BIOLOGICAL IMPACT AREAS FIGURE 13

Branham Lane East, this area has been graded and is disturbed to such an extent that little vegetation other than ruderal species are present here.

The serpentine grassland is generally dominated by a mixture of introduced grasses such as wild oat, and ripgut brome with potential occurrences of native perennial grasses (most commonly, purple stipa). Several non-grasses or broad-leaved plants are also found in the grassland. Examples of these are California poppy, naked-stemmed eriogonum, common yarrow, milk thistle, storksbill, and dove weed.

Santa Clara Valley dudleya, a Federally listed endangered species, was found on the rock outcroppings in the serpentine grassland located to the east of the intersection of Hellyer Avenue and Branham Lane. Suitable habitat occurs in the serpentine grassland for other special status serpentine plant species. These species are listed subsequently in this section under the heading, "Special Status Species."

Wildlife species found in the serpentine grassland habitat are similar to those in the agricultural/fallow habitat described previously.

Riparian Habitat

A rich riparian habitat is present along Coyote Creek which flows along the western side of Areas 1 and 3. Coyote Creek is the largest drainage in Santa Clara Valley extending from the southeastern portion of the County to the southern tip of San Francisco Bay, providing a corridor for wildlife movement along its length through the valley. The riparian habitat in the vicinity of the project is dominated by a nearly continuous canopy of mature trees with an understory of shrubs, vines and herbaceous vegetation. The dominant and common trees include coast live oak, California sycamore, Mexican elderberry, California black walnut, arroyo willow, red willow, Fremont cottonwood, California buckeye, and valley oak. Introduced tree species include blue gum, pepper tree, and cherry. The understory of the riparian habitat includes vines and shrubs like poison oak, blackberry, and coyote brush as well as introduced species sweet fennel and giant reed. There are large percolation ponds located along Coyote Creek in the reach mid way between Silicon Valley Boulevard and Silver Creek Valley Road. Except for these percolation ponds, the habitat value along Coyote Creek is very high quality.

A small amount of possible seasonal drainage or wetland exists in Area 1 (New Edenvale, north of Silver Creek Valley Road) located on the easterly side of Hellyer Avenue to the north east of its intersection with Branham Lane East. There is a narrows here with a few cottonwoods and willows.

Riparian habitat supports a wide variety of indigenous native species. Red-tailed Hawks and Red-shoulder Hawks are found perching, nesting and foraging along the creek. During the winter months both Golden-crowned Sparrows and White-crowned Sparrows are found along the creek and across the adjacent agricultural and fallow areas. Several species of birds such as Barn Swallows, White-breasted Nuthatches, Red-shafted Flickers are supported by the abundant insect life found along Coyote Creek. Kingfishers perch, hunt and nest in the riparian vegetation along the creek. Mallards and other ducks thrive in the waters of Coyote Creek and the percolation ponds where they find both foraging and nesting habitat. Small and medium sized mammals, such as Audubon's cottontail and raccoon, are also found in the riparian habitat within the Edenvale area.

Trees

Old Edenvale (Area 2)

A tree survey on the vacant developable properties in Old Edenvale (Area 2) found 33 trees that are ordinance sized, (trunk diameters of 18 inches or greater) as shown in Table 15. These trees occur on three parcels within Area 2. Twenty trees, including the largest trees, are located on Parcel 1, the boundaries of which are shown on Figure 13.

New Edenvale, North of Silver Creek Valley Road (Area 1)

In Area 1, (New Edenvale north of Silver Creek Valley Road) there are a total of six ordinance-sized trees.

New Edenvale, South of Silver Valley Road (Area 3)

A tree survey was conducted on the portions of Area 3, (New Edenvale, south of Silver Valley Road) where the proposed improvement district would cause disturbance by

TABLE 15

Existing Trees[14]

Location	1-12" dbh (Non-ordinance)	12-18" dbh (Non-ordinance)	18-24" dbh (Ordinance)	24-36" dbh (Ordinance)	>36" dbh (Ordinance)
Old Edenvale Parcels (Area 2)					
Parcel 1	11	1	1	6	13
Parcel 2	--	--	1	--	--
Parcel 6	3	7	4	4	4
Subtotal	**14**	**8**	**6**	**10**	**17**
New Edenvale Parcels, North of Silver Creek Valley Road (Area 1)					
Parcel 1	1	--	--	--	1
Parcel 4	--	--	--	4	--
Parcel 5	7	--	--	--	1
Subtotal	**8**	**0**	**0**	**4**	**2**
New Edenvale Parcels, South of Silver Creek Valley Road (Area 3)					
Subtotal	**--**	**46**	**12**	**10**	**14**
Total of Areas 1, 2, and 3					
Total Trees	**22**	**54**	**18**	**24**	**33**

[14] Note: In the Old Edenvale area, no trees were reported on Parcels 3, 4, 5 or 7. In the New Edenvale area, north of Silver Creek Valley Road, no trees were reported on Parcels 2 and 3.

construction of the southern extension of Hellyer Avenue, and the widening of Piercy and Tennant Roads. A total of 82 trees were surveyed and are listed in Table 15. The majority of the surveyed trees are ornamental non-native species, with less than half being ordinance-sized. Native trees included seven coast live oaks, two valley oaks, and one Western sycamore.

Special Status Species

Plant Species

Several special status plants either are or may be present within the portion of Area 1 occupied by serpentine grassland habitat (an area on the easterly side of Hellyer Avenue). These special status plants include three species that are federally listed as endangered and one species federally listed as endangered and listed by the State of California as threatened. The California Native Plant Society (CNPS) also lists all four of these plants as rare (List 1B). These four federally listed plant species are listed in Table 16.

Santa Clara Valley dudleya was found growing on some rock outcroppings located to the east of the intersection Hellyer Avenue and Branham Lane, on the higher slopes of the Area 1. Metcalf Canyon Jewelflower has been found both to the north and to the south of the New Edenvale area. Tiburon Indian paintbrush has been found to the south of the site near the Kirby Canyon landfill. Showy Indian clover is not known to be extant in Santa Clara County, but has been rediscovered within the last several years in Marin County.

In addition to the four Federally listed species, there are 12 species that may be present within the serpentine grassland habitat easterly of Hellyer Avenue that are listed by CNPS. These 12 species are also listed in Table 16, below.

Of the 12 CNPS listed special status plants, Mt. Hamilton thistle has been found on the upper hillside of Area 1 around a seep. This area is designated for non-urban hillside use and is not expected to be disturbed by development.

Fragrant fritillary is known from the majority of the Bay Area counties, but is severely threatened by grazing and the loss of habitat to agriculture and urban development. The closest known population to the project site was recorded in the early 1990's from the Evergreen area, a few miles southeast of the project site.

Wildlife Species

Bay Checkerspot Butterfly

The Bay Checkerspot butterfly (*Euphydryas editha bayensis*) is a federally listed threatened species that generally occurs on serpentine soils where certain host plants, such as California plantain, are present. It is unlikely that this species is present in the areas designated for development, but this species is known to occur at higher elevations in the Silver Creek Hills to the east of the site.

TABLE 16
Special Status Plant Species in the Project Vicinity
(Serpentine Substrate)

Species	Federal Status	State Status	CNPS List*
Federally listed Special Status Plants			
Tiburon paint brush (*Castilleja affinus* ssp. *neglecta*)	Endangered	Threatened	1B
Santa Clara Valley dudleya (*Dudleya setchellii*)	Endangered	None	1B
Metcalf Canyon jewelflower (*Streptanthus albidus* ssp. *albidus*)	Endangered	None	1B
Showy Indian clover (*Trifolium amoenum*)	Endangered	None	1B
Listed by CNPS Only			
Big-scale balsamroot (*Balsamorhiza macrolepis* ssp. *macrolepis*).	None	None	1B
Oakland star-tulip (*Calochortus umbellatus*)	None	None	4
Mount Hamilton thistle (*Cirsium fontinale* var. *campylon*)	None	None	1B
Tiburon buckwheat (*Eriogonum luteolum* var. *caninum*)	None	None	3
Fragrant fritillary (*Fritillaria liliacea*)	None	None	1B
Woolly-headed lessingia (*Lessingia hololeuca*)	None	None	3
Most Beautiful jewelflower (*Streptanthus albidus* ssp. *peramoenus*)	None	None	1B
Serpentine linanthus (*Linanthus ambiguus*)	None	None	4
Large-flower linanthus (*Linanthus grandiflorus*)	None	None	4
Jepson's woolly sunflower (*Eriophyllum jepsonii*)	None	None	4
San Francisco wallflower (*Erysimum franciscanum*)	None	None	4
San Francisco Bay spineflower (*Chorizanthe cuspidata* var. *cuspidata*)	None	None	4

*Note: California Native Plant Society (CNPS) Lists
1B= Rare or Endangered in California and Elsewhere
3 = Need More Information
4 = Plants of Limited Distribution

Steelhead and Chinook Salmon

The Central California Coastal Evolutionarily Significant Unit (ESU) of west coast steelhead (*Onchorhynchus mykiss*) is Federally listed as Threatened. It has no State status. Steelhead within the Central California Coastal ESU occur in the river basins from the Russian River, Sonoma County, to Soquel Creek, Santa Cruz County, and the drainages of San Francisco. Only winter-run steelhead are found in this ESU. Steelhead have been found in the Coyote Creek drainage.

Fall run chinook salmon are a Federally listed species that have been found in the Guadalupe River to the west of the site. Because of the presence of chinook salmon in the nearby Guadalupe River it is presumed possible that this species could also be in Coyote Creek.

California Tiger Salamander

The California tiger salamander (*Ambystoma californiense*) is a federal candidate for listing as threatened or endangered (Priority 8). It is a California Species of Special Concern. A survey of the Edenvale Redevelopment area conducted by Dr. Mark Jennings found that suitable breeding habitat for California tiger salamander was lacking with the possible exception of a small drainage located to the northeast of the intersections Branham Lane East and Hellyer Avenue in Area 1. This drainage provides a small amount of potential habitat. The nearest know population of California tiger salamander is located upstream in Coyote Valley.

Southwestern Pond Turtle

The Southwestern pond turtle (*Clemmys marmorata pallida)* is a Federal Species of Concern. It is a California Species of Special Concern and a State protected species.

Southwestern pond turtles are known to occur within the Coyote Creek drainage and could potentially be present in the project area. Pond turtles occur in ponds, marshes, rivers, streams, and irrigation ditches that typically have rocky or muddy bottoms and are vegetated with aquatic plants.

California Red-legged Frog

California red-legged frogs are known to occur along Coyote Creek, just upstream of the project in the Tennant Marsh. They are also found in Metcalf Canyon, a tributary to Coyote Creek, located to the south of the project area near Metcalf Road. Because of their presence upstream of the project, California red-legged frogs may be washed downstream in Coyote Creek into the project area.

A small area of potential wetland habitat located just northeast of the intersection of Hellyer Avenue and Branham Lane could possibly support red-legged frogs. A thorough survey of this portion of the Redevelopment Area needs to be conducted to determine the suitability of this habitat area for red-legged frogs.

Burrowing Owl and Other Raptors

The Burrowing Owl (*Athene cunicularia*) is a California Species of Special Concern and is protected under the federal Migratory Bird Treaty Act.

Burrowing Owls occur in dry, open, short grass, treeless plains, and agricultural and urban areas that support populations of California ground squirrels. The burrows of California ground squirrels can be used for nesting by this species. Burrowing Owls are opportunistic feeders, preying primarily on insects and other arthropods, but will prey on small birds, mammals, and reptiles. Burrowing Owl habitat is present on all the vacant, developable property in Area 2 except for parcel 3 in Figure 13. Burrowing Owl habitat is present across the open grass areas (agricultural/fallow and serpentine grassland) of Areas 1 and 3. Burrowing Owls have been seen within the project boundary within the last ten years, although their presence has been intermittent. Current protocol level surveys are necessary to verify the presence of Burrowing Owls on any particular parcel at any point in time.

The Edenvale Redevelopment project provides habitat for several species of raptors or birds of prey that have a special status. Raptors that are present or expected in the project area include, Cooper's Hawk (*Accipiter cooperii*), White-tailed Kite (*Elanus caeruleus*), Red-shouldered Hawk (*Buteo lineatus),* Red-tailed Hawk (*Buteo jamaicensis*), American Kestrel (*Falco sparverius*), Loggerhead Shrike, (*Lanius ludovicianus*), Great Horned Owl (*Bubo virginianus*), Barn Owl (*Tyto alba*) and Western Screech Owl (*Otus kennicottii*). These raptors are known to occur in the project vicinity and are expected to nest in the trees along Coyote Creek, or the trees on the undeveloped parts of the site (such as the large trees in Area 2 in the vicinity of Great Oaks Boulevard between Santa Teresa Boulevard and Via Del Oro). Agricultural outbuildings in Area 3 provide nesting and roosting habitat for Barn Owls. Each of these raptors falls into one or more category of special status. For example, the owls are protected under Migratory Bird Treaty Act. Burrowing Owls are also listed as a California Species of Special Concern, as is the Loggerhead Shrike.

Pallid Bat

The Pallid Bat (*Antrozous pallidus*) is a California Species of Special Concern. The Pallid Bat roots in deep crevices in rock outcroppings, in buildings, under bridges, and in hollow trees. Colonies can range for a few individuals to over a hundred. This species prefers foraging on terrestrial insects and other arthropods in dry open grasslands near water, and rock outcroppings or old structures. This type of habitat is present in Area 1and Area 3 of New Edenvale.

Townsend's Big-eared Bat

Townsend's big-eared bat (Corynorhinus townsendii) a Federal Species of Concern and a California Species of Special Concern. This species was once common but is now considered uncommon in the state. Townsend's Big-eared Bat may occur in rural buildings (especially in coastal areas), in woodlands. or in xeric (very dry or desert like) environments. This species could occur in the old buildings in Area 3.

2. Biological Resources Impacts

Thresholds of Significance

For the purposes of this project, impacts to vegetation and wildlife are considered significant if the project would:

- have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations; or

- have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations; or

- interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or

- conflict with the City's tree removal ordinance or heritage tree policy.

Impacts to Agricultural/Fallow Habitat

Development proposed as part of the implementation of the Edenvale Redevelopment Plan will directly impact approximately 425 acres of agricultural/fallow habitat, converting it from a relatively productive wildlife habitat to landscaped urban habitat of appreciably lower value. The net effect will be to reduce "carrying capacity" of the environment for wildlife. The reduction in carrying capacity will consist of both a reduction in the diversity or number of wildlife species that are supported and the size of populations of most of the species that do persist after completion development. The reduction in area covered by vegetation and its replacement with buildings and paved parking areas will result in the elimination of wildlife that feed directly on plants, such as insects or seed eating animals like Mourning Doves. Consequently, animals that prey on the insects like Western fence lizards and Western Meadowlarks will be reduced or eliminated. The loss of prey continues up the food chain affecting higher order predators like Red-tailed Hawks, Great Horned Owls and coyote. In addition to the elimination of the actual food source of many species, development will also eliminate nesting and breeding habitat.

In general, agricultural/fallow habitat is regionally abundant and the majority of the biotic resources associated with this habitat will continue to be abundant following development.

Development in New Edenvale would substantially obstruct the movement of wildlife between the Coyote Creek riparian habitat and the grassland and chaparral habitats of the Silver Creek Hills that flank the easterly side of the Edenvale Redevelopment project area. This would contribute to cumulative impacts on regional wildlife movements (see *Section VI., Cumulative Impacts*, of this report).

◆ Although the loss of agricultural/fallow habitats as a result of the project would contribute to a reduction in the diversity of wildlife species present in the project site area, it would not result in significant impacts to this habitat type in the region.

Development in New Edenvale would substantially obstruct the movement of wildlife between riparian habitat along Coyote Creek and the grassland and chaparral habitats of the Silver Creek Hills, however. **(Significant Impact)**

Impacts to Serpentine Grassland Habitat

Approximately 25 acres of serpentine grassland habitat could be impacted by development on the easterly side of Hellyer Avenue North of Silver Creek Valley Road. This is not a significant impact since it is dominated by introduced annual grasses that afford only average grassland habitat value. While impacts to the serpentine grassland are not in themselves significant, there are special status plants, four of which are federally listed as endangered, that potentially could be present and impacted (described subsequently under "Impacts to Serpentine Plants"). In addition, the Bay Checkerspot butterfly, a federally listed threatened species could potentially be present in the serpentine grassland, although this is unlikely given the limited number of native plant species within the grassland on the site.

- Serpentine grassland habitat within the project area is dominated by introduced annual grasses. Development allowed under the Edenvale Redevelopment Plan would not result in a substantial adverse effect on sensitive serpentine grassland natural communities. **(Less Than Significant Impact)**

Impacts to Riparian Habitat

Direct Impacts (Storm Drain and Outfall Within Riparian Corridor)

Installation of a storm drain line and storm water outfall in Area 3 will require the removal of riparian vegetation. Direct impacts to the riparian corridor are estimated to be approximately 0.01 acre in size.

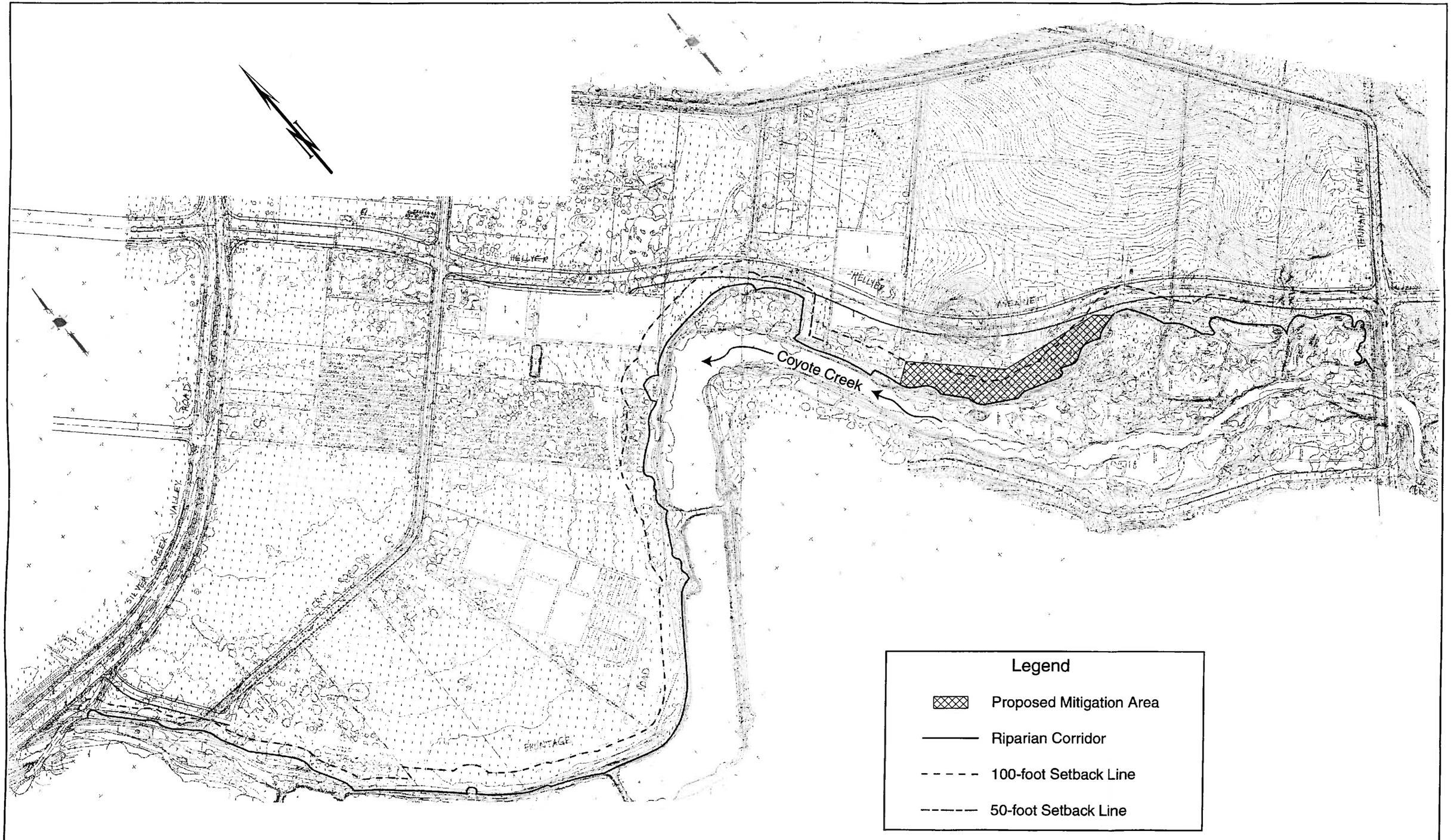
Indirect Impacts (Development Adjacent to the Riparian Corridor)

Human activities and the placement of roadways or structures in close proximity to riparian habitat can adversely affect wildlife use within riparian corridors. Riparian habitat would be indirectly impacted by construction of new development along Coyote Creek where property is now in agricultural use, fallow or otherwise not developed.

Coyote Creek is one of two major, continuous riparian corridors in the Santa Clara Valley. In the vicinity of the project site, it provides a broad, densely vegetated riparian corridor that is valuable for native plants and animals. Given the biological and geographic setting of this riparian corridor, a minimum 100-foot setback from development is considered necessary to adequately buffer the habitat from the impacts of development.

Hellyer Avenue Extension

The Hellyer Avenue extension is proposed to be constructed near riparian habitat along Coyote Creek. Construction disturbance is expected to be only a few feet from the edge of the riparian habitat at some locations (Figure 14). At another location, approximately 1,500 feet south of Piercy Road, Hellyer Avenue is proposed to be constructed within 15 to 20 feet of the riparian habitat (refer to Figure 14).



PROPOSED MITIGATION AREA

FIGURE 14

Impacts to wildlife that use riparian habitat will result from construction that is less than 100 feet from the riparian habitat. The closer the construction is the riparian corridor, the greater the impact. Construction activities can disturb nesting and breeding of riparian species. After completion of construction, street lighting can also impact nocturnal riparian wildlife.

The proposed construction of the Hellyer Avenue extension will have a significant impact upon riparian habitat along a reach approximately one quarter mile in length, extending north from the intersection of Silicon Valley Boulevard and Basking Ridge Road (refer to Figure 14). The roadway will also extend to within 100 feet of the riparian corridor approximately 2,500 feet northwest of this intersection, where the Coyote Creek channel turns to the west. The area within 100 feet of the edge of the riparian corridor that would be impacted by roadway development is shown on Table 17, below.

TABLE 17
Development within 100 feet of Riparian Corridor of Coyote Creek
Hellyer Avenue Extension

Distance to Edge of Riparian Corridor	Area of Encroachment
0-75 feet	0.81 acres
75-100 feet	1.10 acres

Note: Encroachment impacts are measured from the outward limit of the 100 foot setback area to the inward limit of the roadway.

Future Development

In Area 1, located north of Branham Lane East, there are two properties, which adjoin the creek frontage for between 700 and 900 feet. In Area 3, seven to eight properties located immediately south of Piercy Road extend to the Coyote Creek riparian corridor. As discussed above, human activities and the placement of roadways or structures in close proximity to riparian habitat can adversely affect wildlife use within riparian corridors. Development of these parcels could result in direct and/or indirect impacts to riparian habitat along Coyote Creek.

- The proposed southern extension of Hellyer Avenue would result in substantial adverse impacts to riparian habitat. In addition, future development allowed under the Redevelopment Plan could also impact wildlife using riparian habitat along Coyote Creek. **(Significant Impact)**

Impacts to Ordinance Trees

Development in Area 1 may impact six ordinance-sized trees, including one native oak. Development in Area 2 could impact 33 ordinance sized trees, most of which there are located on Parcel 1 (in the Old Edenvale Area as shown on Figure 13). Some of these trees on Parcel 1 are large native oaks that have excellent wildlife habitat value. In Area 3, 36 ordinance size trees would be impacted by construction of proposed roadway improvements.

- Implementation of the proposed project would result in the removal of a substantial number of ordinance sized trees. **(Significant Impact)**

Impacts to Special Status Species

Plant Species

There are four Federally listed endangered plant species that could potentially be in the serpentine grassland habitat. These species are Santa Clara Valley dudleya, Metcalf Canyon jewelflower, and Tiburon Indian paintbrush and Showy Indian clover. The Santa Clara Valley dudleya is present on some rocky outcrops on the hillside to the east and northeast of the intersection of Branham Lane East and Hellyer Avenue. The other three plant species were not observed in the area of potential development but have been found in the project vicinity. In addition to the four federally listed plants, there are 12 plants that are listed by CNPS (California Native Plant Society) as having some special status that could be present on the serpentine areas of the project site. These species have been listed previously in the existing setting section of this Draft EIR.

- Development within areas on serpentine soils could have a substantial adverse impact on populations of Santa Clara Valley dudleya. Several other special status plants have not been reported within the project area, but if found, could also be impacted by development in areas with serpentine soils. **(Significant Impact)**

Wildlife Species

Bay Checkerspot Butterfly

The Bay checkerspot butterfly, a federally listed threatened species, or its habitat could be present in the serpentine grassland and could be impacted by development. The habitat occurring within Parcel 1 of Area 1 consists of non-native annual grassland (serpentine substrate) dominated by wild oat and ripgut brome. Although Parcel 1 does not contain any serpentine rock outcrop, additional surveys during the appropriate flowering period for the larval host plants of the Bay checkerspot butterfly are warranted.

- Development in areas of the Edenvale Redevelopment Area which contain serpentine soils could potentially impact habitat suitable for Bay checkerspot butterfly, a federally listed threatened species. **(Significant Impact)**

Steelhead and Chinook Salmon

Steelhead rainbow trout are known to be present in Coyote Creek and Chinook Salmon may also be present. Potentially suitable spawning habitat is present in the reaches of this creek adjacent to the project area, including the location of the proposed outfall structure. Adult and immature steelhead rainbow trout are expected to occur immediately adjacent to the site during movements between downstream areas and upstream spawning sites. Immature Steelhead may use these reaches of the creek as rearing habitat (possibly year-round), and it is possible that some spawning could occur within the reaches of the creek immediately adjacent to the proposed location for the outfall structure. The proposed outfall structure construction could impact steelhead or salmon and their habitat. Runoff water quality could potentially impact these species (refer to discussion on *Impacts to Aquatic Habitat*).

- Installation of an outfall structure could impact steelhead and/or chinook salmon. **(Significant Impact)**

California Tiger Salamander

Suitable breeding habitat for California tiger salamanders is not present in the vicinity of the project site and no impacts to California tiger salamander populations or habitat are anticipated from development under the Redevelopment Plan.

- The project would not substantially impact California tiger salamander habitat. **(Less Than Significant Impact)**

Southwestern Pond Turtle

Urbanization will increase the number of raccoons and opossums in the area and will have a negative affect on pond turtles through increased predation on turtle eggs, juveniles and adults. In addition, increased noise and construction activities could lead to increased nest failure. However, since encroachment into the riparian corridor and portions of the riparian setback area are limited to 0.01 acres and suitable turtle nesting sites are available upstream, the project would not result in significant impacts to populations of the southwestern pond turtle.

- The project would not result in substantial adverse impacts to populations of the Southwestern pond turtle. **(Less Than Significant Impact)**

California Red-legged Frog

Known populations of California red-legged frogs occur just upstream in Coyote Creek at Tennant Marsh as well as in Metcalf Canyon. Therefore, California red-legged frogs could be periodically washed into the Coyote Creek riparian corridor. Since the encroachment into the riparian corridor is limited to 0.01 acres, development would not result in direct impacts to red-legged frog habitat in Coyote Creek.

There is also a very limited area of potential red-legged frog habitat in Area 1 located to the northeast of the intersection Hellyer Avenue and Branham Lane East. Grading and construction in this area could impact the potential red-legged frog habitat and any individuals that are present. A thorough survey of this portion of the Redevelopment Area needs to be conducted to determine whether red-legged frogs use this habitat area.

Existing and proposed storm drains that flow into Coyote Creek will provide a source of increased urban runoff and non-point source pollution that could affect red-legged frogs and other aquatic species. Impacts to aquatic habitat are discussed in a following section.

- Development allowed under the Edenvale Redevelopment Plan would not substantially reduce red-legged frog habitat available within Coyote Creek. A small area north of the Hellyer Avenue and Branham Lane East contains potential habitat for red-legged frog. Development within this area could impact any individuals that might be present. **(Significant Impact)**

Burrowing Owls

The area of the project where development is proposed provides potential nesting and foraging habitat Burrowing Owls. This includes the undeveloped property in Areas 1, 2 and 3 as shown on Figure 3. If Burrowing Owls are present on the site at the time construction, impacts could result from direct destruction of occupied burrows or by disturbance of nesting activities during the breeding season.

Protocol-level surveys for Burrowing Owls (per California Department of Fish and Game guidelines) have been conducted on some sites within the Edenvale area; however, surveys of the entire area have not been completed.

Both the loss of habitat and potential disturbance of individuals are significant impacts.

- Currently no Burrowing Owls are known to occupy the project area. However, if owls were to locate on the site prior to construction of roadways and buildings, development could result in loss of individual owls and their habitat. **(Significant Impact)**

Nesting Raptors

Several raptor species (e.g., eagles, hawks and owls) are known to occur in the project vicinity or on the project site. In addition to Burrowing Owls (discussed above) other species of raptors expected in the project vicinity that could impacted by development of the project site include Cooper's Hawk, White-tailed Kite, Red-shouldered Hawk Red-tailed Hawk, American Kestrel, Barn Owl, Great Horned Owl and Western Screech Owl. Direct impacts to nesting raptors could occur from the removal of trees or buildings in which there are active nests. These raptors would also be impacted by construction close to nests that disturb nesting activities and result in nest abandonment.

- Tree removal or trimming and site grading could impact nesting raptors if raptors are nesting onsite or immediately adjacent to construction zones. **(Significant Impact)**

Loggerhead Shrike

Loggerhead Shrike is a California Species of Special Concern that may forage and breed on or near the undeveloped properties of both Old Edenvale of New Edenvale. This species and its habitat are regionally abundant and therefore impacts from development would not be significant.

- The impacts of development on Loggerhead Shrike and its habitat would be not result in a significant loss of habitat for the Shrike. **(Less Than Significant Impact)**

Special Status Bat Species

The pallid bat (*Antrozous pallidus*) is a California Species of Special Concern. The pallid bat could be impacted by construction in Area 1 and Area 3 of New Edenvale to the extent that large trees and old buildings are removed that afford habitat for this species.

Townsend's big-eared bat (*Corynorhinus townsendii*) is a federal Species of Concern and a California Species of Special Concern. This species could be impacted by development in Area 3 of New Edenvale to the extent it occupies old buildings that are demolished.

Since being classified as California Species of Special Concern in 1984, numbers of both subspecies of these bats occurring in coastal California have continue to decline substantially in recent years. Removing buildings or large oaks with cavities could potentially result in the direct loss of colonies of either species if bats are present, including the direct loss of a maternity colony of either species. The direct loss of individuals in hibernacula (a shelter occupied in the winter) could eliminate an entire colony due to the loss of the pregnant females.

- Demolition of buildings and the removal of large trees in Areas 1 and 3 could result in a direct loss of colonies of either the pallid bat or Townsend's big-eared bat. **(Significant Impact)**

Degradation of Aquatic Habitat From Project Development

Development of the project area will increase the potential for stormwater runoff to carry a variety of pollutants into Coyote Creek. Street runoff often carries grease, oil, trace amounts of heavy metals, and debris. Runoff from landscaping can also carry pesticides, herbicides and fertilizers.

Significant degradation to Coyote Creek and the aquatic habitat it provides could reduce the number and diversity of aquatic species. In turn, the number and types of species which prey on aquatic organisms could be impacted.

Pollution in urban runoff could adversely affect special status wildlife species known to occur in Coyote Creek including steelhead, red-legged frog, and southwestern pond turtle.

- Contaminated runoff from development of the project area could contribute to degradation of aquatic habitat in Coyote Creek. **(Significant Impact)**

3. Mitigation Measures for Biological Resources Impacts

Programmed Mitigation Measures

Degradation of Aquatic Habitat

- Individual construction projects over one acre in size will be required to file a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) with the Regional Water Quality Board prior to commencing construction. The SWPPP must address mitigation for both the construction and post construction periods. The SWPPP would include erosion and sediment control measures, waste disposal controls, post construction sediment and erosion control measures, maintenance responsibilities, and non-stormwater management controls. Implementation of these measures will reduce the potential for contaminated runoff from reaching Coyote Creek.

Mitigation Measures Included in the Project

Riparian Habitat

Direct Impacts (Storm Water Outfall)

- Direct impacts to 1000 square feet of riparian habitat will result from construction of an outfall approximately one half mile downstream from Silicon Valley Boulevard. This impact would be mitigated by replanting native trees and shrubs on the area disturbed during construction, and planting riparian vegetation in areas currently lacking riparian vegetation so that there is replacement at a 3:1 (replacement: disturbance) ratio. This mitigation is included in the Improvement District, as described below. **(Less Than Significant Impact With Mitigation)**

Indirect Impacts (Extension of Hellyer Avenue)

- Construction of the southern extension of Hellyer Avenue would impact the riparian habitat because the proposed alignment is located close to the riparian habitat at three places. Just north of Silicon Valley Boulevard, roadway improvements and construction is proposed as close as 15 to 20 feet from the edge of the riparian habitat. Impacts at these three locations can be mitigated by planting riparian native trees, shrubs, and ground cover over a 2.75-acre area adjacent to the existing riparian habitat. This riparian mitigation area extends for a distance of about 900 feet and is shown on Figure 15. A storm water detention pond is proposed in this same area.

  Planting of 2.75 acres of native riparian trees, shrubs and ground cover will be implemented with construction of the detention basin within three to five years. **(Less Than Significant Impact With Proposed Mitigation)**

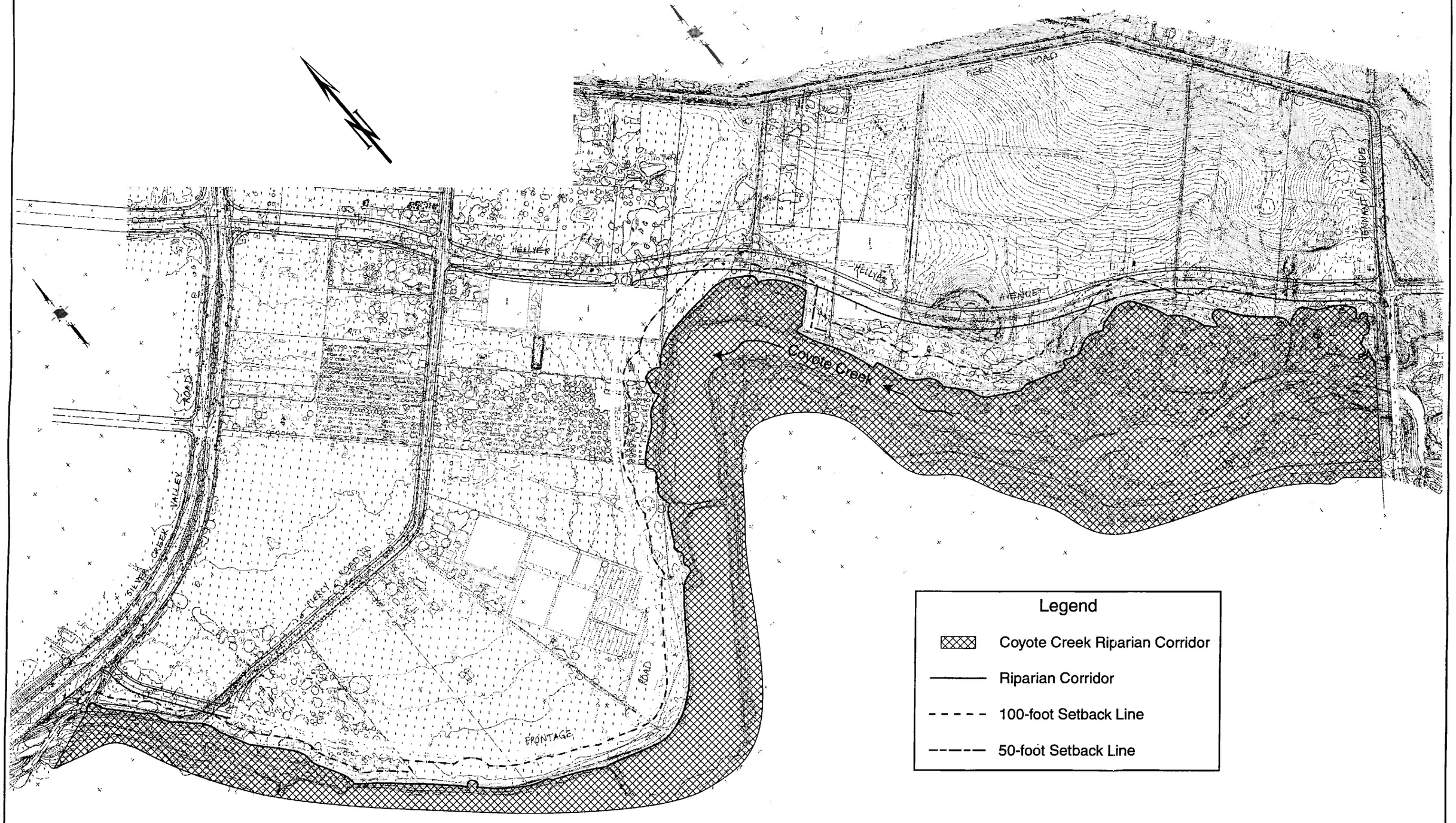
Degradation of Aquatic Habitat

- Future projects will be required to comply with the City's post-construction storm water runoff requirements. Measures such as storm drain inlet filters and vegetative swales will be used to limit contamination of urban runoff.

- Street sweeping will be done on major public streets. Parking lot sweeping will be required of new private development.

Implementation of the above listed mitigation measures will reduce potential impacts to aquatic habitat from polluted urban runoff to a less than significant level. **(Less Than Significant Impact With Proposed Mitigation)**

In addition to mitigation measures that are required under existing programs and ordinances, the Redevelopment Agency is proposing to adopt an implementation plan that will ensure that mitigation measures necessary to reduce impacts to biological resources are incorporated into all private and public projects within the Redevelopment Project boundary. Specific mitigation measures that will be implemented in this fashion are described below.



RIPARIAN CORRIDOR

FIGURE 15

Riparian Habitat

Indirect Impacts from Future Development

- Impacts to the riparian habitat in Areas 1 and 3 from the encroachment of new industrial development will be mitigated by adherence to a 100 foot wide setback between the edge of the riparian habitat and any development such as buildings, parking lots or manicured landscaping. **(Less Than Significant Impact With Mitigation)**

Ordinance Trees

- The removal of ordinance trees could be mitigated by planting replacement trees at the ratios and sizes shown in Table 18, below:

TABLE 18
Potential Tree Mitigation

Native Trees			
Diameter of Impacted Tree	Replacement Ratio	Container Size	Replace with Native Species
18-24"	**6:1**	**15 gallon minimum**	**Preferably oaks or sycamores**
24-36"	**8:1**	**15 gallon minimum**	**Preferably oaks or sycamores**
36"+	**10:1**	**15 gallon minimum**	**Preferably oaks or sycamores**
Non-native Trees			
Diameter of Impacted Tree	Replacement Ratio	Container Size	Replace with Native Species
18-24"	**4:1**	**15 gallon**	**optional**
24-36"	**6:1**	**15 gallon**	**optional**
36"+	**8:1**	**15 gallon**	**optional**

- The mitigation measures listed above would reduce impacts to ordinance-sized trees to a less than significant level. **(Less Than Significant Impact With Mitigation)**

Special Status Plant Species (Serpentine Substrates)

- Surveys for special status plant species could be conducted at the appropriate time of the year (February through May and September through October), in the portion of Area 1 easterly of Hellyer Avenue. At a minimum, surveys should be conducted during the flowering period of the following special status plant species: Tiburon paint brush, Santa Clara Valley dudleya, Metcalf Canyon jewelflower, showy Indian clover, big-scale balsamroot, Oakland star-tulip, Mount Hamilton thistle, Tiburon buckwheat, fragrant fritillary, woolly-headed lessingia, most beautiful jewelflower, serpentine linanthus, large-flower linanthus, Jepson's woolly sunflower, San Francisco wallflower, and San Francisco Bay spineflower. If any of the special

status plant species are found in the area that would be impacted by proposed development, the following measures could reduce potential impacts:

- development plans could be modified to avoid impacting the plants;
- plants could be relocated if there are procedures that have been proven and demonstrated to be successful relocation or transplanting; and/or
- off-site populations of special status plants could be protected in perpetuity by direct purchase or conservation easement. These populations would be managed for a minimum of 10 years to maintain or increase populations of special status plants within conservation areas.

Mitigation listed above would reduce impacts to special status plants a less than significant level. **(Less Than Significant Impact With Mitigation)**

Special Status Wildlife

Bay Checkerspot Butterfly

- Prior to approval of any additional development east of Hellyer Avenue in Area 1, surveys for Bay checkerspot butterfly larval plants, larvae, and individual butterflies should be conducted. In the event appropriate habitat and/or individuals are found, the following measures could be incorporated in the project prior to project approval:

  - A Bay checkerspot butterfly mitigation and monitoring plan could be prepared which either protects any checkerspot butterfly populations found on or directly adjacent to the site in perpetuity or provides for protecting *and* enhancing habitat for an existing population in the Silver Creek Hills. In the event populations were to be protected on-site, a preserve area with an appropriate buffer that protects any existing habitat and populations of the Bay checkerspot butterfly could be established. A mitigation and monitoring plan could include long term management strategies for maintaining any Bay checkerspot butterfly populations on or adjacent to the site. Monitoring of any mitigation area should be conducted for a minimum of ten years.

  - A formal consultation with the U.S. Fish and Wildlife Service should be undertaken by future project proponents to obtain a biological opinion that a future project will not jeopardize the continued existence of the species and can then be issued an incidental take permit.

Incorporation of the mitigation measures listed above would reduce potential impacts to Bay checkerspot butterfly populations to a less than significant level. **(Less Than Significant Impact With Mitigation)**

Steelhead and Chinook Salmon

- A small amount of instream spawning habitat could be impacted by construction of an outfall structure. To offset this impact, spawning habitat could be created at a 3:1 ratio at an off-site location. Suitable spawning habitat could be created by the planting of shading riparian vegetation along a riparian reach that otherwise provides suitable conditions for salmonids.

For each linear foot of streambank from which riparian vegetation within 15 feet of the edge of the low flow channel will be removed, three linear feet of riparian vegetation will be planted.[15] The mitigation plantings could extend to 15-30 feet in width to ensure adequate shading of the creek.

- To limit potential impacts to spawning salmonids and their redds (their spawning ground or nests), construction within the Coyote Creek channel should be restricted to the dry season (June 1-September 30) when use of the channel by these species is expected to be minimal.

- Preconstruction surveys for spawning salmonids and their redds (their spawning ground or nests) should be conducted within seven days prior to the initiation of work within or immediately adjacent to the channel. Work within or immediately adjacent to the creek channel should not start if spawning steelhead or chinook salmon or their redds are found, especially in areas where water quality could be impaired by project activities.

- Movement of steelhead and/or chinook salmon to and from upstream spawning sites could be impacted during construction of the proposed outfall structure. In order to avoid impacts to steelhead or chinook salmon, the following measures could be employed:

  - Construction should be restricted to the dry season (June 1-September 30) when use of the channel by these species is expected to be minimal.
  - During construction, water should be diverted by way of an open ditch (rather than a pipe). Cobble-sized stones should overlay this plastic-lined ditch to deter predation of steelhead as they pass through the ditch. Water within a diversion ditch should be at least 12 inches deep and there should be no impediments to movements such as a high drop structure. In addition to the Best Management Practices required for the project site (refer to *Aquatic Habitat*, below) extreme care should be taken in the vicinity of the channel to minimize detrimental effects of construction on water quality within the creek and any diversion ditch.

Incorporation of the mitigation measures listed above would reduce potential impacts to steelhead and chinook salmon populations to a less than significant level. **(Less Than Significant Impact With Mitigation)**

Red-legged Frog

- Development in Area 1, northwest of the intersection of Branham Lane and Silver Creek Valley Road could impact wetland habitat used by red-legged frogs. Prior to approval of any future development projects in this area, two daylight and two night time surveys for red-legged frog could be conducted at the appropriate time of year (May-November). In the event red-legged frogs are found within the site or in the

[15] This mitigation ratio could be reduced slightly if the impact areas are very narrow (i.e., a five to seven foot wide strip of vegetation)

immediate vicinity, the following measures could be incorporated as conditions of approval:

- Design future development to avoid direct and indirect impacts to red-legged frogs; or
- Wetland/seasonal drainage habitat could be created within the existing drainage to provide adequate habitat for any existing populations of red-legged frogs. Conservation easements, or other means to protect habitat for red-legged frogs in perpetuity, could be established to offset indirect or direct impacts to red-legged frog populations. Management of non-native predators, such as bullfrogs, should be considered as a part of any mitigation measures to protect, create or enhance habitat for red-legged frogs.
- A formal consultation with the U.S. Fish and Wildlife Service should be undertaken by future project proponents to obtain a biological opinion that a future project will not jeopardize the continued existence of the species and can then be issued an incidental take permit.
- Prior to grading or vegetation removal within the seasonal drainage habitat, the required permits, certifications and agreements will be obtained from the U.S. Army Corps of Engineers, California Department of Fish and Game, and Regional Water Quality Control Board.

Incorporation of the measures listed above would reduce potential impacts to red-legged frogs and their potential habitat in Area 1 to a less than significant level. **(Less Than Significant Impact With Mitigation)**

Burrowing Owls

- Industrial development would result in potential Burrowing Owl impacts, both by eliminating potential habitat, and by directly destroying or disturbing nesting owls. The loss of occupied owl habitat, loss of burrowing owls, or abandonment of fertile eggs, are all significant impacts. These impacts could also result from construction of the southern extension of Hellyer Avenue and other Improvement District construction.

Potential impacts to individual Burrowing Owls could be mitigated to a to less-than-significant levels by the following mitigation measures:

- Protocol-level Burrowing Owl nesting surveys should be conducted to determine the extent of Burrowing Owl site use during the nesting season. These surveys should be conducted according the California Department of Fish and Game protocols during the peak nesting season, April 15 through July 15. These surveys are not a substitute for preconstruction/ predisturbance surveys described below since Burrowing Owls could move on to or adjacent to the site between a survey and the initiation of construction.

- In conformance with federal and state regulations protecting raptors against direct "take," pre-construction surveys for Burrowing Owls should be conducted by a qualified ornithologist prior to any soil-altering activity or

economic development occurring within the project area. The preconstruction surveys should be conducted per CDFG (California Department of Fish and Game) guidelines (currently no more than 30 days prior to the start of site grading), regardless of the time of year in which grading occurs. If no Burrowing Owls are found, then no further mitigation would be warranted. If breeding owls are located on or immediately adjacent to the site, a construction-free buffer zone around the active burrow must be established as determined by the ornithologist in consultation with CDFG. No activities, including grading or other construction work or evictions of owls, should proceed that may disturb owls.

Incorporation of the mitigation measures listed above would reduce potential impacts to individual owls to a less than significant level. **(Less Than Significant Impact With Mitigation)**

- Mitigation for loss of Burrowing Owl habitat would require protection and preservation of an equivalent amount of habitat elsewhere. The City of San Jose is preparing a study of sites that might be acquired and/or protected for long-term habitat replacement to retain a population of Burrowing owls in Santa Clara County. A financial contribution by developers toward the enhancement and protection of Burrowing Owl habitat in combination with a comprehensive habitat replacement program would reduce the impacts on Burrowing Owl habitat. In the absence of an adopted and implemented program that identifies both (1) a nexus between project impacts and any proposed benefits of the contribution and (2) the specific locations and amounts of habitat to be protected, a financial contribution would not suffice as mitigation under CEQA. Should the City adopt such a program in the near future, developers in Edenvale could be required to participate, reducing the overall impacts resulting from loss of Burrowing Owl habitat.

- The State Department of Fish and Game has also indicated a willingness to accept financial contributions to be used to procure and manage Burrowing Owl habitat. This would not maintain or protect a population of Burrowing Owls in Santa Clara County, although it might ensure the ongoing presence of a population somewhere in northern California or elsewhere in the State. As with the previous item, in the absence of an adopted and implemented program that identifies both (1) a nexus between project impacts and any proposed benefits of the contribution and (2) the specific locations and amounts of habitat to be protected, a financial contribution would not suffice as mitigation under CEQA. It could, however, be considered an offset to the impact of eliminating habitat and could be taken into consideration by the City in approving a development project.

There is no mitigation identified that is currently available to reduce loss of Burrowing Owl habitat to a less than significant level. **(Significant Unavoidable Impact)**

Nesting Raptors

- Construction and development of industrial developments, the southern extension of Hellyer Avenue and other Improvement District construction could impact nesting

raptors either directly by removing trees with active nests in them or by disturbance from construction in the vicinity of active nests. The following measures could be implemented to avoid impacts to nesting raptors:

- Impacts to nesting raptors can be avoided by doing construction after August and before January;
- When it is not practicable to limit construction to this time period, then preconstruction surveys for nesting raptors could be conducted by a qualified ornithologist to determine if any nesting raptor disturbance would result from the development. The survey should be conducted no more than 14 days prior to construction activities. If active raptor nests are present, then a 150-foot construction free zone could be established around the nest to reduce disturbance during the remainder of the nesting season. After the nesting season trees could be removed if necessary and construction completed in the 150 radius of where the active nest had been.

  Preconstruction surveys would need to be conducted for projects implemented by the as part of the Improvement District (i.e., the Hellyer Avenue extension) *and* individual development projects.

The mitigation listed above would reduce the direct impacts to individual nesting raptors to a less than significant level. **(Less Than Significant Impact With Mitigation)**

Conclusion: **Development in New Edenvale would substantially obstruct the movement of wildlife between riparian habitat along Coyote Creek and the grassland and chaparral habitats of the Silver Creek Hills. (Significant Unavoidable Impact)**

The project includes measures to offset direct impacts to riparian habitat from installation of a storm water outfall to a less than significant level (Less Than Significant Impact With Mitigation)

Impacts to riparian setback areas along Coyote Creek resulting from construction of the southern extension of Hellyer Avenue will be offset by planting 2.75 acres of native riparian trees, shrubs and ground cover. (Less Than Significant Impact With Mitigation)

Future industrial development in Areas 1 and 3 on sites with riparian frontage could result in indirect impacts to wildlife using riparian habitat along Coyote Creek. Maintenance of a minimum 100 foot wide setback between the edge of the riparian habitat and any development such as buildings, parking lots or manicured landscaping would avoid significant impacts to riparian habitat. (Less Than Significant Impact With Mitigation)

Implementation of Best Management Practices and Programmed Mitigation Measures will reduce potential impacts to aquatic habitat from urban runoff to a less than significant level (Less Than Significant Impact With Mitigation)

Ordinance-sized trees will be removed during future project development and construction of the Hellyer Road Extension. Ordinance size trees will be replaced at identified ratios. (Less Than Significant Impact With Mitigation)

The presence or absence of special status plants within Area 1 on portions of the site with serpentine soils has not been determined. Future development could result in impacts to populations of special status plants in the event they are present on serpentine soils within the project area. Proposed mitigation will include surveys and appropriate protections. (Less Than Significant Impact With Mitigation)

The presence or absence of Bay checkerspot butterfly populations within Area 1 on the portions of the site with serpentine soils has not been determined. Future development in this portion of the Redevelopment Area could result in impacts to this federally Endangered species. Mitigation is proposed to avoid significant impacts. (Less Than Significant Impact With Mitigation)

A small amount of instream spawning habitat could be impacted by construction of an storm water outfall structure. In addition, spawning steelhead and/or chinook salmon and their redds could be impacted by work within or immediately adjacent to the creek channel. Movement of steelhead and/or chinook salmon to and from upstream spawning sites could also be impacted during construction of the proposed outfall structure. The project includes measures to offset impacts to spawning habitat, steelhead or chinook salmon during construction of the storm water outfall. (Less Than Significant Impact With Mitigation)

Industrial development and construction of the southern extension of Hellyer Avenue and other Improvement District construction could result in loss of Burrowing Owl habitat and impacts to individual ows. The project currently includes measures to offset potential impacts to individual owls. (Less Than Significant Impact With Mitigation) There is no mitigation identified that would reduce impacts from loss of habitat to a less than significant level. (Significant Unavoidable Impact)

Industrial development and construction of the southern extension of Hellyer Avenue and other Improvement District construction would result in potential impacts to nesting raptors by either removing trees with active nests or by disturbance from construction in the vicinity of active nests. The project includes measures to offset potential impacts to nesting raptors. (Less Than Significant Impact With Mitigation)

G. CULTURAL RESOURCES

Several potentially historic farmsteads are located within the proposed roadway alignments. Therefore, an historic evaluation report was performed for this project by *Basin Research and Associates, Consulting Archaeologists,* in February 1999, which is in Appendix G of this EIR.

Extensive research and testing has been done throughout the Edenvale Redevelopment area for prehistoric resources. The results of those evaluation are reflected in the FEIRs done for the *Edenvale Redevelopment Project* (June 1976) and the *Edenvale Redevelopment Project Area Expansion* (September 1979). All new development in New Edenvale must include monitoring for prehistoric resources as part of any construction activities in natural soils. No new information has been generated that would change the conclusions of the 1976 and 1979 FEIRs, and this issue is not further addressed in this EIR.

1. Existing Setting

Historic Period

During the Mexican Period (1821 to 1846) the project area was part of the 24,342 acre *Rancho Yerba Buena y Socayre* granted to Antonio Chaboya in 1833. The ranch boundaries extended from Coyote Creek to the Evergreen hills, and from the present Tully Road south to Metcalf Road. By 1835 Chaboya had approximately 3,000 cattle and 100 horses.

In 1846 the United States declared war on Mexico. After the discovery of gold, the population of California exploded as immigrants arrived. After statehood was achieved in 1850, the United States government created the California Land Claims Commission to validate the Mexican titles. By the time the Commission issued a patent to Chaboya, so many squatters had settled on the rancho that the eviction notices ignited what became known as the Settler's War of 1861. Eventually, Chaboya, his lawyers, and the squatters came to a compromise whereby the settlers were able to purchase their lands at a reasonable price.

In 1859 the project area was sold to John C. Piercy. During the next 50 years, the hilly portions of the ranch were primarily used for cattle grazing, while the flat portions grew hay, grain and barley. John Piercy's children subdivided the property into small farms in the early part of this century. The smaller parcels became fruit orchards. By 1922 the Santa Clara Valley had become one of the most important fruit producing regions in the state. The predominant crop continued to be fruit until the 1960s when agricultural uses began to be relocated to the Central Valley. To a limited extent flower raising in greenhouses replaced orchard crops in the 1970's in Edenvale. Although some agricultural uses continue today within the project area, agricultural uses are limited.

Historic Resources

Several farmsteads are located within the project area. Two farmsteads would be directly affected by the proposed roadway improvements. Other privately owned buildings may be impacted by future privately proposed development, but no information is presently available on other structures.

484 Piercy Road/Pezzolo Farmhouse

This farm complex consists of three buildings including a house, a tank house and a storage shed. The house is a single-story, rectangular plan Bungalow style house that is in fair condition. The house has been fairly compromised by a major later addition and remodeling and, although the house is one example of this style in this area of Santa Clara Valley, many better examples exist.

The house and related outbuildings do not appear to be eligible for the California or National Register because they lack historic integrity and do not appear to be significant under Criteria A, B, and C. In addition, they do not qualify for City Historic Landmark Status and appear ineligible for listing in the City's Inventory using the City's evaluation scoring criteria developed by the San Jose Historic Landmarks Commission.

550 Piercy Road

The buildings on this property include a house and a tank house built in 1910 which may have been expanded in the 1930s. The house is single story with a side gable roof and a cross gable. The house does not appear to be a sufficiently unique example of a ranch/farm house in this style to be eligible for the California Register under Criterion C. Other more distinguished examples in this style survive in south San Jose.

One of the owners John Branham Ogier was the oldest son of James Ogier and Margaret Branham. Although John Ogier was an early pioneer in San Jose, he does not appear to have been a significant figure in local history. While this property appears eligible for listing in the San Jose Historic Resources Inventory as a Structure of Merit, it does not qualify for Landmark status.

2. Cultural Resources Impacts

Thresholds of Significance

For the purposes of this project, a cultural resources impact is considered significant if the project will:

- cause a substantial adverse change in the significance of a historic resource that is listed or is eligible for listing on the State or Federal Registers, or is identified as a City Historic Landmark.

Historic Impacts

Based on the survey conducted of the site by *Basin Research Associates*, it appears that the two farmsteads that would be affected by the proposed roadway improvements would be of an age to qualify as historic resources. However, none of the buildings are representative of a distinctive architectural style or are associated with important eras or persons in the City's history. Therefore, the loss of the two farmsteads is not considered a significant historic impact.

◆ Implementation of the infrastructure proposed as part of the project would not result in a significant loss of historic structures. **(Less Than Significant Impact)**

Other structures within the New Edenvale Redevelopment Area may, at the time of future redevelopment, qualify as potential historic resources (generally more than 50 years old). The City of San Jose, in conformance with City policies, will require historic evaluations of all structures over 50 years old proposed for demolition as part of future developments. Should such evaluations identify significant cultural resources, the City and Redevelopment Agency will evaluate the feasibility of mitigations, including relocation and retention on-site.

It is possible that there may be historic buildings that are not suitable for relocation or retention within a new industrial project. The proposed buildout of the Edenvale Redevelopment Project area may, therefore, involve the loss of historic buildings.

◆ Full implementation of the Edenvale Redevelopment Project may result in the loss of historic resources. **(Significant Impact)**

1. Mitigation for Cultural Resources Impacts

Mitigation Measures Included in the Project

- Prior to issuance of any discretionary permit that would include demolition of any structure that would be 50 years old or older at the time of demolition, the City will require an historic assessment. If the structure is found to be historically significant, the City and Agency will pursue mitigation alternatives, including relocation and retention within the proposed development.

- In the absence of specific proposals, it must be assumed that full buildout of the Edenvale Redevelopment Project area may result in the loss of significant historic resources. **(Significant Unavoidable Impact With Mitigation)**

H. ENERGY

1. Energy Implications

Section 15126(c) of the CEQA Guidelines requires that EIRs include information regarding mitigation to reduce energy impacts. Development of the project in conformance with the proposed land use designation would result in the consumption of energy in three forms: 1) the fuel energy consumed by construction vehicles; 2) bound energy in construction materials such as asphalt, steel, concrete, pipes, and manufactured or processed materials such as lumber and glass; and 3) ongoing operational use of energy by future occupants of the site for transportation, and utilities.

This EIR does not address a specific development, or specific development techniques. Development on the site will be designed and built in conformance with the provisions of Title 24 of the California Administrative Code, which sets energy efficient design standards and regulates energy consumed for heating and cooling, and with the City of San Jose Building Code.

◆ Development of the Edenvale Redevelopment Project area as proposed would contribute incrementally to the use of energy for development and ongoing maintenance, but would not result in a significant impact on energy resources. **(Less Than Significant Impact)**

I. GEOLOGY

1. Existing Setting

The Edenvale Redevelopment Project area lies within the San Francisco Bay Region, which is bounded by mountain ranges of the Coast Range Geomorphic Province. Portions of the Redevelopment area are located on the lower westernmost foothills of the Diablo Mountain range. The area is generally located at the narrow part of Santa Clara Valley, where the Santa Cruz Mountains to the west and the Diablo Mountain Range to the east, converge. Geologic studies done in this part of the County have generally concluded that the eastern part of the Redevelopment area contains Franciscan Complex rocks, including serpentine, greenstone, and silica carbonite, and the western areas are underlain by older alluvium and alluvium and stream deposits adjacent to Coyote Creek.

Seismicity

The project area is located in a seismically active part of northern California. Many faults exist in the southern San Francisco Bay Area, and some of them are capable of producing ground motions that can affect the project site. The closest large regional faults include the San Andreas, Hayward, and Calaveras faults. The San Andreas Fault passes about 14 miles southwest of Edenvale. The Hayward and Calaveras faults are located approximately four miles and five miles northeast, respectively. Within the immediate project area, the Piercy, Coyote, Metcalf and Silver Creek faults have been mapped.

The potentially active Piercy Fault has been mapped as lying along the easterly boundary of the Redevelopment Area. Figure 16 is an excerpt from the City of San Jose *Fault Hazard Zones Map 1983*. The State of California's designation of an Alquist Priolo Special Studies Zone (now called "Earthquake Fault Zones") was eliminated on the Piercy Fault in 1982. Recent geologic consultant studies done on the Piercy fault in the site vicinity have found evidence of possible active faulting (Kleinfelder, Inc. 1994 and 1990; Associated Terra Consultants, 1989). The Piercy Fault has been delineated on the property within Planning Area 1 in New Edenvale, which was approved for development by Candescent Technologies. The report mapped a shear zone for the Piercy Fault and concluded that the potential for ground rupture or possible deformation associated with the Piercy Fault could not be precluded. A building exclusion zone was established along the fault alignment (Kleinfelder, Inc., 1997).

While the Piercy fault is projected through the Redevelopment area, the 1997 Kleinfelder report concluded that peak ground shaking on the Hayward Fault would greatly overshadow any possible ground shaking effects of the Piercy Fault. That report concluded that an M7.3 earthquake on the Hayward Fault could generate a peak horizontal acceleration (in units of gravity) of approximately 0.54 g in bedrock areas, to 0.67g in valley alluvium areas.

Soil liquefaction is a phenomenon in which saturated, cohesionless soils undergo a temporary loss of strength during earthquake ground shaking. The potential for liquefaction in the project area is low, except adjacent to Coyote Creek.

Other seismically induced types of ground failure include lateral spreading toward an open or free face, such as a creek channel. For those areas adjacent to Coyote Creek and/or the Evergreen Canal, lateral spreading could be an impact.

Investigations in the area have identified the unengineered fill embankments of the Evergreen Canal, uphill of New Edenvale, to be a potential source of landsliding/debris flows that could effect development in the area.

Other Geologic Conditions

Landslide potential in the project area was mapped by Cooper-Clark & Associates as Least to Low-Moderate. A limited area of High and Very High susceptibility was thought to exist the most easterly foothills Geotechnical reports prepared for the Hellyer Avenue extension through Area 1, in the northeasterly portion of the Redevelopment Area, found that the potential for slope failure could be mitigated with appropriate design.[16]

Both weak and expansive soils are expected and have been found in the project area.

All areas of the site which have any significant slope are subject to erosion.

2. Geologic Impacts

Thresholds of Significance

For the purposes of this project, a geologic impact is considered significant if the project would:

- be located on a site with geologic features which pose a substantial hazard to property and/or human life (*i.e.*, active fault, active landslide); or
- expose people or property to major geologic hazards that cannot be mitigated through the use of standard design and seismic safety design techniques.

Seismic and Soils Impacts

The site is within the seismically active San Francisco Bay Area, and severe ground shaking is probable during the life of the project. In addition, a shear zone mapped as the Piercy Fault crosses the project area. Locations within the project boundary may be subject to liquefaction and/or lateral spreading.

The presence of weak and/or expansive soils may cause expansion and shrinkage, resulting in foundation problems if the foundations are not properly designed. When appropriate soil considerations are incorporated into a foundation design, based on site specific testing and analysis, the foundation problems can be avoided.

None of the conditions found in the Edenvale Redevelopment Project area are unique or so significant as to preclude mitigation through appropriate design. All sites on or near the Piercy Fault zone will require site-specific testing to identify the necessity for a building

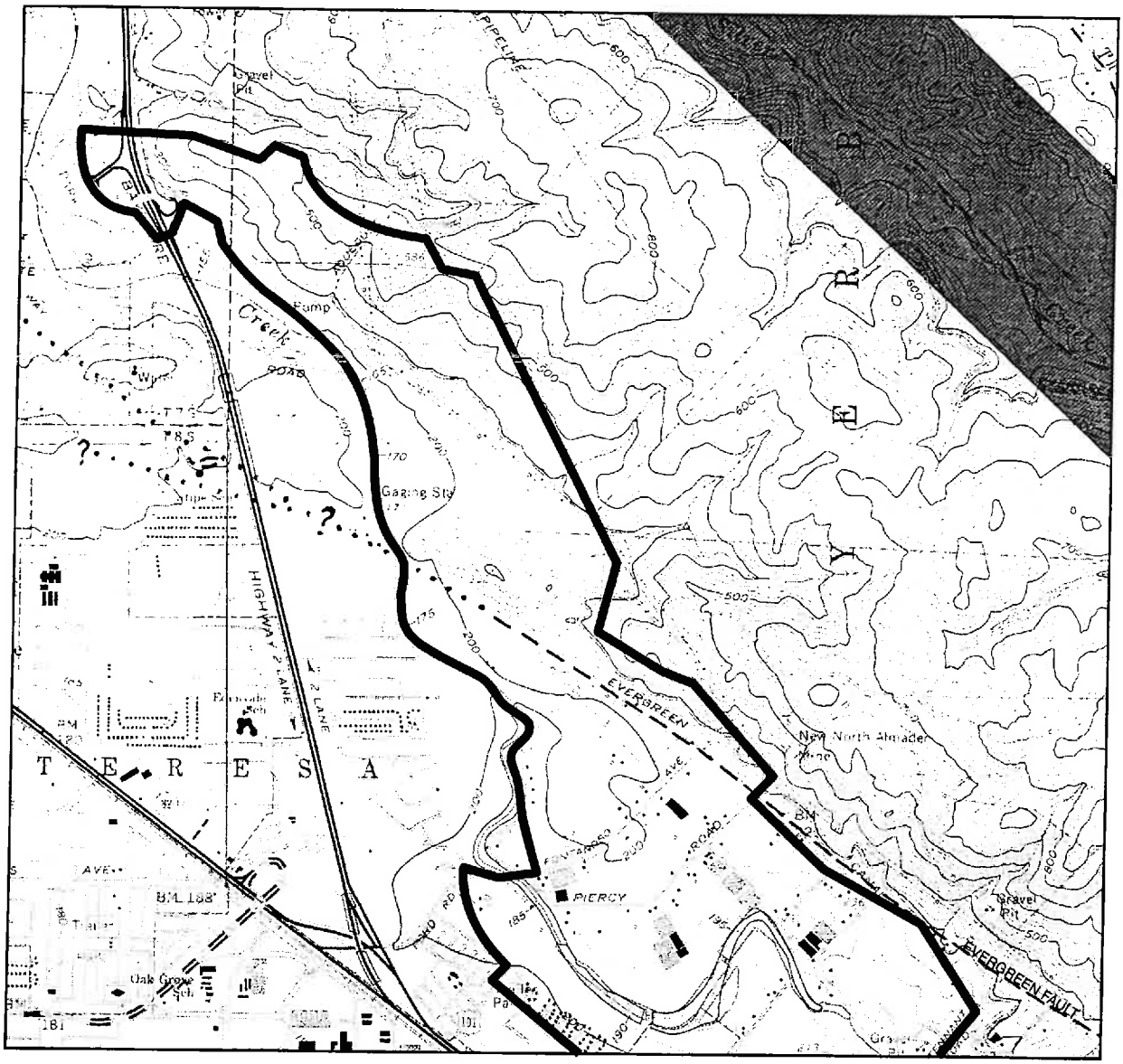
[16] *Edenvale Redevelopment Project Area Expansion FEIR*, 1979.

setback. Potential slope stability impacts will also need to be addressed. Conformance with project specific geologic and soils reports prepared for each development site, and adherence to the City of San Jose Building Code requirements for Seismic Zone 4 will avoid any potentially significant impacts that might be associated with on-site soil and geologic conditions.

- Adherence to design standards established by site-specific geologic and soils investigations and to the City of San Jose Building Code requirements for Seismic Zone 4 will avoid potentially significant soils and geologic impacts. **(Less Than Significant Impact)**

The presence of serpentine soils in the project area means that grading could result in the chrysotile asbestos found in such soils being released into the air, where construction workers and members of the public could be exposed. Airborne asbestos is a potential health hazard.

- Compliance with the City of San Jose grading ordinance for all grading activities will include control of airborne dust through appropriate techniques, including watering. Impacts from airborne asbestos will be minimized through such dust control techniques. **(Less Than Significant Impact)**



Project Boundary

N

Source: City of San Jose Fault Hazard Maps, 1983

1" = 2000'

FAULT MAP

FIGURE 16

K. PUBLIC UTLITIES AND SERVICES

1. Existing Setting

Telephone

Telephone service is provided in the Old Edenvale and Area1 and Area 4 of New Edenvale by an existing system of telephone facilities in the street right of way. Underground telephone lines and facilities also provide service to the new industrial development such as Electroglas in Area 3 of New Edenvale. Overhead telephone lines serve residences and other older development in Area 3 of New Edenvale.

Electric Power

Electric power service is provided to the project area by an existing system of electric power distribution lines. The electric power supply to the distribution system in the New Edenvale portion of the project, will be nearing is capacity when all of the approved development in this vicinity is complete and begins to draw power. A new electric power substation is under construction along the easterly side of the Redevelopment Project to the northeast of the intersection of Branham Lane East and Hellyer Avenue. Power to this electric substation will be supplied by a 115 Kv power transmission that is located along the easterly side of the Redevelopment Project area.

In the New Edenvale area, there is currently a 21 Kv overhead line located along Piercy Road.

Natural Gas

Natural gas service is provided to the project by way of an existing natural gas line distribution system located in the street right of ways. This distribution system generally does not extend in to Area 3 of New Edenvale. In addition, to the natural gas distribution system, there are two large natural gas transmission lines that pass through the eastern side of New Edenvale. These transmission lines are extend through the area on a northwest/southeast orientation.

Water

Water is supplied to Old Edenvale through a water distribution system located in the public streets. This water system and supply is adequate to serve the existing and planned development in the Old Edenvale area of the project.

Water service in the New Edenvale is provided in Area 1 and Area 4 by an existing water system. A limited portion of Area 3 is also served by a water system. Water service in Area 3 is generally limited to those areas where new development had been constructed, for

example on the south side of Silver Creek Valley Road. Several of the existing older homes and agricultural uses in Area 3 are served by individual well and individual water systems.

There are two water reservoirs located to the east and southeast of the Edenvale Redevelopment project. These reservoirs provide water storage and assure adequate pressure. One of the reservoirs is located on the hillside to the southeast of Silver Valley Creek Road and serves the New Edenvale area. The other reservoir is located on a hillside to the east of Basking Ridge Road and connects to the water system serving Old Edenvale.

The City of San Jose plans to provide reclaimed water service to the New Edenvale area. Reclaimed water originates form the San Jose/ Santa Clara Water Pollution Control Plant located in north San Jose. The reclaimed water is generally used for irrigation and can be used for cooling and industrial process water. Currently there is a reclaimed water supply line located in Hellyer Avenue, but it is not currently connected to the reclaimed water supply. The reclaimed water line is planed to be extended south in Hellyer Avenue.

Sanitary Service

Sanitary waste is collected in the Edenvale Redevelopment project by a system of sanitary sewer lines located within street right of ways. Sanitary sewer lines do not exist in the area of New Edenvale south of Silver Creek Valley Road (Area 3). Generally sanitary sewers in the project area are tributary to a large trunk line in Monterey Highway. The sanitary sewer system transports sanitary waste to the San Jose/Santa Clara Water Pollution Control located in the Alviso area or north San Jose.

Treatment of sanitary waste is provided the San Jose/Santa Clara Water Pollution Control Plant (Plant). The Plant is a regional facility, treating wastewater from several cities and sanitation districts. The Cities of San Jose and Santa Clara jointly own the facility. The plant provides wastewater treatment to a tertiary level. Plant capacity is 167-million gallons per day (mgd), of influent wastewater. This capacity is limited by the Plant's physical treatment structures and processes. As of November 1998, the Plant was processing an estimated 142-mgd of influent (dry weather peak week flow).

The Plant's treatment capacity is allocated between the several agencies served and the two co-owners through Master Agreements. Capacity available to San Jose is approximately 106.39 mgd. As of November 1998, San Jose was utilizing 94 mgd. San Jose projects additional flows of 6.6 mgd of flow with occupancy of development project's and construction already permitted within its city limits. The City's level of service goal is to remain within its allocated treatment capacity rights for the plant.

The Plant is currently operating under a 120 million gallon per day dry weather effluent flow (ADWEF) constraint. This requirement is based upon the State Water Resources Board and the Regional Water Quality Control Board (RWQCB) concerns over the effects of additional freshwater discharges from the WPCP on the saltwater marsh habitat, and pollutant loading to the Bay from the Plant. In response to these issues, the City of San Jose has prepared a Clean Bay Strategy (CBS) and the South Bay Action Plan. The CBS details the City's control strategy to reduce effluent discharges to the South San Francisco Bay as required by the National Pollutant Discharge Elimination system (NPDES) permit. The Clean Bay Strategy promotes an integrated watershed protection approach and considers all factors

influencing water quality in the South Bay, including point and non-point sources of pollution, water supply issues and improving plant performance. The South Bay Action Plan describes in some detail the conservation, reuse and diversion activities designed to reduce effluent flow from the Plant to below 120 mgd. A contingency plan of additional measures will be implemented if the measures contained in the 1997 Revised Action Plan do not achieve expected flow reductions and the effluent flow exceeds 120 mgd.

2. Impacts to Utilities and Service Systems

Thresholds of Significance

For purposes of this Project, a utilities and service system impact is considered significant if the Project will:

- exceed wastewater treatment requirements of the Regional Water Quality Control Board; or
- require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; or
- exceed the capacity of existing utility systems such that adverse impacts on the physical environment would result.

Service impacts to utilities are estimated based on the assumption that complete development of the Edenvale Redevelopment Project will consist of 7.9 million square feet of additional new buildings.

Telephone

Existing telephone line and facilities will serve new development in Old Edenvale, and Area 1 and Area 4 on New Edenvale. Telephone service will be provided to Area 3 of new Edenvale by installing underground new telephone ducts and lines in the southern extension of Hellyer Avenue and the sections of Piercy Road and Silicon Valley Boulevard (Tennant Road) that are proposed to be widened. The new telephone facilities would be constructed as part of the Improvement District.

Electric Power

Electric power will be supplied to new development in the Old Edenvale area from the existing electric distribution system. In the portion of New Edenvale, north of Silver Creek Valley Road, electric power service will be provided from the existing electric distribution system. In the area of New Edenvale south of Silver Creek Valley a new electric power distribution system will be constructed in the area of the Improvement District. This new distribution system will be placed in the street right of way of the southern Extension of Hellyer Avenue and the sections of Piercy Road and Silicon Valley Boulevard (Tennant Road) to be widened. The existing 21 Kv overhead power line located along Piercy Road will be removed as part of the Improvement District.

A adequate power supply to the distribution system will be provided by the planned new electric substation. The substation will be located to the northeast of the intersection of Hellyer Avenue and Branham Lane East.

Natural Gas

The existing natural gas supply and distribution system is adequate to service Old Edenvale and all of New Edenvale except for Area 3. A new gas distribution system will be extended into Area 3 as part of the Improvement District.

The natural gas transmission lines that traverse the eastern side of New Edenvale will remain in place. Buildings and other structures will not be constructed within the Transmission line right of way.

Water

The existing water system serving the Old Edenvale area is adequate to supply water for normal light industrial and office research and development uses that are planned for this area. The typical light industrial uses that are planned in Area 1 and Area 4 of New Edenvale can be served by the existing water system in these areas. Most of Area 3 of New Edenvale is not served by a water system. As a part of the proposed Improvement District, water lines would placed in the new and widened streets of Area 3 of New Edenvale. A waterline would be located in the southern extension of Hellyer Avenue and in sections of Piercy Road and Silicon valley Boulevard proposed for widening.

In the future reclaimed water will be available to the New Edenvale area. Reclaimed water service will be available when existing reclaimed water line located in Hellyer Avenue is connected to the supply. This reclaimed water line will be extended south in Hellyer Avenue as part of the proposed Improvement District. Reclaimed water can be used for landscaping irrigation, and industrial processes and cooling as appropriate.

Sanitary Service

The existing sanitary sewer collection system in Old Edenvale would be adequate to serve typical light industrial and office/research and development uses. Similarly, the existing sanitary sewer collection system in Area 1 and Area 4 of New Edenvale would be adequate to serve typical light industrial and office/research and development uses. New sanitary lines would be extended south in Hellyer Avenue, and Piercy Road, south of Silver Creek Valley Road as part of the Improvement District. These lines would connect with the existing large sanitary main in Silver Creek Valley Road. These new lines would provide capacity for sanitary waste from typical light industrial uses in Area 3 of New Edenvale.

The 7.9 million square feet of new development anticipated to represent buildout, of the remaining vacant land in the Edenvale Redevelopment project would result in an estimated wastewater flow of approximately 1.1 million gallons per day.[17] This would result in approximately a one percent increase in the City's existing peak weekly wastewater flow and utilize more than 15% of the City's remaining share of capacity not committed to

[17] Based on a coefficient of .140 gallons per day per square foot for electronics/industrial uses.

development. Discharges from the proposed Project are significant enough to impact the Plant's 120-mgd discharge controls, although this increased flow can be accommodated at the Plant.

- Implementation of the Project could cause an exceedance of the City's discharge constraint for water treatment facilities. **(Significant Impact)**

3. Mitigation Measures

Since the project will not result in significant impacts as a result of increased demand for telephone, electric, gas, or water services, no mitigation is required.

Sanitary Service

The potential impact of exceeding the City's discharge constraint can be reduced by the use of reclaimed water for landscaping irrigation, and industrial process and cooling water. **(Less Than Significant Impact With Mitigation)**

L. HAZARDOUS MATERIALS

The use, storage, transport, and disposal of hazardous materials are regulated by a number of local, state, and Federal regulations. The major focus of these regulations has been the risks associated with locating facilities that use, transport, and store acutely hazardous materials near sensitive populations.

1. Setting

The following section addresses the use, storage, transport, and disposal of hazardous materials in the Edenvale area.

Because the Edenvale Redevelopment Area is planned for industrial uses there is a likelihood that hazardous materials will be used. Hazardous materials cover a broad range of substances such as motor oil, pesticides, cleaners, paint, solvents, and gases. Due to its chemical and physical properties, a substance may be considered hazardous if it poses a substantial hazard to human health or the environment. Substances can also present a hazard when they are improperly treated, stored, transported or disposed.

Hazardous Materials Regulations for Industrial and Commercial Uses

State regulations, locally administered by Santa Clara County and the Bay Area Air Quality Management District (BAAQMD), limit siting of hazardous materials users, and require special plans for any facilities which store, handle and/or emit certain quantities of hazardous materials. The thresholds for facilities which are regulated are set in Section 25536 of the Sate of California Health and Safety Code.

The Federal government regulates the use and storage of hazardous materials. The EPA's Resource Conservation and Recovery Act (RCRA) Program identifies and tracks hazardous waste from the point of generation to the point of disposal. Facilities are required to track and report generation, storage, transportation, treatment and/or disposal of hazardous waste.

The *Risk Management and Prevention Program* (specified in the Health and Safety Code Section 25534) requires certain businesses that handle acutely hazardous materials to prepare and submit a Risk Management and Prevention Program (RMPP) for their facility. The RMPP must consider the proximity of the facility to specified populations including schools, residential areas, general acute care hospitals, and child day care facilities. If any of these sensitive uses are within one-quarter mile (1,380 feet), the Santa Clara County Department of Environmental Health, which administers the program locally, will require an RMPP.

Existing Contamination

Past hazardous material storage practices have led to soil and groundwater contamination in San Jose and throughout Santa Clara County. Many of the contaminated sites have been caused by leaking underground fuel storage tanks. Several governmental agencies are responsible for overseeing cleanup depending on the source and level of contamination identified onsite. Regulations are in place that deal with responsibilities of clean up. Contaminated sites are identified on various Federal, state and local lists including:

National Priorities List (NPL)

Sites that may pose the greatest potential threat to human health and the environment are on the NPL and are commonly referred to as "Superfund sites". The Environmental Protection Agency (EPA) is responsible for maintaining the database of hazardous waste sites identified for priority remedial actions under the Superfund Program. Sites on the NPL must be cleaned up in accordance with Federal regulations and are eligible for Superfund monies for investigation and cleanup.

CERCLIS List

The CERCLIS list is a compilation of sites the EPA has investigated or is currently investigating which may have had a release or threatened release of hazardous substances pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA or Superfund Act.)

Emergency Response Notification System (ERNS)

The ERNS is a national database used to collect information on reported accidental releases of oil and hazardous substances. The database contains information from spill reports made to Federal authorities including the EPA, U.S. Coast Guard, the National Response Center and the Department of Transportation.

State Priority List (SPL)

The California Environmental Protection Agency (Cal EPA) and the Department of Toxic Substances and Control (DTSC) maintain an inventory of facilities subject to investigation concerning likely or threatened releases of hazardous substances. Sites which are required to prepare Annual Work Plans and Preliminary Environmental Assessments are included in the inventory.

Leaking Underground Storage Tanks (LUST) Information Systems

A leaking underground storage tank information system is maintained by the California EPA. Sites with known underground storage tank leaks are tracked by this system.

Santa Clara Valley Water District (SCVWD) Fuel Leak Site Activity Report

The Regional Water Quality Control Board (RWQCB) oversees underground cleanup on the local level. The Santa Clara Valley Water District (SCVWD), under contract to the RWQCB, has instituted a Fuel Leak Program to evaluate the extent of reported fuel leaks and provide cleanup guidance to the responsible parties. As part of its activities, SCVWD maintains an inventory of all reported fuel leak sites in Santa Clara County.

Listed Sites Within Edenvale

According to a Site Assessment Report prepared by *VISTA Information Services,* February 1996, several facilities in the vicinity of the Edenvale Redevelopment area have known contamination. Table 19 lists businesses in the area that have known soil and/or ground water contamination or are known users of hazardous materials.

TABLE 19
LIST OF RECORDED CONTAMINATED SITES AND/OR GENERATORS WITHIN OR ADJACENT TO THE EDENVALE REDEVELOPMENT PROJECT AREA

Site Name	Site Address	Database
Monterey Mini Mart	5498 Monterey Hwy.	UST
Arco	5498 Monterey Hwy.	LUST
Dry Clean USA	5540 Monterey Hwy.	Sm. Generator
IBM	5600 Cottle Rd	SCL, TSD, CERCLIS, UST, AST, Lg Generator, ERNS
Kaiser Permanente	5755 Cottle Rd	Sm. Generator
XES	5853 Rue Ferrari	AST, Sm. Generator
Unknown	474 Piercy Rd	ERNS
CALTRANS	225 Cottle Rd	LUST
Viking Tech	6448 Via Del Oro	Lg. Generator, ERNS
EXAC Corp.	6410 Via Del Oro	Lg. Generator
Cybernex Advanced	6580 B Via Del Oro	Sm Generator
Silicon Video Corp	6580 Via Del Oro	Sm Generator
Aydin Corp West	30 Great Oaks Blvd.	Lg Generator
Aydin Radar	32 Great Oaks	Sm Generator
PG&E	6402 Santa Teresa Blvd.	CERCLIS, UST, Lg Generator
Fairchild	101 Bernal Rd	NPL, SCL, CERCLIS, LUST, Lg Generator
Valence Technologies	6781 Via Del Oro	Sm Generator
United Tech. Corp	6830 Via Del Oro	Sm Generator
GSS Array Tech.	6835 Via Del Oro	Lg Generator
Magnex Corp	6850 Santa Teresa Blvd.	CERCLIS, UST
Integrated Substrate	181 Martinvale Ln	Lg. Generator
Tosco Northwest	7022 Santa Teresa Blvd.	LUST
BP Oil	7022 Santa Teresa Blvd.	UST
Mobil	7022 Santa Teresa Blvd.	LUST
Maison Property #1	6240 Monterey Hwy.	LUST
Kaufman & Broad	63000 Monterey Hwy.	LUST

Source: Vista Information Systems, 2/96
Notes: NPL= National Priorities List CERCLIS=EPA Investigation SPL= State Priority List, ERNS= Reported accidental releases LUST= Leaking Underground Storage Tank

Fairchild Site

The Fairchild site within Old Edenvale is on the National Priorities List. Fairchild Semiconductor Corporation manufactured semiconductors in the 1970s and 1980s. Contamination was attributed to an underground tank which stored solvents (1,1,1 Trichlorethane). A soil venting system was installed and remedial action has taken place.

The Regional Water Quality Control Board has indicated that due to ongoing cleanup efforts the site contamination does not pose a threat to human health and meets the standards for commercial development. The site is currently unoccupied at this time. However, a development proposal is currently pending for neighborhood commercial uses.

IBM

The IBM manufacturing facility located in Old Edenvale has used and stored a wide variety of hazardous chemicals since development of the site in the 1970's. Soil and groundwater were contaminated over the years by a variety of chemicals, especially hydrocarbons and chlorinated solvents. Soil remediation activities occurred between 1980-1987. Groundwater remediation began in 1982. IBM is currently not listed on the NPL. However, it has been identified on the Federal and state equivalent CERCLIS lists and by the Cal EPA LUST inventory.

Hazardous Waste Generators

Several companies within the Edenvale Redevelopment Project Area have been identified as hazardous waste generators. Eight companies are registered as large generators, and 6 companies are identified as small generators. A large generator is defined as a facility which generates, stores, transports or disposes of more than 1,000 kg/ month of non-acutely hazardous waste or more than 1 kg/month of acutely hazardous waste.

Companies in proximity to, or within the Edenvale Redevelopment Area, in the large generator classification include: IBM, Pacific Bell, Santa Teresa Community Hospital, EXAC Corporation, Aydin Corporation, Western Digital, Pacific Gas and Electric, GSS Array Technology, and Integrated Substrate Tech.

2. Impacts

Threshold of Significance

For the purposes of this project, a public health and safety impact from hazardous materials is considered significant if the project will:

- expose the public to a significant risk associated with the storage, use and disposal of hazardous materials on the site, or from existing hazardous materials contamination on a property; or
- pose a hazard to people or animal and plant populations.

Hazardous Materials Impacts

Hazardous materials constraints within the Edenvale Area are related to both historic and current land uses. Past land uses have resulted in the contamination of some sites with fuels, solvents and other chemicals. Current and future industrial uses have the potential to emit hazardous and acutely hazardous materials during their use, storage, transport, disposal or handling within the Edenvale Redevelopment Area.

As shown in Table 19 several areas in Edenvale have experienced soil and/or groundwater contamination. If remediation has not occurred, or contamination is suspected, it may be advisable at the time specific development is proposed, to perform soil and groundwater

analysis to determine if contamination is present. If contamination is found, clean up may be required prior to site development.

- Development encouraged by the Edenvale Redevelopment Plan could result in potentially significant hazardous materials impacts associated with future industrial uses on potentially contaminated sites. In addition, industrial companies may utilize hazardous materials which could create a public health hazard by their use, storage and/or disposal. **(Significant Impact)**

3. Mitigation Measures for Hazardous Materials Impacts

Program Mitigation Measures

The following program mitigation measures will reduce potential Hazardous Materials impacts from implementation of the Edenvale Redevelopment Plan.

- *Hazardous Materials Management Plan, Chapter 17.68, San Jose Municipal Code* states that any person, firm or corporation which stores any regulated hazardous material shall obtain and keep current a Hazardous Materials Storage Permit and that a Hazardous Materials Management Plan must be submitted to the San Jose Fire Department. Facilities which generate hazardous wastes, must also submit a Hazardous Waste Generator Permit Application to the Santa Clara County Health Department, Office of Toxics Enforcement.

- *Toxic Gas Ordinance Chapter 17.78, San Jose Municipal Code* outlines a uniform, countywide program for the prevention, control and mitigation of dangerous conditions, to provide for building standards and for emergency response to protect the public from acute exposure due to accidental releases of toxic gases.

- *AB 3205 (Risk Management)* requires businesses which use extremely hazardous materials to submit a Risk Management and Prevention Plan to the administering agency upon request. The Santa Clara County Department of Health Services, Toxic Substances Control unit is the administering agency for the local implementation of AB 3205. The plan for each site should identify specific risk associated with the use and storage of extremely hazardous materials, along with the identification of potential populations that may be at risk.

- The intent of the *Federal Hazardous Material Transportation Act* is to reduce the likelihood and minimize the impact of transportation accidents involving hazardous materials. This law specifies packaging requirements for different types of hazardous materials, and detailed manifest requirements to inform responders to a transportation accident of the contents of the materials involved.

- Emergency response plans assist local agencies in preparing for a hazardous materials spill. Emergency plans identify the potential for accidents in a community, define a chain of command in the event of an emergency, outline evacuation routes if necessary, and provide other emergency procedures. The City of San Jose Office of Emergency Services is responsible for maintaining the City's Emergency Response Plan. The Plan provides the overall framework for emergency response to various types of hazards and

contains a specific response action plan for hazardous materials incidents that is implemented by the responsible agencies. Each responsible agency maintains detailed operation procedures for responses to hazardous materials problems.

Conclusion: **Incorporation of all the above listed mitigation, including conformance with relevant laws and regulations, will reduce all potential adverse impacts associated with hazardous materials to a level of non-significance. Specific mitigation measures will be addressed as part of the development review process at the time specific development is proposed. (Less Than Significant Impact With Mitigation)**

IV. AVAILABILITY OF PUBLIC FACILITIES

Unlike public facilities and utilities, public services are provided to a community as a whole, usually from a central location or from a defined set of nodes. The resource base for delivery of the service, including physical service delivery mechanisms, is financed on a community-wide basis, usually from a unified or integrated financial system. The service delivery agency can be a city, county, service or other special district. Usually, new development will create an incremental increase in the demand for these services; the amount of the demand will vary widely, depending on both the nature of development (residential vs. industrial, for instance) and the type of service, as well as the specific characteristics of the development (such as senior housing vs. family housing).

The impact of a particular project on public services and facilities is generally a fiscal impact. By increasing the demand for a service, a project could cause an eventual increase in the cost of providing the service (more personnel hours to patrol an area, additional fire equipment needed to service a tall building, etc.). That is a fiscal impact, however, not an environmental one.

CEQA does not require an analysis of fiscal impacts and these impacts are not addressed in this EIR. However, CEQA analysis is required if the increased demand is of sufficient size to trigger the need for a new facility (such as a school or fire station), since the new facility would have a physical impact on the environment.

While not required by CEQA, the City of San Jose includes a discussion of potential impacts on public services in EIRs prepared for land use and development projects to identify the issues which may be of concern to the community and decision makers, and where the analysis can contribute to an understanding of the project as a whole.

1. Existing Setting

Fire Service

Fire protection to the project site is provided by the San Jose Fire Department (SJFD). Station #18 would be the "first response unit" to respond to an emergency at the project site and consists of one engine and one truck. Station #12 is the "second response unit" to respond to the site in the event of a fire, and consists of an engine company. Station #13 would be the "third response unit" to the project site, and the first unit to respond that includes an Urban Search and Rescue (USAR) team and a battalion chief. The USAR team would respond to an emergency at the site if the emergency required the team's services. The addresses and response times for the three fire stations are provided in Table 20.

The SJFD's recommendations for a structural fire response include two engines, one truck and an USAR team, with response times of four minutes for the first response unit and six minutes for the second and third response units. According to Table 20, the stations serving the project site do not meet this benchmark for response times.

TABLE 20 FIRE STATION LOCATION AND RESPONSE TIMES		
Station	**Location**	**Response Time***
#18	4430 S. Monterey Road	5 - 8.6 minutes
#12	502 Calero Avenue	5.6 – 9.2 minutes
#13	4380 Pearl Avenue	8.0 – 11.6 minutes

* Due to the size of the project site, fire and emergency response times are given in ranges. The response time ranges represent the difference in response times to the northwest end of the site (shortest response time) and response times to the southeast end of the project site.

The SJFD has indicated that a new fire station is under construction at the corner of San Ignacio Avenue and Bernal Road, adjacent to the Redevelopment Project boundary. This new station would replace the existing Fire Station # 27, and is expected to be fully operational in 2000. The new Station #27 would improve fire and emergency service to the project site and would become the "first response unit" to the site, with a response time ranging from 3 minutes to the northwest end of the Redevelopment area, to 5.6 minutes to the southeast end. Station #18 would then become the "second response unit" to the site. It is estimated that emergency and fire services dispatched from Station #27 and Station #18 would be capable of serving northwestern half of the project site within the SJFD standards for first and second response units. Response times to the southeastern half of the site would remain beyond the recommended benchmark. No new facilities would be proposed or required to serve the development, however.

The City of San Jose participates in a mutual aid program with the Cities of Milpitas and Santa Clara. Through this program, should the City of San Jose Fire Department need assistance in addition to its own units, one or both of the mutual aid cities would provide assistance to locations within the City of San Jose in whatever capacity was needed.

Development of the project would generate increased demands for fire protection services, as the site would develop under more intense land use densities. The Office/R&D buildings would be built to Fire Code standards, including the provision of sprinklers, alarms and separations between incompatible uses.

While adherence to codes will minimize the potential damage and risk from fire, the existing laws represent minimum standards and do not safeguard against all hazards. Despite design measures to reduce potential impacts on fire service, development of this property will increase the demand for fire protection services. The City of San Jose Fire Department has indicated that additional fire protection services will be necessary to adequately and safely serve the entire project site. The new fire station presently under construction will provide that additional service.

Police Service

Police protection services are provided to the site by the City of San Jose Police Department (SJPD). Officers patrolling the project site are dispatched from police headquarters located at 201 West Mission Street. The SJPD presently consists of 1,329 sworn officers.

The SJPD's service area consists of 64 beats. Each beat is assigned to one of twelve districts and is identified by a numeric number and an alphabetic letter. The letter identifies the district in which the beat is located, and the number distinguishes that beat from others in the district. The project site is located within District Y, Beat 5, which is the third largest beat in the City. Beat Y-5 encompasses an area of 12.43 square miles and serves approximately 23,000 residents.

The area serviced by beat Y-5 is ranked 51st out of the 60 police beats in San Jose for rate of crime. The most frequent felony crimes in the project area are residential burglary, grand theft, and patrollable auto theft. The most frequent misdemeanors in the project area are malicious mischief, car clout, and disturbing the peace. Beat Y-5 had approximately 56 crimes per 1,000 population.[18]

Each proposed private development will be reviewed by the City Police Department for incorporation of design measures to reduce potential criminal activities. Although the increase in intensity of land use would be expected to increase the demand for police services and possibly require additional sworn patrol officers, the proposed project would not create the need for a new police facility.

[18] Beat statistics are from the San Jose Police Department's *1997 Demographic Data Book.*

V. CUMULATIVE IMPACTS

The California Environmental Quality Act (CEQA) requires that a project be identified as having a significant impact if its possible effects are "...individually limited but cumulatively considerable".[19] The CEQA Guidelines define "cumulative impacts" as meaning "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." The individual effects may be multiple impacts from the same project, or

The Guidelines give further direction on how cumulative effects are to be addressed in an EIR. Specifically, an EIR is to provide *either* a list of "past, present and reasonably foreseeable future Projects" whose impacts may contribute to cumulatively significant effects, *or* a "summary of Projections contained in an adopted General Plan".[20]

The past, present and future projects which will contribute, with the proposed project, to potentially significant cumulative impacts include:

> Coyote Valley Research Park – Pending development of campus industrial uses for 20,000 employees on approximately 600 acres, for which a rezoning application is currently pending with the City of San Jose;
>
> North Coyote Valley buildout – The proposed rezoning includes infrastructure which will support development of the remaining 800 acres of campus industrial development planned in North Coyote Valley, capable of supporting another 30,000 employees.

Potentially significant cumulative impacts to which the project may contribute were determined to include: traffic, air quality, vegetation and wildlife, loss of prime farmland, loss of open space, and regional housing demand. Each of these areas of impact is discussed below.

> ***Transportation***: Implementation of the project in conjunction with other pending development would result in cumulatively significant traffic impacts to freeway segments.
>
> ***Air Quality:*** As indicated in the Air Quality Report found in Appendix C, the BAAQMD guidance for CEQA documents provides that if a project is found to have an individually significant air quality impact it would also be considered to have a significant cumulative impact. The project would contribute to regional emissions that exceed the significant thresholds for ozone precursors and PM_{10}. Cumulative impacts from the project on regional air quality are thus considered to be significant.
>
> ***Loss of Farmland and Open Space:*** Implementation of the proposed project in conjunction with other pending development would convert approximately 451 acres of agricultural land ands visual open space to urban uses.

[19]Public Resources Code §21083(b).

[20]California Code of Regulations §15130(b)1(A) and (B).

Vegetation and Wildlife: Buildout of the Edenvale Redevelopment Project area will cause the loss of serpentine grassland and agricultural/fallow fields. Both types of habitat are utilized in this area by various special status species. Much of North Coyote Valley is also grassland and agricultural land, supporting many of the same species found in Edenvale. The cumulative loss of approximately 2,000 acres of habitat utilized by special status species would be significant.

Regional Housing Demand: Buildout of Edenvale will provide approximately 23,000 jobs which will result in increased demand for housing. Although housing units outnumber jobs in the City of San Jose, on a regional level there is a shortage of housing units. The provision of 23,000 jobs would result in a significant demand for additional housing within the City of San Jose and surrounding communities (Morgan Hill, Gilroy, Monterey, San Benito County).

Flooding: The SCVWD has identified a potential for downstream flooding on Coyote Creek to increase significantly as a result of future development in the Coyote Creek watershed. A significant increase in flooding on Coyote Creek could result in increased flood damage in the residential neighborhood near William Street at I-280.

It is City policy to require that any development in San Jose be designed so as not to contribute to downstream flooding. This would avoid significant cumulative impacts.

The Redevelopment Project also includes a stormwater detention basin of approximately two acres at the location shown on Figure 17. The pond would average 2.6 feet deep, to hold up to 5.4 acre feet of water. The pond will utilize shallow slopes and natural riparian vegetation, including trees and bushes, to minimize its visual impact. This facility will avoid any increase due to proposed development in Areas 1, 3, and 4 of New Edenvale, over existing conditions, based on the first hydrographic peak on Coyote Creek at I-280 for both the 35-year and 100-year flood events. The project will not, therefore, contribute to cumulative downstream flooding impacts.

- Implementation of the project along with buildout of other foreseeable future development would result in a significant cumulative impacts on traffic, air quality, loss of agricultural land, loss of open space, vegetation and wildlife, and pressure on regional housing demand. **(Significant Cumulative Impact)**

It is not anticipated that the incremental impacts resulting from the project in other areas, including land use, energy, hazardous materials, cultural resources, and public services will cause significant cumulative impacts.

Mitigation for Cumulatively Significant Impacts

1. Mitigation for Cumulatively Significant Traffic Impacts

The CEQA Guidelines state that the "only feasible mitigation for cumulative impacts may involve the adoption of ordinances or regulations rather than the imposition of conditions on a project-by-project basis".[21] This responds to the problem that arises when the scope or

[21] §15130(c).

scale of cumulative impacts is beyond the ability of a single development to mitigate. The cumulative traffic impacts upon freeways in Santa Clara County are beyond the scope of a single project to mitigate, and are also beyond the authority of a single jurisdiction to control. Therefore, even a City ordinance or regulation alone would also not be effective mitigation.

For these reasons, the Santa Clara Valley Transportation Authority, which includes the County Congestion Management Agency (CMA), is preparing a Countywide Deficiency Plan to address long-term regional traffic congestion and the improvements to the regional transportation systems that may help reduce it. While the Countywide Deficiency Plan has not yet been completed, and the mechanisms for funding its implementation have not been adopted, participation in such a Plan may be the only effective mitigation for reducing or mitigating cumulatively significant traffic impacts on regional facilities, including freeways. It is not possible to state definitely at this time that the Plan will ultimately reduce regional traffic impacts to a less than significant level.

2. Measures to Reduce Cumulative Air Quality Impacts

Mitigation for significant air quality impacts includes techniques for reducing automobile traffic. Site design and operation programs that encourage carpooling, use of transit and other transportation means other than single occupant cars are encouraged by the CMP, BAAQMD, and other regional planning agencies. While these techniques will reduce air quality impacts, the Regional Clean Air Plan anticipates that only regional and regulatory programs to achieve cleaner burning vehicles and fuels, and to reduce automobile usage on a regional scale will result in long term achievement of air quality standards. Near term cumulative air quality impacts will remain a significant unavoidable impact.

2. Mitigation for Loss of Agricultural Land and Open Space

There are no measures other than avoidance that would reduce the loss of over 2,000 acres of prime farmland which would result from full buildout . While the City of San Jose can condition future projects to include open space uses within future development, there are no measures that would fully reduce the loss of approximately 2,000 acres of open space.

4. Measures to Reduce Vegetation and Wildlife Impacts.

The City could require that individual private developments set aside area for habitat. While preservation of some open space would reduce the severity of the impact, setting aside relatively small non-proximate areas would not reduce the cumulative impact in the region to a less than significant level.

◆ *Conclusion:* **Implementation of the project along with other foreseeable projects will result in significant unavoidable impacts to loss of agricultural land and open space, transportation and circulation, air quality, and vegetation and wildlife. There are no feasible mitigation measures identified at this time that would reduce these cumulative impacts to a less than significant level. (Significant Unavoidable Cumulative Impacts)**

VI. ALTERNATIVES

CEQA requires that all EIRs, in addition to an analysis of the proposed project, analyze a range of alternatives. The CEQA Guidelines specify that the EIR identify alternatives which "would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project". The purpose of this section is to ascertain whether there are alternatives of design, or scope which substantially lessen the significant impacts, even if as the Guidelines state, those alternatives "impede to some degree the attainment of the project objectives", or are more expensive.

Significant impacts identified in this EIR as resulting from the project include land use impacts on Hellyer Avenue, loss of agricultural land and open space, traffic impacts on U.S. 101, impacts to biological resources, and loss of historic resources. Alternatives selected for discussion should, therefore, be capable of avoiding or reducing one or more of these significant effects.

Since the anticipated land use impacts on Hellyer Avenue result from increased traffic being routed through that neighborhood by improvements at the Hellyer/U.S. 101 interchange, an alternative to reduce those impacts would be to build the planned interchange or overcrossing at Branham Lane and U.S. 101, giving an alternative east/west route for project traffic. This alternative is, therefore, addressed below.

A reduced scale alternative might be assumed to reduce most of the significant impacts, and is also discussed below.

A. NO PROJECT ALTERNATIVE

The CEQA Guidelines stipulate that an EIR specifically include a "No Project" alternative, which is the circumstance under which the project as proposed does not proceed. The discussion should "compare the environmental effects of the property remaining in its existing state against the environmental effects which would occur if the project is approved." The No Project Alternative could consist of leaving the existing Level of Service Policy unchanged as it is applied to land within the New Edenvale area, and not forming an Improvement District or a Community Facilities District. Since all of the property is already zoned and designated on the General Plan for urban uses and is included within an existing Redevelopment Project boundary, the discussion below does not address an artificial "no development" scenario.

Some amount of additional development could occur without the gateway improvements and joint funding mechanisms represented by the Improvement and Community Facilities Districts. Individual development could apply for and receive entitlements under their existing zoning; in conformance with the City's Level of Service Policy, each development would be required to analyze its individual traffic impacts and implement improvements to the roadway system in order to avoid a significant impact.

At some point, the capacity of existing local intersections would be exceeded and no significant additional development could occur beyond that point. In addition, incremental increases from these individual projects could result in cumulative deterioration of the levels of service on local roadway

facilities where no individual mitigation is triggered. Much of the property in Area 3 of New Edenvale cannot develop without the construction of significant infrastructure that is unlikely to be funded by individual development.

Since development would be limited, this project would avoid the significant impacts to the freeway system and the short-term traffic impacts resulting from adoption of the Area Development Policy. Land use impacts resulting from increased traffic on Hellyer Avenue would be avoided. Impacts resulting from loss of agricultural land and open space would be significantly reduced. Air quality impacts would probably be reduced to a less than significant level. Increases in ambient noise level within the project area and along nearby roadways would be significantly reduced. This alternative could also reduce or avoid potential impacts to biological and historic resources.

Under this scenario, buildout of the Edenvale Redevelopment Project area cannot be completed. The City of San Jose will therefore not be able to meet the goals identified in its General Plan of encouraging a reverse commute between jobs in Edenvale and the existing and planned housing in Evergreen, Silver Creek, and other nearby residential neighborhoods. Other goals identified in the Redevelopment Plan, including provision of jobs for skilled workers resident in the City, improvement of the City's jobs/housing imbalance, and improving the City's tax base, will also not be achieved.

Conclusion: This alternative is environmentally superior to the proposed project, but fails to meet the project objectives.

B. REDUCED SCALE ALTERNATIVE

Many of the project impacts could be reduced by reducing the size of the project. To reduce the impact to the freeways to a less than significant level, no more than approximately 290,000 square feet of development could be built. This amount of development would also result in less than significant impacts to air quality, agricultural land, open space, biological resources, historic resources, and any encroachment into the riparian corridor setback for Coyote Creek. This number of jobs may be less than what could occur under the "No Project" scenario above. It also represents less than the amount of building area that would be built on most of the individual development sites.

Conclusion: This alternative would be economically infeasible.

C. BRANHAM LANE CONNECTION

The adopted General Plan for the City identifies an interchange at Branham Lane and U.S. 101, and at Branham Lane and Monterey Highway. Right-of-way has been preserved at both locations for the necessary structures. Right-of-way has also been preserved between Coyote Creek and U.S. 101 and between U.S. 101 and Monterey Highway for the Branham Lane connections.

The City is not proposing to build the Branham Lane connection at this time.

Possible alternatives to the project as proposed could include either: (a) building the Branham Lane connection between Hellyer Avenue east of Coyote Creek, and Monterey Highway, utilizing an overcrossing at U.S. 101; or (b) building the Branham Lane connection between Hellyer Avenue and Monterey Highway utilizing an interchange at U.S. 101.

Alternative (a), building an overcrossing of Branham Lane at U.S. 101, would avoid the need for the proposed gateway improvements at Hellyer Avenue and U.S. 101. This, in turn, would avoid the increased traffic through the Hellyer Avenue neighborhood. This alternative would increase traffic on Branham Lane between Coyote Creek and Monterey Highway. This section of Branham Lane was designed to handle the anticipated traffic from the connection, however. Because the travel lanes are farther from residences, noise impacts would be less. Because very few of the houses on this section of Branham Lane take primary vehicular access from Branham, there would be fewer safety and circulation conflicts. In those instances where residential driveways do require backing onto Branham Lane, the street right-of-way is wider than on Hellyer Avenue, reducing potential conflicts. There is no school on this stretch of Branham, other than a middle school whose vehicular and primary pedestrian access is from a side street. This reduces potential conflicts between vehicles and school children, compared to the elementary school whose access is from Hellyer Avenue.

Alternative (b) above would avoid the need for gateway improvements on Hellyer Avenue. The construction of an interchange at Branham Lane would also result in extending the interim congestion on Blossom Hill Road, because an agreement with County Parks would have to be negotiated for construction in the Hellyer/Coyote Creek Park right-of-way.

D. NO GATEWAY IMPROVEMENTS

Another possible development scenario is one in which no improvements are made to the interchanges with US 101, the "gateways". This would avoid the uncertainties of obtaining approvals from Caltrans. All of the other improvements, to local roadways, would be built to serve development approved. In this alternative, less traffic would occur on US 101, reducing the significant unavoidable impact to the congested segment.

It is estimated that the remaining vacant land in Areas 2 and 4 could develop as planned. It is possible that a small amount of development could be approved in Areas 1 and 3 without conflicting with the Level of Service Policy. Exactly how much development in Areas 1 and 3 could proceed would depend on its location and the size of the individual projects. Very small projects would not exceed the 1% criteria for the major intersections on Blossom Hill where the most severe congestion is anticipated, although they would contribute to the cumulative deterioration of the LOS at those intersections.

Traffic and air quality impacts would be reduced, possibly to less than significant levels. Noise and land use impacts to the Hellyer Avenue residential area would be reduced. Continued congestion at the Hellyer Avenue interchange with US 101 could result in some cut-through traffic seeking alternate routes through the neighborhood, but it is unlikely that the traffic would be significant. Noise impacts to residents adjacent to Coyote Creek and along Bernal Road would probably not be significant. Land use and noise impacts to residents along Piercy Road would probably not be signfiicant.

This alternative would result in most of the remaining vacant or almost vacant properties in Areas 1 and 3 not developing with urban uses. Less farm land and open space would be lost, and impacts to special status species associated with the loss of agricultural habitat would be reduced. Impacts linked to serpentine soil would also be reduced, as would impacts to riparian habitat. Without any more industrial development occurring next to Coyote Creek, the encroachments by Hellyer Avenue and from the industrial development itself would not occur.

This alternative would conflict with the City's goals for developing industrial properties in the Edenvale Redevelopment Project, in that fewer jobs in close proximity to existing housing would be approved.

Conclusion: This alternative is environmentally superior to the proposed project. It does not meet the project goals and objectives.

VII. GROWTH INDUCING IMPACTS

The proposed project will include development of infrastructure to accommodate the future buildout of the Edenvale Redevelopment Project Area. The specific elements of the infrastructure including a portion of the planned roadway improvements have been designed to accommodate the future buildout of the Edenvale Redevelopment Area. These improvements will likely encourage the development of the remainder of Edenvale sooner than might otherwise occur by eliminating several current obstacles to development. It should be noted however, that development in the Edenvale Redevelopment Project Area has been envisioned by the City since the mid-1970s, and is within the existing urban service area, urban growth boundary and the City's greenline boundary.

Approving development in Edenvale does not create a new precedent for growth or expansion outside the urban area. The development of industrial uses in the Edenvale Redevelopment Project area is identified in the City's General Plan as an important component of the City's overall land use planning strategy in that it encourages employers to locate near existing and planned housing. The creation of a "reverse commute" that is different than the prevailing commute pattern in Santa Clara County (from homes in the south to jobs in the north) is encouraged in order to take advantage of underutilized transportation capacity and to minimize air quality and noise impacts. As part of the land use pattern identified in the General Plan, it is considered unlikely to encourage growth beyond what is already planned for in the General Plan. While CEQA cautions that no growth should be assumed to be "good" or "bad", this planned growth was identified in the CEQA documents prepared for the General Plan and would be supported by the overall jobs and housing planned for in the City.

VIII. IRREVERSIBLE CHANGES TO THE ENVIRONMENT

Significant irreversible changes to the environment would be caused by the use of non-renewable resources in the construction of approximately 7.88 million square feet of office/R&D uses within the project area. Non-renewable resources in project construction and the future use of the site include: concrete, glass, plastic and petroleum products. Operations associated with the future uses would also consume natural gas and electric energy. Secondary impacts include the roadway improvements that will provide adequate access to the site to support 7.88 million square feet of development thereby supporting urban development and the consumption of nonrenewable resources on the site for the foreseeable future.

IX. SIGNIFICANT UNAVOIDABLE IMPACTS

As discussed and identified elsewhere in this document, implementation of the project as it is presently proposed would result in the following significant unavoidable impacts:

- Deterioration of the residential character of the neighborhood along Hellyer Avenue west of Coyote Creek

- Changes in the rural residential character of the homes on the east side of Piercy Road

- Construction impacts to remaining residences along Piercy Road and elsewhere within the Edenvale Redevelopment Project area boundary

- Loss of agricultural land and open space

- Localized congestion and access impacts for residential neighborhoods north and south of Blossom Hill Road west of US 101

- Significant increase in congestion on a segment of US 101 that would already be experiencing significant congestion, between SR 85 and Coyote Creek Golf Course Drive

- Increases in regional air pollution

- Additional noise along Hellyer Avenue west of Coyote Creek, where noise levels already exceed City guidelines

- Noise levels in the rear yards of homes which back up to Bernal Road between Via del Oro and San Ignacio could exceed City guidelines

- Residential development west of Coyote Creek and north of Branham could be exposed to noise from industrial operations that exceed City guidelines

- Noise levels for existing residences east of Piercy Road could exceed City guidelines

- Substantial obstruction of wildlife movement between riparian habitat along Coyote Creek and the grassland and chaparral habitats of the Silver Creek Hills

- Adverse impacts on the quality of the riparian habitat from industrial development within Planning Areas 1 and 3

- Loss of habitat for Burrowing Owls

X. AUTHORS AND CONSULTANTS

AUTHOR

City of San Jose

James R. Derryberry, Director of Planning, Building and Code Enforcement
Julie Caporgno, Senior Planner

Department of Public Works
David Sykes, Senior Engineer
Kevin Briggs, Senior Engineer

Redevelopment Agency
Ru Weerakoon, Senior Development Officer

CONSULTANTS

David J. Powers and Associates, Inc.
Environmental Planners & Consultants
San Jose, California

David J Powers, President
Michelle Yesney, Vice President
Dawn Ross, Researcher
Demitri Loukas, Graphic Artist

H. T. Harvey and Associates
Biological Consultants
San Jose, California

Dan Stevens, Principal
Eric Webb, Biologist

Hexagon Associates
Transportation Consultants
San Jose, California

Gary Black, Principal
Stephen Hough, Project Manager

Illingworth & Rodkin, Inc.
Noise Consultants
Fairfax, California

Richard Rodkin, Principal
Michael Thill, Project Manager

Don Ballanti, Certified Meteorologist
El Cerrito, California

Don Ballanti, Principal

Schaaf & Wheeler, Consulting Engineers
San Jose, California

Kirk Wheeler, Principal

XI. REFERENCES

San Jose, City of, "City Council Policy 8-3", July 24, 1972

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XII. NOTICE OF PREPARATION

Following this page is a copy of the Notice of Preparation circulated by the City of San Jose prior to preparing this EIR, and copies of the responses received.

NOTICE OF PREPARATION

OF A

DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT

FOR THE

EDENVALE REDEVELOPMENT PROJECT AREA

LEAD AGENCY: CITY OF SAN JOSE

FILE NO: PP99-10-198

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

The project description, location, and a brief summary of potential environmental effects are attached.

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

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

James R. Derryberry, Director
Planning, Building and Code Enforcement

Senior Planner

Date: 10/6/99

NOTICE OF PREPARATION
OF AN ENVIRONMENTAL IMPACT REPORT
FOR THE
EDENVALE REDEVELOPMENT PROJECT AREA

OCTOBER 1999

Introduction

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

The proposed project consists of the buildout of the remaining vacant industrial lands within the Edenvale Redevelopment Project Area. Discretionary actions currently be proposed include: 1) approval of an Area Development Policy addressing transportation level of service for buildout of a portion of the project area, 2) project level transportation and infrastructure improvements for the entire project area, and 3) subsequent private industrial development based on the General Plan and Redevelopment Project Area Plan.

The CEQA Guidelines describe a number of variations in EIRs. It also states that: "...These variations are not exclusive. Lead Agencies may use other variations consistent with the Guidelines to meet the needs of other circumstances." (Section 15160)

In particular, the Guidelines encourage the preparation of a Program EIR "where individual project are, or a phased project is to be undertaken." (Section 15165)

> **15146. Degree of Specificity.** The degree of specificity required in an EIR corresponds to the degree of specificity involved in the underlying activity, which is described in the EIR.
>
> (a) An EIR on a project such as the adoption or amendment of a local General Plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction that may follow.
>
> (b) An EIR on a construction project will necessarily be more detailed in the specific effects of a project than on the adoption of a General Plan Amendment because the effects of construction regarding the proposed project can be predicted with greater accuracy.

As permitted by Section 15160, this EIR will contain both levels of detail. It is a Redevelopment Plan EIR providing program-level environmental review for overall

development within the entire Redevelopment Project area and for the proposed Area Development Policy. The EIR will also contain project level environmental review regarding infrastructure improvements and mitigation measures for the area financing districts and for private industrial development.

Project Description

The project is the buildout of the Edenvale Redevelopment Project Area comprising both "old and New Edenvale". Development of these areas would allow the construction of approximately 8 million square feet of industrial uses. The New Edenvale Redevelopment Area will accommodate up to 4.7 million square feet of new industrial development. Approximately 1.6 million square feet will be built north of Silver Creek Valley Road and approximately 3.1 million square feet south of Silver Creek Valley Road. Buildout of Old Edenvale will accommodate up to 3.3 million square feet of new industrial development.

The proposed project would implement infrastructure improvements to support the buildout of the project area and activities under the approved Edenvale Redevelopment Plan. The Edenvale Redevelopment Plan provides for various redevelopment activities that expedite the orderly development of land uses designated in the San Jose 2020 General Plan. The redevelopment activities consist of removal of economic and physical blight, elimination of impediments to development such as cumbersome parcelization, provision of costly infrastructure improvements, and marketing to attract development within the area. Components that are proposed as part of the project to meet the Redevelopment Agency's goals are described below.

1. **Area Development Policy**

   The City of San Jose and the Redevelopment Agency are proposing an Area Development Policy that will allow industrial development to proceed with temporary or short-term congestion while major gateway and local infrastructure improvements are being planned and constructed. San Jose's current Level of Service (LOS) Policy requires that the minimum overall performance of City streets during peak travel periods be at LOS "D". Traffic studies show that construction of 4.7 million square feet of new industrial development in New Edenvale would cause impacts at the US 101 gateways into New Edenvale and at several signalized intersections. Since the cost of the improvements is considered too burdensome for individual developers and land owners to absorb as a condition of development, the Redevelopment Agency is proposing to fund gateway improvements to Hellyer Avenue/US 101, Blossom Hill/Silver Creek Valley Road, and Silicon Valley Boulevard/US 101 interchanges.

   Given timing constraints it is unlikely that all of the gateway improvements into New Edenvale will be built prior to the development they are intended to serve. The purpose of the Area Development Policy is to allow a certain amount of development to proceed ahead of these improvements and adopt phased trigger and mitigation requirements to provide for incremental development.

2. Formation of an Improvement District and Community Facilities District

Two proposed financing districts are to pay for the major roadway and other local improvements within the project area. Individual developers would be responsible for the costs of on and off-site improvements through payment to the respective financing districts. Financing for other activities to implement the Edenvale Redevelopment Plan will continue to be derived from several sources. The financing districts will ensure that infrastructure improvements such as construction of interior streets, undergrounding of utilities, installation of storm and sanitary sewers and installation of landscaping will be completed in the project area prior to private industrial development occurring.

The formation of an Improvement District is proposed for the southerly portion of the New Edenvale Redevelopment Area located south of Silver Creek Valley Road, north of Silicon Valley Boulevard, east of Coyote Creek and west of Piercy Road in the New Edenvale Redevelopment Area of south San Jose (refer to Figure 3). This area will accommodate up to 3.1 million square feet of new industrial uses on approximately 192.5 acres. Limited roadway and utilities are currently provided. In order to provide adequate infrastructure to the project site, public improvements are needed. The anticipated improvements that are necessary are identified on Attachment A.

The formation of the second district, a Community Facilities District, is proposed for the Old Edenvale Redevelopment Area located south of Cottle Road, east of Santa Teresa Blvd., west of Monterey Highway and north of Bernal Road (refer to Figure 3). This area will accommodate up to 3.3 million square feet of new industrial uses on approximately 177 acres. This Community Facilities District will primarily consist of improvements to existing roadways within the project area. The anticipated improvements are listed on Attachment A.

3. Storm Detention Facility

The City of San Jose and the Redevelopment Agency propose to construct a new flood control basin located on the west side of the new Hellyer Avenue extension, adjacent to Coyote Creek as shown in Figure 3.

The flood storage basin would be approximately three acres in size, which would allow the construction of a shallow basin, generally less than three feet deep. The basin would only contain runoff during large flood events when the water levels in Coyote Creek are high. The basin may contain landscaping.

Location

The project site is located in the Edenvale Redevelopment Area of southern San Jose in the vicinity of Highway 101 and State Route 85 interchanges, north of Santa Teresa Boulevard, and east of Cottle Road, in central Santa Clara County (see Figure 1, *Regional Map* and Figure 2, *Vicinity Map*). Several of the proposed project actions are located in specific areas of the Edenvale Redevelopment Area and described as follows.

Project Area Boundary

The Project Area Boundary encompasses the entire Edenvale Redevelopment Project Area and includes what is frequently referred to as "Old and New Edenvale". "Old Edenvale" is west of US Highway 101, generally bounded by Cottle Road, Santa Teresa Boulevard, Bernal Road, and Monterey Road. "New Edenvale" is a long and somewhat narrow stretch of land that is east of US Highway 101, generally bounded by the Coyote Creek, Hellyer Avenue, the east foothills, and Silicon Valley Boulevard (formerly Tennant Avenue).

Area Development Policy Boundary

The purpose of this policy is to encourage timely industrial development in New Edenvale in conformance with the City's economic and planning goals. The General Plan transportation Level of Service policy allows for consideration and adoption of an "area development policy" for a specified geographic area. The Area Development Policy can establish specific level of service standards within that area and determine development impacts and mitigation measures.

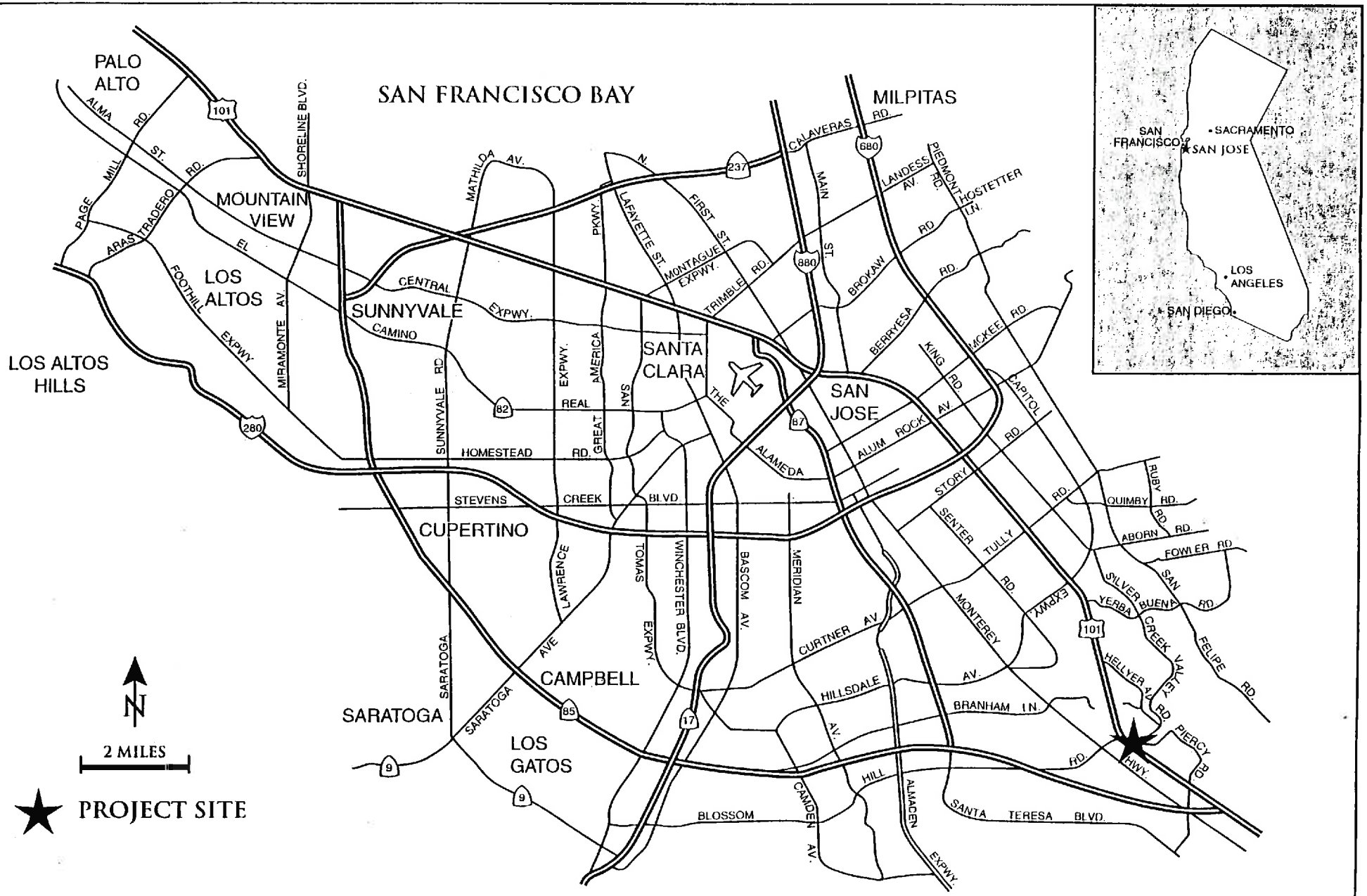
The proposed Area Development Policy boundary would only apply to the New Edenvale area which is bounded by the Coyote Creek, Hellyer Avenue, the east foothills, and Silicon Valley Boulevard (formerly Tennant Avenue). Development in Old Edenvale would be required to comply with the City's existing transportation Level of Service policy.

Improvement District Boundaries

The project proposes the creation of two financing districts in order to provide funding for transportation and infrastructure improvements that will facilitate the industrial development buildout of the redevelopment project area.

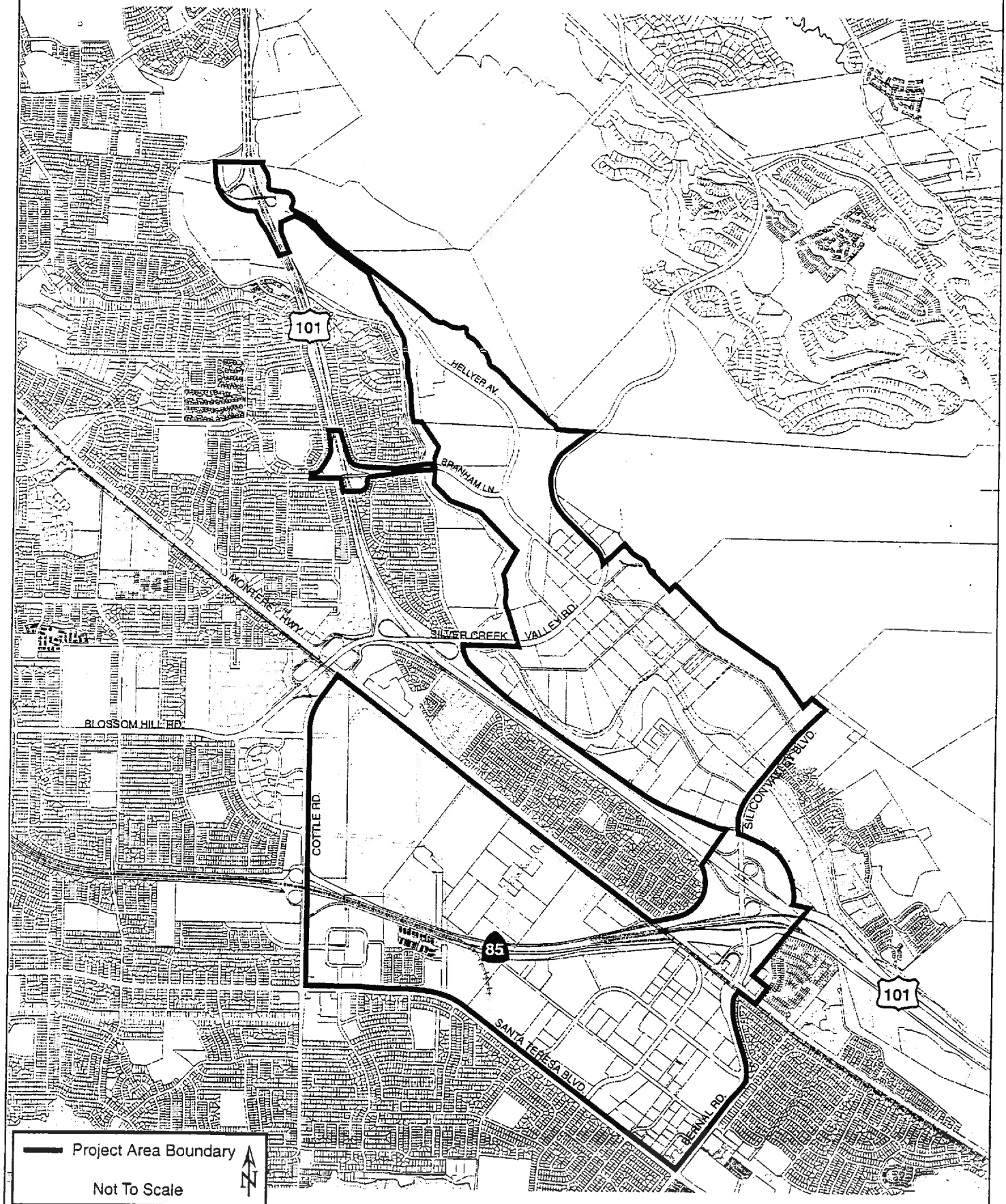
An Improvement District will cover a portion of the "New Edenvale" Redevelopment Area: the area south of Silver Creek Valley Road, east of Coyote Creek and north of Silicon Valley Boulevard and west of Piercy Road (see Figure 3).

The other financing district will be a Community Facilities District encompassing the developable parcels (vacant) in the "Old Edenvale" Redevelopment Area: the area south of Cottle Road, east of Santa Teresa Road, west of Monterey Road and north of Bernal Road (see Figure 3).



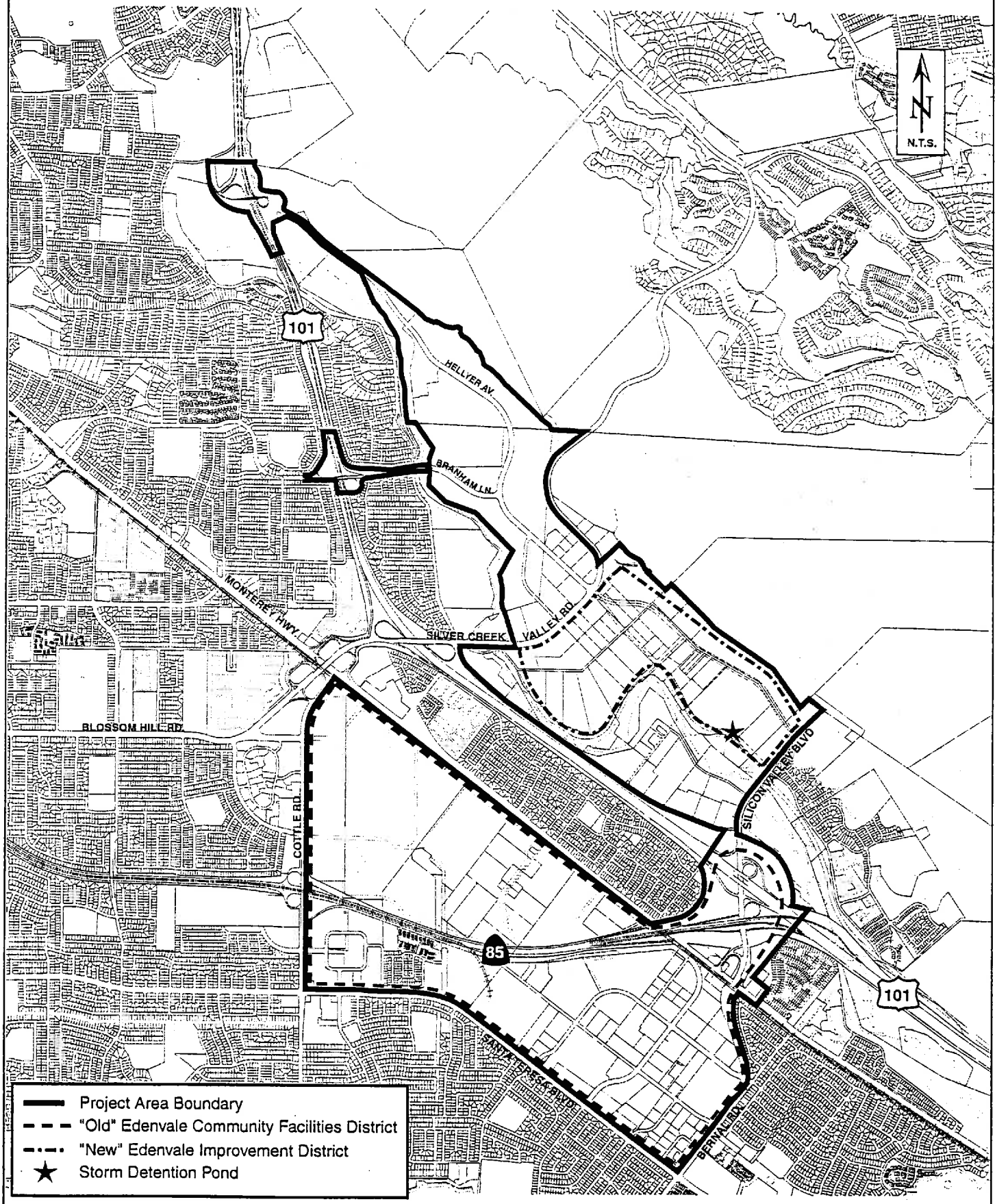
REGIONAL LOCATION MAP

FIGURE 1



PROJECT AREA MAP

FIGURE 2



PROJECT AREA MAP

FIGURE 3

POTENTIAL SIGNIFICANT EFFECTS

The EIR will primarily address the following environmental issues related to new infrastructure, transportation improvements and industrial development for the redevelopment project area: land use (industrial intensification, loss of agricultural land, loss of open space), transportation and circulation, geology and soils, hydrology and water quality, vegetation and wildlife, air quality, hazardous materials, noise, cultural resources, visual and aesthetics, utilities and service systems, energy, project alternatives and cumulative impacts. A brief discussion of these potential impacts is presented below. If, as a result of circulating this Notice of Preparation, other relevant environmental impact categories are identified, such categories will also be analyzed in the EIR.

Land Use

Existing land uses on the site and in the surrounding area will be described. The loss of agricultural land, loss of open space, and whether the project would result in land use compatibility impacts between existing and planned land uses in the area will be examined. Potential land use impacts resulting from transportation and infrastructure improvements from the financing districts will be analyzed. This discussion in the EIR will be prepared for project level environmental review.

The EIR will analyze, at a program level, the potential impacts associated with the implementation of the proposed Edenvale Area Development Policy. Specifically, the three gateway improvements identified within the policy will be analyzed at the program level. The discussion will analyze potential land use issues including area wide impacts, the timing of future development as a result of the policy, and the design and construction of major transportation improvements.

Feasible mitigation will be identified for significant impacts. The mitigation will be described at both the project and program level as appropriate to the level of specificity for the individual projects.

Transportation and Circulation

The EIR will describe existing traffic conditions in the area and in conformance with the City of San Jose standards evaluate traffic impacts on the transportation system from the proposed development. Feasible mitigation measures will be described for significant impacts.

The EIR will provide project level analysis that discusses level of service impacts and mitigation as a result of the buildout of the redevelopment project area for approximately 8 million square feet. The EIR will also provide project level analysis that discusses the transportation impacts and mitigation resulting from improvements constructed through the two financing districts. Feasible mitigation measures will be identified for significant impacts.

The EIR will provide program level analysis for the Area Development Policy and its associated transportation improvements. The analysis will discuss the potential impacts from the transportation improvements, the use of trigger mechanisms to provide incremental development within the project area and identify program level mitigation measures.

Furthermore the EIR will provide a discussion of the interrelationship between the project level and program level transportation improvements.

Air Quality

The EIR will evaluate regional and local air quality impacts associated with implementing the proposed project and feasible mitigation measures for identified significant impacts.

Noise

Implementation of the proposed project would allow the intensification of development within an industrial area and introduce industrial development in limited areas still rural in nature. The EIR will examine the noise compatibility of the land uses allowed under the General Plan with the existing and proposed uses. The impacts resulting from increased roadway capacity will be analyzed. Feasible mitigation measures will be identified.

Vegetation and Wildlife

The existing biological resources on the project site will be described. Impacts from the proposed project and infrastructure improvements on sensitive habitat or species will be addressed in the EIR. Feasible mitigation measures to reduce environmental impacts will be identified.

Cultural Resources

The project area is located in an archaeologically sensitive area. Although industrial development and agricultural practices have previously disturbed the site, there is a potential that subsurface prehistoric resources could be present. The EIR will identify impacts to historic and prehistoric resources from buildout of the project area. Feasible mitigation measures will be identified.

Utilities and Service Systems

The EIR will examine whether sufficient water, solid waste, sewer and utility systems capacity is available to serve the proposed buildout of project area. In addition, services such as fire and police will be analyzed to the extent that impacts from the project could result in the need for more facilities. Feasible mitigation measures will be identified.

Geology and Soils

The EIR will examine seismic hazards associated with weak soils, liquefaction, and the site's proximity to known faults and the potential impacts relating to the construction of private and public projects. Feasible mitigation measures to avoid significant impacts will be identified.

Hydrology, Flooding and Water Quality

Portions of the project area are within the 100-year floodplain. Development of the project area under the Redevelopment and General Plans could lead to a significant increase in impervious surfaces, and associated flooding and water quality impacts. A storm detention basin is proposed as part of the project to ensure that development of the project area does not increase the potential for downstream flooding on Coyote Creek. The EIR will examine water quality impacts associated with the proposed project and identify feasible mitigation measures.

Visual and Aesthetics

Due to the rural nature of portions of "New" Edenvale, it is anticipated that development would change the visual character of the area. The EIR will provide a brief description of potential visual impacts of the proposed development. Feasible mitigation measures to reduce visual impacts would be identified.

Hazardous Materials

The EIR will provide a qualitative discussion regarding the use of chemicals by future industrial occupants. Feasible program mitigation measures to reduce hazardous materials impacts would be identified.

Use of Energy

The EIR will include information regarding the consumption of energy by the project during construction and from ongoing operational use of energy by future occupants. Feasible measures to reduce energy impacts would be identified.

Alternatives

The EIR will examine alternatives to the proposed project including a "no project" alternative and a reduced scale alternative.

Cumulative Impacts

The EIR will examine the effect of the proposed project along with other closely related past, present and reasonably foreseeable projects to determine if the project would lead to

cumulative air quality, transportation, loss of agricultural land, loss of open space, loss of habitat, or other cumulatively significant impacts.

Growth Inducing Impacts

The EIR will examine the effect the proposed project will have on inducing growth within the City of San Jose and surrounding communities.

Significant Irreversible Changes

The EIR will examine any significant irreversible changes to the environment that could occur should the project be implemented.

Significant Impacts Which Cannot be Avoided

Any impacts that cannot be reduced to a less than significant level with mitigation will be identified.

NOTICE OF PREPARATION
ATTACHMENT NO. 1: EDENVALE EIR PROJECT DESCRIPTION

I. Improvement District: **New Edenvale** – Infrastructure Improvements.

1. Hellyer Avenue Extension: Silver Creek Valley Road to Tennant Avenue – full street improvements.
2. Silver Creek Valley Road: Coyote Creek to Hellyer Ave. - street improvements for two additional lanes and reconstruction of a raised landscaped median island.
3. Piercy Road: Silver Creek Valley road to Tennant Avenue – full street improvements.
4. Tennant Avenue: Piercy Road to Basking Ridge/Hellyer Avenue Extension – full street improvements.
5. Silicon Valley Blvd: Hellyer Avenue Extension to Coyote Creek – half- street improvements.
6. Basking Ridge – adding a right turn lane.
7. Intersection signalization:
   - Silver Creek Valley Road/Piercy Road – new signal
   - Silver Creek Valley Road/Fontanoso Avenue – new signal
   - Silver Creek Valley Road/Hellyer Avenue – modify signal
   - Hellyer Avenue Extension/Tennant Avenue – new signal
   - Hellyer & Piercy – new signal
8. Offsite improvements:
   - Monterey Rd & Blossom Hill Rd (S)
   - Cottle Rd. & Route 85 (N)
   - Silicon Valley Blvd. & US101
   - Silicon Valley Blvd. & Eden Park Place
   - Silicon Valley Blvd. & rue Ferrari
   - Route 85 & Bernal Rd.
   - Cottle Rd. & Poughkeepsie

II. Community Facilities District Formation: **Old Edenvale** – Infrastructure Improvements

1. Monterey & Bernal – adding queuing capacity.
2. Blossom Hill & Beswick – adding queuing.
3. Cottle & Concord – add second WB through.
4. US101 & Silicon Valley – add NB shared L/R turn lane.
5. Great Oaks & 85 (N) – Install Signal.
6. Great Oaks & 85 (S) – Install Signal.
7. San Ignacio & Via Del Oro – Install Signal.
8. Via Del Oro & Bernal – add queuing and second SB left.
9. Via Del Oro & Great Oaks – Install Signal.
10. Santa Teresa & Martinvale – Install signal.

11. Monterey Rd. & Monterey Circle – Install Signal.
12. Santa Teresa – Extend street for access for IBM parcels.
13. Great Oaks Blvd. extension.

III. Area Development Policy

1. Gateway Improvement Projects:
   a) Silicon Valley Blvd. bridge – (fall/2000)
   b) Blossom Hill/101- (2003)
   c) Hellyer/101 – (2003)

- **<u>Edenvale Area Development Policy:</u> This policy shall include a discussion relating to Level of Service standards in Edenvale, the timing of proposed future industrial development projects, and the design and construction of major and minor offsite improvements to mitigate associated traffic impacts.**

California Regional Water Quality Control Board

San Francisco Bay Region

Wins
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Ei

v.swrcb.ca.gov
nd, California 94612
: (510) 622-2460

Gray Davis
Governor

Post-it® Fax Note 7671	Date 11/8	# of pages ▶ 2
To Lisa di	From Caporgno	
Co./Dept.	Co.	
Phone #	Phone #	
Fax #	Fax #	

Date: OCT 29 1999
File No. 2188.05 (JRW)

RECEIVED
NOV 04 1999
CITY OF SAN JOSE
PLANNING DEPARTMENT

Ms. Julie Caporgno
City of San Jose
City Hall Annex, Room 400
801 North First Street
San Jose, CA 95110-1795

Re: Edenvale Redevelopment Project Area Subsequent EIR (Southern San Jose)
SCH # 96052098 ·

Dear Ms. Caporgno:

We have received the above referenced Notice of Preparation (NOP) and offer the following comments with which the Regional Water Quality Control Board (RWQCB) is concerned.

The purpose of the Redevelopment Plan is to allow construction of approximately 8 million square feet of industrial space, and related infrastructure improvements to support this development. The plan includes new flood control basin and formation of an improvement district. The project is the buildout of the Edenvale Redevelopment Project Area comprising both "old and New Edenvale." Development of these areas would allow the construction of approximately 8 million square feet of industrial uses. The New Edenvale Redevelopment Area will accommodate up to 4.7 million square feet of new industrial development. Approximately 1.6 million square feet will be built north of Silver Creek Valley Road, buildout of Old Edenvale will accommodate up to 3.3 million square feet of new industrial development.

The proposed development would disturb more than five acres of land during construction. The project must be covered under the State NPDES General Permit for Discharges of Storm Water Associated with Construction Activity (General Permit). This can be accomplished by filing a Notice of Intent with the State Water Resources Control Board, Division of Water Quality. The project sponsor must propose and implement control measures that are consistent with the General Permit and with the recommendations and policies of the local agency and the RWQCB.

As the Notice of Preparation does not include detailed information regarding construction, the environmental impacts of the project, or proposed mitigation, Regional Board Staff are unable to offer specific comments at this time. However, I have attached a copy of our **General**

Comments, which discuss the Regional Board's area of responsibility, and which should help guide in the preparation of further CEQA documentation.

Regional Board staff also encourage the project sponsor to obtain a copy of "Start at the Source," a design guidance manual for stormwater quality protection. The manual provides innovative design techniques for structures, parking lots, drainage systems, and landscaping. This manual may be obtained at most cities planning offices, or by calling the Bay Area Stormwater Management Agencies Association at 1-800-773-7247.

I hope that this information serves to clarify Regional Board expectations for this project. Please contact me at (510) 622-2438, or Jennifer Ackerman at (510) 622-2346 should you have any questions regarding this letter or if you would like to schedule a meeting to further discuss the project.

Sincerely,

John R. West
Environmental Specialist III
South Bay Watershed Division

Cc: w/attach.: Debra Caldon, City of San Jose
w/o attach.: State Clearinghouse

Water District

5750 ALMADEN EXPWY
SAN JOSE, CA 95118-3686
TELEPHONE (408) 265-2600
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www.scvwd.dst.ca.us
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November 8, 1999

Ms. Julie Caporgno
Department of Planning, Building,
and Code Enforcement
City of San Jose
City Hall Annex, Suite 400
801 North First Street
San Jose, CA 95110-1795

Post-it® Fax Note 7671	Date 11/12	# of pages ▶ 2
To Susan	From Caporgno	
Co./Dept.	Co.	
Phone #	Phone #	
Fax #	Fax #	

Dear Ms. Caporgno:

Subject: Edenvale Redevelopment Project—Notice of Preparation of a Draft Subsequent Environmental Impact Report

Santa Clara Valley Water District (District) staff have reviewed the subject document received by us on October 8, 1999.

HYDROLOGY

The Environmental Impact Report (EIR) should address impacts to existing downstream flooding on both Canoas and Coyote Creeks resulting from increased storm water runoff associated with the development of the project area. Both creeks are subject to flooding from 100-year and more frequent events at a number of locations downstream of this site. In general, development of the project area should not exacerbate existing flooding conditions downstream of the project area.

For Coyote Creek, the District is currently reviewing a hydrology report for the New Edenvale area that assesses the impacts of increased runoff to Coyote Creek. The report recommends the use of a detention facility to mitigate for the increases in runoff from the portion of the project affecting Coyote Creek. The District is also currently reviewing plans for transportation improvements in the New Edenvale area that include the location of the proposed detention facility. The District applauds the City of San Jose's (City) effort to date in addressing the critical issue of increased flooding from development and will be working with the City and its consultants to address the impacts from this project. Although progress has been made towards addressing this issue, the subject should still be addressed as a part of the EIR.

For Canoas Creek, mitigation similar to that to be provided for Coyote Creek may be needed and this issue should be addressed as a part of this EIR.

WATER QUALITY

The EIR should also address the impacts to water quality relating to increases in urban runoff pollution resulting from this project.

Thank you for providing this document for our review and comments. If you have any questions, you may call me at (408) 265-2607, extension 2747.

Sincerely,

Richard M. Anderson, P.E.
Associate Civil Engineer
Community Projects Review Unit

Santa Clara County
Open Space Authority

RECEIVED
NOV 0 8 1999
CITY OF SAN JOSE
PLANNING DEPARTMENT

November 8, 1999

Julie Caporgno
City of San Jose
City Hall Annex, Room 400
801 North First Street
San Jose, CA 95110-4576

Re: Edenvale Redevelopment Project Area
Notice of Preparation: Draft Subsequent Environmental Impact Report

Dear Ms. Caporgno,

The Santa Clara County Open Space Authority appreciates the opportunity to review the Notice of Preparation of a Draft Subsequent Environmental Impact Report for the Edenvale Redevelopment Project Area. We have the following comments for consideration, consistent with the goals of the Open Space Authority's Five Year Plan:

The Open Space Authority's goals are to Preserve Hillside, Valley Floor-(including riparian corridors), Agricultural Lands, Segment of Regionally Significant Trail, Segment of a greenbelt between cities and Urban Open Space. The proposed project is adjacent to lands identified by the Open Space Authority and the City of San Jose as a priority area for hillside preservation.

Land Use:
The loss of the agricultural and open space land as a result of the proposed redevelopment project would be in conflict with the goals of the Authority's mission to preserve agricultural lands. The loss of agricultural land and loss of open space land should be carefully examined and appropriate and adequate mitigation measures identified.

The draft EIR should examine ways to promote agricultural (grazing) and hillside preservation programs in and adjacent to the Edenvale Redevelopment Project. (Natural Resources, Agricultural Lands and Prime Soils pg. 103, 2020 General Plan-2020 GP, City of San Jose).

Transportation:
The NOP states that the draft EIR will provide project level analysis that will discuss the transportation impacts and mitigation resulting from improvements constructed through the two financing districts: New Edenvale Improvement District and Old Edenvale Community Facilities District. The draft EIR should examine feasible mitigation measures that include the preservation of agricultural and open space lands.

Santa Teresa Center • 6146 Camino Verde Drive, Suite P • San Jose, California 95119-1460 • 408-224-7476 • Fax 408-224-7548
Email- info@openspaceauthority.org

Cumulative Impact

The Authority asks that the City fully analyze the cumulative impacts of the continued development as a result of the proposed Edenvale Redevelopment Project area. The continued loss of agricultural and open space lands will inevitably diminish the open space value of the area. The Authority requests that the draft Environmental Impact Report adequately identify appropriate mitigation measures for the loss of agricultural and open space lands as a result of this project.

Thank you for the opportunity to review the NOP for this project. If you have any questions, please call me at 408-224-7476, ext. 18.

Rachel Santos

Rachel Santos
Open Space Planner II

State of California - The Resources Agency
GRAY DAVIS, Governor
DEPARTMENT OF FISH AND GAME
http://www.dfg.ca.gov
POST OFFICE BOX 47
YOUNTVILLE, CALIFORNIA 94599
(707) 944-5500

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Ms. Julie Caporgno
City of San Jose Planning
City Hall Annex, Room 400
801 North First Street
San Jose, California 95110-1795

Dear Ms. Caporgno:

Edenvale Redevelopment Project Area
Notice of Preparation of
Subsequent Environmental Impact Report
SCH #96052098, Santa Clara County

Department of Fish and Game personnel have reviewed the Notice of Preparation of a Subsequent Environmental Impact Report (SEIR) for the Edenvale Redevelopment Project. The project would allow construction of approximately eight million square feet of industrial space and related infrastructures in southern San Jose adjacent to Monterey Highway and Highway 101. We believe that the following issues need to be addressed in the SEIR.

Plant and wildlife species that are present or dependant upon potentially impacted habitats need to be identified in the SEIR. Particular attention needs to be paid to State-listed, Federally-listed, candidate species, and unlisted species whose status is of regional concern. The California Natural Diversity Database and the California Native Plant Society should be consulted to identify sensitive species that have been documented in the area. Consultation with the database should not preclude or substitute for qualitative and/or quantitative field surveys.

Sensitive species that are likely to occur in this vicinity include the western pond turtle (*Clemmys marmorata*), California tiger salamander (*Ambystoma californiense*), California red-legged frog (*Rana aurora draytonii*), burrowing owl (*Athene cunicularia*), several diurnal raptors, and several sensitive bat species. Serpentine grassland, a sensitive habitat type known to exist in this portion of Santa Clara County, is host to a number of sensitive species, including the bay checkerspot butterfly (*Euphydryas editha bayensis*) and a number of serpentine-dependant plants. If serpentine soils are found on the project site, potential impacts to serpentine grassland and associated sensitive species need to be considered. Impacts to any rare, threatened, endangered species, or California species of special concern must be addressed and appropriate surveys conducted by a

qualified biologist. Details regarding specific survey protocol can be obtained from this Department. Impacts to these species and their habitats should be avoided. Impacts which are unavoidable must be identified and appropriate mitigation provided.

The burrowing owl is known to occur in grasslands of Santa Clara County. We realize that the City of San Jose is currently working on a strategy to address burrowing owl conservation on a city-wide basis. However, based on the fact that the plan is not yet finalized, that it is not known when it will be finalized or if the City Council will vote to adopt it, any reliance upon the plan or financial contributions to it would not be acceptable mitigation for impacts to owls or loss of habitat.

There are two types of mitigation necessary for any impacts to burrowing owls, mitigation for the loss of burrowing owl breeding and foraging habitat, and mitigation to avoid "take" of individual burrowing owls and their nest sites. In order to determine whether or not owls breed on or near a specific project site, a burrowing owl survey must be conducted according to the survey guidelines described in the *Burrowing Owl Survey Protocol and Mitigation Guidelines* (Burrowing Owl Consortium, 1993) between April 15 and July 15. If burrowing owls are observed during surveys, the extent of burrowing owl habitat on the site should be delineated by a qualified ornithologist. A 1:1 acreage replacement ratio will be required to offset permanent impacts to burrowing owl habitat. Land identified to off-set impacts to burrowing owls must be protected in perpetuity either by a conservation easement or fee title acquisition. Burrowing owl mitigation lands should be identified within the San Jose area.

If it is determined that burrowing owls occur on a given project site, but lands cannot be identified to fulfill the 1:1 acreage requirement prior to project approval, the applicant can enter into a Mitigation Agreement with this Department that allows the placement of a security bond in lieu of the actual mitigation for a specified period of time (generally one year). During the time that the security is held, the most appropriate location of habitat protection/enhancement will be determined. Security bonds are generally in an amount that would allow the Department to fulfill the mitigation obligation if the applicant were to default. In the South Bay area, security bonds are $25,000 for each acre of habitat destroyed per project.

Mitigation for "take" of individual burrowing owls and their nest sites is fulfilled by conducting a pre-construction survey for the species no more than thirty days prior to construction. Pre-construction surveys must be conducted according to the guidelines referenced above. Pre-construction survey results must be submitted to the Department for review and approval. It is unlawful to take, possess, or destroy burrowing owls, their nests, or their eggs, pursuant to Section 3503.5 of the Fish and Game Code and the Federal Migratory Bird Treaty Act. For this reason, any impacts to the species during the breeding season (February 1 to August 31) must be avoided. If there are construction activities proposed during the owl breeding season and if burrowing owls are observed on or within 250 feet of a project site during pre-construction surveys, a 250-foot protective buffer must be established with the placement of a barrier fence which shall remain in place for the duration of the breeding season. If pre-construction surveys are conducted during the non-breeding season and burrowing owls are observed on the site, the Department will authorize owl eviction only after the habitat mitigation plan and mitigation agreement have been finalized.

It is the policy of this Department that a project should cause no net loss of either wetland acreage or wetland habitat value. We recommend impacts to creeks be avoided where possible. Impacts would include, but are not limited to, road crossings, culverts, channelization and rip rap. If improvements to creeks must be made due to increased run-off and potential flooding or to catch sediments, retention basins would be preferable to channelization of the entire stream. In areas which must be channelized, we recommend the channel be oversized in order to allow for vegetation along both banks. For impacts to riparian habitat that cannot be avoided, we recommend a minimum mitigation ratio of 3:1, based on creation of in-kind acreage of equal or better habitat value. Replacement of habitat acreage at a lower ratio may be appropriate if the replacement is completed prior to the destruction of the original habitat. Any revegetation plans should use native species, with seeds or cutting collected on-site.

The Department recommends a minimum 100-foot buffer, measured outward from the top of each creekbank, be established to protect the creek and its vegetation, and to provide a travel corridor for wildlife. No roads, buildings, or yards should be

permitted within the buffer. Pedestrian trails should be located along the outside edge of the riparian vegetation.

The Department has direct jurisdiction under Fish and Game Code Sections 1601-03 in regard to any proposed activities that would divert or obstruct the natural flow or change the bed, channel, or bank of any stream. We recommend early consultation since modification of the proposed project may be required to avoid impacts to fish and wildlife resources. To avoid unnecessary delays, formal notification under Fish and Game Code Section 1603 should be made after all other permits and certifications have been obtained. Work cannot be initiated until a streambed alteration agreement is executed.

A recent court order requires the Department, prior to entering into a 1600 agreement, to conduct an environmental review pursuant to the California Environmental Quality Act (CEQA). Therefore, because of the additional process required under CEQA which includes minimum document circulation periods, we are no longer restricted to issuing agreements within 30 days. We will still attempt to issue 1600s as soon as possible but, at this time, we are not certain how long it will take to process these applications.

The U. S. Army Corps of Engineers also has jurisdiction over the discharge of fill to streams and wetlands under Section 404 of the Clean Water Act. We recommend that the Corps be contacted to determine if they have jurisdiction and if they require a permit.

The SEIR should discuss the amounts and effects of urban runoff and how these can be mitigated. A policy should be included to require installation and maintenance of oil/grease separators in storm drains. Annual maintenance of the separators, as well as a sweeping program for parking lots should be required.

Impacts to all sensitive species and their habitats should be avoided. Specific measures to adequately mitigate unavoidable impacts, including cumulative ones, need to be incorporated into the project design prior to certification of the SEIR. A monitoring program, as required by Assembly Bill 3180, must ensure that mitigation measures are effective and must provide for corrective action if they are not effective.

Thank you for the opportunity to comment on this project. We request that subsequent documents related to the project be submitted to this Department for our review. If you have any questions regarding our comments, please contact Martha Schauss, Associate Wildlife Biologist, at (831) 623-4989; or Carl Wilcox, Environmental Services Supervisor, at (707) 944-5525.

Sincerely,

Brian Hunter
Regional Manager
Central Coast Region

SANTA CLARA
Valley Transportation Authority

November 5, 1999

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

Attention: Julie Caporgno

Subject: File No.: PP99-10-198 / Edenvale Redevelopment Project Area
Notice of Preparation of Supplemental Environmental Impact Report

Dear Ms. Caporgno:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Notice of Preparation of the Supplemental Environmental Impact Report (SEIR) for the Edenvale Redevelopment Plan. The plan area consists of approximately 2,312 acres and is located in South San Jose. The plan area includes "Old Edenvale" which is located west of US101 and "New Edenvale" which is located east of US101.

The proposed project includes the following elements:

- Buildout of the Edenvale Redevelopment Project Area that will allow the construction of approximately 8 million square feet of industrial uses.
- Area Development Policy that will allow industrial development to proceed with temporary or short-term congestion while major gateway and local infrastructure improvements are being planned.
- Formation of an Improvement District and Community Facilities District to pay for major roadway and other local improvements in the project area.
- Storm Detention Facility to construct a new flood control basin located on the west side of the new Hellyer Avenue extension.

We have the following comments:

VTA Services and Facilities

In the plan area, VTA operates transit services, maintains transit facilities, and owns property. Santa Teresa Light Rail Transit (LRT) Station is the terminus of the Guadalupe LRT Line. It is served by frequent light rail service and is a key transfer point for the bus

system. Blossom Hill Caltrain Station is also in the Edenvale Plan Area and is served by eight peak hour trains. The following bus lines operate in the plan area:

- Line 67: South San Jose to Tamien
- Line 68: Gilroy to Downtown San Jose
- Line 102: Express service from South San Jose to Palo Alto
- Line 122: Express service from South San Jose to Lockheed
- Line 304/304A: Limited stop service from South San Jose to Mountain View
- Line 501: Express service from Palo Alto to IBM
- IBM Shuttle: Santa Teresa LRT to IBM

VTA also owns one of the largest vacant pieces of land in the Old Edenvale Area around the Santa Teresa LRT Station.

The SEIR should address the impacts of the proposed project on these services, facilities, and properties.

Transit Improvements

Considering the congestion that is anticipated as part of this project, transit should be considered as an important mitigation measure for the short-term and long-term traffic and air quality impacts associated with this project.

As a result, VTA appreciates the efforts of City of San Jose and Redevelopment Agency staff to incorporate transit improvements in the area of New Edenvale (Area 3) bounded by Silver Creek Valley Road, Coyote Creek, Silicon Valley Boulevard/Tennant Avenue, and Piercy Road. Attached for your information is a copy of VTA's letter with our comments concerning bus stop infrastructure improvements for Edenvale Area 3.

A strong need remains for regular bus service in Old Edenvale and the part of New Edenvale north of Silver Creek Valley Road. VTA staff has received several requests for transit service in these areas. However, lack of infrastructure and connectivity are major barriers to operating regular bus service in these areas. Consequently, VTA recommends that critical transit improvements be included in the list of projects to be funded by the proposed assessment districts.

In addition, employer contributions to shuttle service from both LRT and Caltrain stations should also be considered as applications for specific development projects are submitted.

Participation in VTA's Eco Pass Program

Given the magnitude of the project and its proximity to transit service, we urge that the project participate in VTA's Eco Pass program to reduce traffic and air quality impacts. Eco Pass is an annual transit pass that employers purchase for all their employees at deeply discounted rates. With Eco Pass, employees may ride any VTA bus or light rail vehicle seven days a week. VTA's Eco Pass program has been a major incentive for increased transit use by employees of participating employers in Santa Clara County. This program is very effective in attracting transit users. It likely will prove effective in reducing the traffic and air quality impacts of this project.

Branham Lane Overcrossing

The San Jose 2020 General Plan's Land Use/Transportation Diagram indicates an interchange at Branham Lane and US101. However, this roadway project is not included in the Edenvale SEIR Project Description. VTA supports efforts to increase connectivity, and thus supports the inclusion of a Branham Lane overcrossing of US101. The Branham Lane overcrossing may provide an alternate travel route for those living near the Edenvale area and reduce the area's overall traffic level of service. VTA suggests adding this transportation project to the list of planned improvements.

Transportation Infrastructure Projects

The Edenvale SEIR Project Description lists several roadway projects for the Edenvale area. Some projects consist of "full street improvements", and some consist of "half street improvements". VTA requests that the SEIR provide a detailed description of these improvements.

VTA also requests that any street improvements include the provision of sidewalks and bicycle lanes.

Defining the Transportation Network

The Edenvale area's street network currently suffers from low connectivity. There are few streets, sidewalks or paths and therefore, few options for getting into, out of, and around within, the Edenvale area. The Edenvale SEIR Project Description lists several roadway projects for the Edenvale area. All of these projects appear to be aimed at widening roads and installing traffic signals.

VTA acknowledges and supports the City's plans to extend Hellyer Avenue, and encourages the City to continue to define and reserve more right-of-way for a denser transportation network. Multimodal streets support a variety of travel modes, including auto, transit, bicycling, and walking. Such a network would provide many travel options to future employees within Edenvale, thereby avoiding excessive use of a particular mode. Employees who can use alternate travel modes to get around during the day are more likely to use alternate modes for commuting to and from Edenvale.

VTA recognizes that the current project is not a specific development proposal. However, VTA encourages the City to plan the transportation network for the area before such proposals are brought forth. Defining a comprehensive transportation network for the Edenvale area will guide design of future development to most effectively and efficiently utilize the transportation system.

Site Design

As applications for specific development proposals are submitted, VTA recommends that a network of pedestrian walkways be included throughout each site. Primary pedestrian routes should be fronted onto by building entrances, active uses and plaza areas. Parking lots should be located at the rear of buildings. It is especially important that direct paths to the transit stop be lined with activities. Pleasant and convenient pedestrian routes are critical to increasing walking and transit use and reducing reliance on the automobile.

Mixing Service Commercial Uses

VTA suggests that the City encourage fine-grained mixing of commercial uses throughout the Edenvale area. Commercial uses, if finely distributed throughout Edenvale, will provide future employees with walk-accessible lunch and convenience-serving destinations. This accessibility, in turn, will encourage employees to use alternate commute modes.

Transportation Impact Analysis

VTA's Congestion Management Program (CMP) requires a Transportation Impact Analysis (TIA) for any project that is expected to generate 100 or more new peak-hour trips. When specific development projects are proposed for the Edenvale area, TIAs will 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.

We appreciate the opportunity to review this project. If you have any questions, please call Christina Jaworski of my staff at (408) 321-5751.

Sincerely,

R Molseed

Roy Molseed
Senior Environmental Analyst

RM:CTJ:kh

cc: Jim Pierson, Director of Planning and Development
Mike Evanhoe, Director of Congestion Management and Highway Programs
Derek Kantar, VTA Environmental Program Manager
Timm Borden, San Jose Public Works Department

County of Santa Clara
Roads and Airports Department
Land Development Services

101 Skyport Drive
San Jose, California 95110-1302

October 27, 1999

Ms. Julie Caporgno
City of San Jose
801 North First Street, Room 400
San Jose, California 95110-1795

Subject: Notice of Preparation of a Draft Environmental Impact Report for the Edenvale Redevelopment Project Area

Dear Ms. Caporgno:

Your October 6, 1999 letter along with the attachment has been reviewed.

Our comments are as follows:

Please include Capitol Expressway in the Traffic Impact Report.

Please forward a copy of the Environmental Impact Report for our review and comments.

Thank you for the opportunity to review and comment on this matter. Please call me at 573-2464 if you have any questions.

Sincerely,

Raluca Nitescu
Project Engineer

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To Lusardi	From Caporgno	
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cc: DEC
JME
MA
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File

STATE OF CALIFORNIA - BUSINESS, TRANSPORTATION AND HOUSING AGENCY GRAY DAVIS, Governor

DEPARTMENT OF TRANSPORTATION
P O BOX 23660
OAKLAND, CA 94623-0660
Tel: (510) 286-4444
Fax: (510) 286-5513
TDD (510) 286-4454

November 4, 1999

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To Lusardi	From Caporgno	
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Ms. Julie Caporgno
Department of Planning, Building
and Code Enforcement
City of San Jose
801 North First Street, Room 400
San Jose, CA 95110-1795

Dear Ms. Caporgno:

Notice of Preparation (NOP) of a Subsequent Environmental Impact Report (SDEIR) for the Edenvale Redevelopment Project Area

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Edenvale Redevelopment project. We have examined the above-referenced document and have some comments to offer.

In order to adequately address our concerns regarding the operation of US 101, State Route (SR) 85, and SR 82, please ensure that the following information is provided in the SEIR:

a. 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.

b. Average Daily Traffic (ADT) and AM and PM peak hour volumes on all significantly affected streets and highways, including crossroads and controlling intersections.

c. Schematic illustration of the traffic conditions for: 1) existing, 2) existing plus project, and 3) cumulative for affected intersections in project area, including: US 101 at Hellyer Avenue, Piercy Road, Branham Lane, Silver Creek Valley Road, and Silicon Valley Boulevard; the US 101 and SR 85 interchange; Monterey Highway at Blossom Hill Road/Silver Creek Valley Road; and SR 85 at Cottle Road.

d. Calculation of cumulative traffic volumes should consider all traffic-generating developments, both existing and future, that would affect the facilities being evaluated.

e. Mitigation measures that consider highway and non-highway improvements and services. Special attention should be given to the development of alternative solutions to circulation problems which do not rely on increased highway construction.

f. All mitigation measures proposed should be fully discussed, including financing, scheduling, implementation responsibilities, and lead agency monitoring.

Should you require further information or have any questions regarding this letter, please call Haiyan Zhang of my staff at (510) 622-1641.

Sincerely,

HARRY Y. YAHATA
District Director

By Jean C. R. Finney

JEAN C. R. FINNEY
District Branch Chief
IGR/CEQA

c: Mosie Boyd, State Clearinghouse

County of Santa Clara

Environmental Resources Agency
Parks and Recreation Department

298 Garden Hill Drive
Los Gatos, California 95032-7669
(408) 358-3741 FAX 358-3245
Reservations (408) 358-3751 TDD (408) 356-7146

November 5, 1999

Ms. Julie Caporgno
City of San Jose
City Hall Annex, Room 400
801 North First Street
San Jose, CA 95110-1795

Subject: Notice of Preparation for the Edenvale Redevelopment Area Project
FILE NO. PP99-10-198

Dear Ms. Caporgno,

Santa Clara County Parks & Recreation Department is pleased to respond to the NOP for the above referenced project. With significant land holdings and facilities within the project area, the County of Santa Clara has considerable interest in long term planning within the Edenvale Redevelopment Area. The Santa Clara County Parks & Recreation Department proposes that the EIR include consideration of the following issues to off set potential adverse impacts:

Traffic and Circulation/ Air Quality

1. Inclusion of alternative transportation: As proposed in Attachment 1 of the NOP, the list of transportation related improvements planned to accommodate the eventual buildout of 8 million square feet of office/commercial space does not include any facilities for alternative methods of transportation. Provisions for a variety of alternative transportation methods, including construction of bike and pedestrian related facilities, access to bikeways, light rail, Caltrain, etc. to meet traffic service, congestion management, and air quality standards for City of San Jose should be included in the project.

It is also our understanding that a significant number of existing components necessary to accommodate alternative transportation occur in the greater area, such as bikepaths, staging areas, bus routes, train stops, etc... An effort to integrate and coordinate these components into a cohesive plan for the area should also be included to maximize their use and benefit to the community.

2. Access to Public Parkland: Creation of new streets and ownership patterns as a result of proposed improvements will provide new opportunities and restrictions for access to public parkland in the project area and the surrounding established neighborhoods. The issue of how many different types of users will best access, use, and circulate through public lands should be included.

3. Improvements to Hellyer Ave: As proposed in the NOP, the project area will be revised to extend north to the Hellyer Avenue offramp at Hwy 101. This boundary should be further expanded to include Hellyer Avenue west to the intersection of Palisades Drive. Currently, conditions on Hellyer Avenue immediately west of the Hwy 101 interchange do not meet the needs of existing traffic loads. Further expansion of the project boundary at this location needs to be included to provide safer, more efficient travel connections between New Edenvale and the nearby neighborhoods which will serve as the employee base as build out approaches.

Land Use/Hydrology/Vegetation and Wildlife

Special attention should be focused on any proposal to locate retention basin facilities adjacent to but separate from sensitive riparian areas. It is our experience that these facilities have special needs that do not necessarily integrate well with existing management policies for Coyote Creek. Detailed information should be included for further evaluation.

We would be pleased to review subsequent draft environmental documents for this project. If you have any questions, please contact me at (408)358-3741, extension 147.

Sincerely,

Elish Ryan
Park Planner

Cc: Lisa Killough, Deputy Director

GREAT OAKS WATER COMPANY

Dan L. Stockton
Chief Operating Officer

P. O. Box 23490
San Jose, California 95153
(408) 227-9540

October 19, 1999

City of San Jose
Attention: Julie Caporgno
City Hall Annex, Room 400
801 North First Street
San Jose, CA 95110-1795

Re: Edenvale Redevelopment Project Area
File No. PP99-10-198

Dear Ms.Caporgno:

Great Oaks Water Company hereby files the following comments on the Draft Subsequent Environmental Impact Report for the Edenvale Redevelopment Project Area, file No. PP99-10-198.

The New Edenvale Project Area is within the Certificated Service Area of Great Oaks Water Company as determined by the California Public Utilities Commission. Accordingly, we expect to be the water utility service provider for this area. This utility has served the Old Edenvale Project Area for many years.

Under the rules and regulations of the CPUC, Great Oaks is permitted to refund the construction costs of the water utility infrastructure to the San Jose Redevelopment Agency. This frees up funds that could be used to mitigate environmental impacts in other areas of the project. Furthermore, Great Oaks' water rates are significantly less than those of other water utilities, and this will help to attract private development as contemplated in the project area study. The Redevelopment Agency should be made aware of these opportunities, as they complete the environmental study.

If you need any further information, please contact me.

Very truly yours,

Dan L. Stockton

Dan L. Stockton

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